
**Criminal Justice & Corrections
Committee**

HB 1187

Brief Description: Increasing the seriousness level for Rape 1.

Sponsors: Representative Boldt.

Brief Summary of Bill

- Raises the seriousness level for rape in the first degree from XII to XV.

Hearing Date: 1/31/03

Staff: Jim Morishima (786-7191).

Background:

A person is guilty of rape in the first degree if he or she engages in sexual intercourse with another person by forcible compulsion where the person or an accessory: 1) uses or threatens to use a deadly weapon (or what appears to be a deadly weapon), 2) kidnaps the victim, 3) inflicts serious physical injury, or 4) feloniously enters into the building or vehicle where the victim is situated. Rape in the first degree is a class A felony with a seriousness level of XII. It is also a "two strikes" offense.

For "two strikes" offenses committed on or after September 1, 2001, offenders are sentenced to a minimum term equal to the standard sentence range under the Sentencing Reform Act and a maximum term equal to the statutory maximum sentence for the crime (life in prison for class A felonies, 10 years in prison for class B felonies, and five years for class C felonies). After an offender serves his or her minimum term, the Indeterminate Sentencing Review Board (ISRB) evaluates the offender. The ISRB must release the offender unless he or she is likelier than not to commit a predatory sex offense. A released offender must be on community custody status for the remainder of his or her maximum term. If the offender is not released, the ISRB sets a new minimum term not to exceed two years, after which the offender will be reevaluated. If the offender continues to fail his or her evaluations, he or she may be incarcerated up to the maximum term.

The new sentencing method for "two strikes" offenses also applies if an offender has one

"two strikes" offense (including rape in the first degree) and commits any other non-"two strikes" sex offense other than failure to register. An offender convicted of more than one "two strikes" offense would be sentenced to life in prison without the possibility of parole.

A first time offender convicted of rape in the first degree committed on or after September 1, 2001, would therefore be sentenced to a minimum term of 93 to 123 months (assuming no exceptional sentence) and a maximum term of life in prison. The offender's first ISRB evaluation would be held after his or her minimum term has been served. An offender with a prior "two strikes" offense who is convicted of rape in the first degree would be sentenced to life in prison without the possibility of parole.

Summary of Bill:

The seriousness level for rape in the first degree is raised from XII to XV. This increase in seriousness level would increase an offender's minimum term from 93 to 123 months to 240 to 320 months (assuming no exceptional sentence) and therefore push back the offender's first ISRB review. The maximum term would remain at life.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect ninety days after adjournment of session in which bill is passed.