
**Criminal Justice & Corrections
Committee**

SSB 5242

Brief Description: Changing penalties for possession of weapons by inmates.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Doumit, Brandland, Hargrove, Pridemore, Kohl-Welles and Rasmussen).

Brief Summary of Substitute Bill

- Changes the definition of "weapon" as it relates to objects that an offender who is serving time in a county or local correctional institution (or is otherwise subject to the control, custody or supervision of the correctional institution) is prohibited from knowingly possessing or having under his or her control.
- The knowing possession or control of any prohibited weapon by an inmate in a county or local institution is reclassified from a class B felony to a class C felony.

Hearing Date: 3/22/05

Staff: Kathryn Leathers (786-7114).

Background:

Absent authorization, a person confined in a county or local correctional institution, or who is otherwise in the custody of or subject to control or supervision by agents of the institution, may not knowingly possess or have under his or her control a deadly weapon. "Deadly weapon" means any explosive, firearm (loaded or unloaded), and any other weapon, device, instrument, article, or substance, including a vehicle (which includes a motor vehicle, aircraft or any vessel equipped for propulsion by mechanical means or by sail), which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or substantial bodily harm. A violation of this prohibition is a class B felony.

Summary of Bill:

This bill redefines the objects that an offender who is serving time in a county or local correctional institution (or is otherwise subject to the control, custody or supervision of the county/local correctional institution) is prohibited from knowingly possessing or having under his or her control. Such an offender may not knowingly possess or control "any weapon, firearm, or

any instrument that, if used, could produce serious bodily injury to the person of another." A violation of this prohibition is a class C felony.

Except as regards classification of the crime, the bill mirrors the current statutory language prohibiting prison inmates from possessing weapons. A prison inmate convicted of an unauthorized possession of a weapon is guilty of a class B felony.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.