

HOUSE BILL REPORT

SSB 5242

As Passed House:

April 13, 2005

Title: An act relating to inmates of local correctional institutions possessing weapons.

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

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

Brief History:

Committee Activity:

Criminal Justice & Corrections: 3/22/05, 4/1/05 [DP].

Floor Activity:

Passed House: 4/13/05, 95-0.

Brief Summary of Substitute Bill

- Expands 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.
- Reclassifies the knowing possession or control of any prohibited weapon by an inmate in a county or local institution from a class B felony to a class C felony.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 7 members: Representatives O'Brien, Chair; Darneille, Vice Chair; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi, Kirby and Strow.

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." Under this expanded definition, a violation is committed by the knowing possession of such a weapon and the state no longer is required to prove intent. 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.

Testimony For: Currently, merely knowing possession of a weapon by inmates in local and county jails is not a crime. Such inmates are dealt with administratively because they cannot be charged – for example, such an inmate might lose any earned or right to earn "good time," but this has not proven to be effective motivation to change inmates' behavior. In contrast, the knowing possession of a weapon by an inmate in a state correctional facility is a crime, the language describing what qualifies as a weapon is broader, and the prosecutor need not prove intent to use the weapon. This bill corrects the problem by making the language related to knowing possession of weapons by a local or county inmate identical to the language for state inmates.

Testimony Against: None.

Persons Testifying: Sheriff Ken Irwin, Yakima County Sheriff's Office; Steve Sultemeier, Pacific County Sheriff Office; and Steve Whybark, Mason County Sheriff.

Persons Signed In To Testify But Not Testifying: None.