

# SENATE BILL REPORT

## 2SSB 5041

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As Passed Senate, March 16, 2005

**Title:** An act relating to discretionary weapons enhancements for sentence ranges.

**Brief Description:** Revising deadly weapon and firearm sentence range enhancements.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators McCaslin and Kline).

**Brief History:**

**Committee Activity:** Judiciary: 1/18/05, 2/16/05 [DPS].

Ways & Means: 3/7/05 [DP2S].

Passed Senate: 3/16/05, 48-0.

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** That Substitute Senate Bill No. 5041 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Weinstein, Vice Chair; Johnson, Ranking Minority Member; Carrell, Esser, Hargrove, McCaslin, Rasmussen and Thibaudeau.

**Staff:** Aldo Melchiori (786-7439)

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### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** That Second Substitute Senate Bill No. 5041 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Prentice, Chair; Doumit, Vice Chair; Fraser, Vice Chair; Zarelli, Ranking Minority Member; Brandland, Fairley, Hewitt, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller and Schoesler.

**Staff:** Chelsea Buchanan (786-7446)

**Background:** If a jury finds that a defendant used a firearm or deadly weapon during the commission of a felony, the firearms and/or deadly weapons enhancement must be imposed by the court. These enhancements run consecutively to the sentence for the underlying offense. The earned early release provisions do not apply to firearms/deadly weapons enhancements. The current sentence enhancements are:

Firearms:   Class A felony - 5 years  
                  Class B felony - 3 years  
                  Class C felony - 18 months

Deadly Weapons:   Class A felony - 2 years  
                      Class B felony - 1 year

Class C felony - 6 months

**Summary of Bill:** Judges are given discretion to sentence offenders within a time range rather than to a fixed period of time. The range midpoints correspond to the fixed times in the present statute.

Firearms: Class A felony - 4 to 6 years  
Class B felony - 2 to 4 years  
Class C felony - 9 to 27 months

Deadly Weapons: Class A felony - 1 to 3 years  
Class B felony - 6 to 24 months  
Class C felony - 3 to 9 months

**Appropriation:** None.

**Fiscal Note:** Available on substitute. Requested on second substitute on March 8, 2005.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For (Judiciary):** This is a good law and it is filed aggressively. The increased judicial discretion will provide judges with some flexibility in cases where the weapon may have been present, but not used, and cases where the weapon was clearly used during the commission of the crime. The bill may help with prison overcrowding while also providing for more proportionate sentencing.

**Testimony Against (Judiciary):** None.

**Who Testified (Judiciary):** PRO: Senator Bob McCaslin, prime sponsor; Tom McBride, Washington Association of Prosecuting Attorneys.

Signed In, Unable to Testify & Submitted Written Testimony: PRO: Nicky Gleason, Office of Crime Victim's Advocacy.

**Testimony For (Ways & Means):** None.

**Testimony Against (Ways & Means):** None.

**Who Testified (Ways & Means):** No one.