

SENATE BILL REPORT

SB 5242

As Reported By Senate Committee On:
Human Services & Corrections, February 24, 2005

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

Brief Description: Harmonizing penalties for inmates possessing weapons.

Sponsors: Senators Doumit, Brandland, Hargrove, Pridemore, Kohl-Welles and Rasmussen.

Brief History:

Committee Activity: Human Services & Corrections: 1/25/05, 2/24/05 [DPS].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5242 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe and Thibaudeau.

Staff: Fara Daun (786-7459)

Background: The sentencing reform act defines a deadly weapon to mean "an implement or instrument which has the capacity to inflict death and from the manner in which it is used, is likely to produce or may easily and readily produce death. The following instruments are included in the term deadly weapon: Blackjack, sling shot, billy, sand club, sandbag, metal knuckles, any dirk, dagger, pistol, revolver, or any other firearm, any knife having a blade longer than three inches, any razor with an unguarded blade, any metal pipe or bar used or intended to be used as a club, any explosive, and any weapon containing poisonous or injurious gas." Persons in prisons and jails create weapons out of materials at hand and many of these weapons do not come within the list of deadly weapons in the definition.

The existing statute that prohibits inmates from possessing weapons contains differing prohibitions for prison and jail inmates. Jail inmates may not possess any deadly weapon. Prison inmates may not possess any weapon, firearm, or any instrument that, if used, could produce serious bodily injury. The prison language is a much broader prohibition. Prison inmates who violate the provision are guilty of a class B felony.

Summary of Substitute Bill: Jail inmates may not possess any weapon, firearm, or any instrument that, if used, could produce serious bodily injury. Jail inmates who violate this provision are guilty of a class C felony.

Substitute Bill Compared to Original Bill: The substitute changes the felony level for jail inmates from class B to Class C.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Testimony For: Jail inmates are very creative about turning everyday items into weapons and the current wording of the law prevents conviction because of the intent language. This wording would allow for charges to be filed on the same basis that charges can be filed in prisons. There are cases where mop handles and pens were turned into weapons and where throwing stars have been created from pencil nubs. There is great ingenuity in creating and hiding weapons despite the jails best attempts to keep inmates busy. The committee was shown an awl-like device made from the metal bar that holds a rag-mop head in place sharpened on concrete and wrapped at one end with tissue to create a handle.

Testimony Against: None.

Who Testified: PRO: Senator Mark Doumit, prime sponsor; Steve Sultemeier, Pacific County Jail Administrator; Mike Hawley, Island County Sheriff.