
**Public Safety & Emergency Preparedness
Committee**

ESSB 6280

Brief Description: Concerning crimes against pharmacies.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Carrell, Swecker, Conway, Holmquist Newbry and Parlette).

Brief Summary of Engrossed Substitute Bill

- Creates a one year sentencing enhancement for a person convicted of a robbery offense committed against a pharmacy.

Hearing Date: 2/21/12

Staff: Yvonne Walker (786-7841).

Background:

Robbery is unlawfully taking personal property from or in the presence of another person against his or her will by use or threatened use of immediate force, violence, or fear of injury to a person or property. A person is guilty of Robbery in the first degree if:

- the person is armed with a deadly weapon, displays an apparent firearm or deadly weapon, or inflicts bodily injury during the robbery or immediate flight from the robbery; or
- the person commits robbery within and against a financial institution.

Robbery in the first degree is a seriousness level of IX, class A felony offense. Robbery in the second degree is a seriousness level IV class B felony offense.

A "pharmacy" is defined as every place licensed by the Board of Pharmacy where the practice of pharmacy is conducted, including dispensing drugs, monitoring drug therapy and use, and providing information on legend drugs.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Sentencing Enhancements.

Under the Sentencing Reform Act, the court must impose imprisonment in addition to the standard sentencing range if specific conditions for sentencing enhancements are met. Sentencing enhancements generally apply in such circumstances as where the offender: (1) was armed with a firearm while committing certain felonies; (2) was armed with a deadly weapon while committing certain felonies; (3) committed certain felonies while incarcerated; (4) committed certain drug offenses; (5) committed Vehicular Homicide while under the influence of alcohol or drugs; or (6) committed a felony crime that was committed with sexual motivation.

The United States Supreme Court, in *Blakely v. Washington*, ruled that any factor that increases a defendant's sentence above the standard range, other than the fact of a prior conviction, must be proven to a jury beyond a reasonable doubt. To do otherwise, would violate the defendant's right to a jury trial under the Sixth Amendment.

Summary of Bill:

A procedure is established for determining whether a robbery offense in the first or second degree was committed against a pharmacy and a new sentencing enhancement penalty is created for such offenses.

In a criminal case where a special allegation has been made, if a court makes a finding of fact, or in a jury trial if the jury finds a special verdict, that: (1) an offender committed Robbery in the first degree or second degree; and (2) the underlying offense was committed of a pharmacy, then the court must impose a sentence enhancement. The sentence enhancement must include a sentence of 12 months of imprisonment that is added to the offender's presumptive sentence.

Appropriation: None.

Fiscal Note: Requested on February 17, 2012.

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