FINAL BILL REPORT
SSB 5168

C 96 L 11
Synopsis as Enacted

Brief Description: Reducing maximum sentences for gross misdemeanors by one day.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Prentice, Kline, Regala, Chase and Kohl-Welles).

Senate Committee on Judiciary
House Committee on Public Safety & Emergency Preparedness

Background: Under current law, a gross misdemeanor is punishable by not more than one year in the county jail, or by a fine of not more than $5,000 or by both imprisonment and fine.

Under federal law, state and local criminal convictions and sentences can affect a noncitizen defendant's immigration status in various ways. Federal immigration law counts the total sentence, including both days suspended and days actually served in determining whether a person may be deported. This means that a noncitizen defendant who is convicted of certain crimes and, for example, is sentenced to serve five days in jail, with 360 days suspended, would have a one-year sentence as interpreted by immigration law. Some deportation grounds are triggered not just by the type of crime, but also based on whether the sentence imposed for the crime is one year or more, including suspended time. This means that a noncitizen defendant, who could be a refugee and a lawful permanent resident, could face automatic deportation for a gross misdemeanor offense based solely on the receipt of a 365-day suspended sentence. This remains true despite whether the person served very little or, in some cases, no jail time for the sentence.

Summary: A gross misdemeanor is punishable by up to 364 days in the county jail or by a fine of not more than $5,000 or by both imprisonment and fine.

Votes on Final Passage:

Senate   45   3
House   93   2

Effective: July 22, 2011.

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.