
SENATE BILL 5168

State of Washington 62nd Legislature 2011 Regular Session

By Senators Prentice, Kline, Regala, Chase, and Kohl-Welles

Read first time 01/17/11. Referred to Committee on Judiciary.

1 AN ACT Relating to reducing maximum sentences for gross
2 misdemeanors by one day; reenacting and amending RCW 9A.20.021; and
3 creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that a maximum
6 sentence by a court in the state of Washington for a gross misdemeanor
7 can, under federal law, result in the automatic deportation of a person
8 who has lawfully immigrated to the United States, is a victim of
9 domestic violence or a political refugee, even when all or part of the
10 sentence to total confinement is suspended. The legislature further
11 finds that this is a disproportionate outcome, when compared to a
12 person who has been convicted of certain felonies which, under the
13 state's determinate sentencing law, must be sentenced to less than one
14 year and, hence, either have no impact on that person's residency
15 status or will provide that person an opportunity to be heard in
16 immigration proceedings where the court will determine whether
17 deportation is appropriate. Therefore, it is the intent of the
18 legislature to cure this inequity by reducing the maximum sentence for
19 a gross misdemeanor by one day.

1 **Sec. 2.** RCW 9A.20.021 and 2003 c 288 s 7 and 2003 c 53 s 63 are
2 each reenacted and amended to read as follows:

3 (1) Felony. Unless a different maximum sentence for a classified
4 felony is specifically established by a statute of this state, no
5 person convicted of a classified felony shall be punished by
6 confinement or fine exceeding the following:

7 (a) For a class A felony, by confinement in a state correctional
8 institution for a term of life imprisonment, or by a fine in an amount
9 fixed by the court of fifty thousand dollars, or by both such
10 confinement and fine;

11 (b) For a class B felony, by confinement in a state correctional
12 institution for a term of ten years, or by a fine in an amount fixed by
13 the court of twenty thousand dollars, or by both such confinement and
14 fine;

15 (c) For a class C felony, by confinement in a state correctional
16 institution for five years, or by a fine in an amount fixed by the
17 court of ten thousand dollars, or by both such confinement and fine.

18 (2) Gross misdemeanor. Every person convicted of a gross
19 misdemeanor defined in Title 9A RCW shall be punished by imprisonment
20 in the county jail for a maximum term fixed by the court of (~~not~~
21 ~~more~~) less than one year, or by a fine in an amount fixed by the court
22 of not more than five thousand dollars, or by both such imprisonment
23 and fine.

24 (3) Misdemeanor. Every person convicted of a misdemeanor defined
25 in Title 9A RCW shall be punished by imprisonment in the county jail
26 for a maximum term fixed by the court of not more than ninety days, or
27 by a fine in an amount fixed by the court of not more than one thousand
28 dollars, or by both such imprisonment and fine.

29 (4) This section applies to only those crimes committed on or after
30 July 1, 1984.

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