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## Public Safety Committee

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### HB 1080

**Brief Description:** Concerning the crime of rendering criminal assistance.

**Sponsors:** Representative Appleton.

#### Brief Summary of Bill

- Provides that in the case of a rendering criminal assistance offense, it is not a defense that a person's knowledge of the underlying crime committed by an offender receiving assistance was nonspecific or secondhand information.
- Expands the list of factors that a court may consider in deciding whether to impose an exceptional sentence outside of the standard sentencing range in a case where a violation of a Rendering Criminal Assistance offense was involved.

**Hearing Date:** 1/30/13

**Staff:** Yvonne Walker (786-7841).

#### Background:

Rendering Criminal Assistance. A person is guilty of Rendering Criminal Assistance if he or she, with the intent to interfere with the apprehension or prosecution of another person he or she knows to have committed a crime or to have escaped from a detention facility:

- harbors or conceals the person;
- warns the person of impending discovery or apprehension;
- provides the person with money, transportation, disguise, or other means of avoiding discovery or apprehension;
- prevents or obstructs, by use of force, deception, or threat, anyone from performing an act that might aid in the discovery or apprehension of the person;
- conceals, alters, or destroys any physical evidence that might aid in the discovery or apprehension of the person; or
- provides the person with a weapon.

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*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.*

Rendering Criminal Assistance in the first degree is a seriousness level V, class B felony offense if the crime the offender committed, or is being sought for, is Murder in the first degree or any class A felony offense. The crime is a gross misdemeanor offense when the person is related to the offender and such person is under the age of 18 years old at the time of the offense.

Rendering Criminal Assistance in the second degree is a gross misdemeanor offense if the person is not related to the offender and the crime the offender committed, or is being sought for, is a class B or C felony offense or a violation of parole, probation, or community supervision. If the person is a relative of the offender then the crime of Rendering Criminal Assistance is a misdemeanor offense.

Rendering Criminal Assistance in the third degree is a misdemeanor offense if the person renders criminal assistance to a person who has committed a gross misdemeanor or misdemeanor offense.

Aggravating & Mitigating Circumstances. Generally, the standard sentencing range is presumed to be appropriate for the typical felony case. However, the law provides that, in exceptional cases, a court has the discretion to depart from the standard range and may impose an exceptional sentence below the standard range (with a mitigating circumstance) or above the range (with an aggravating circumstance). The Sentencing Reform Act (SRA) provides an illustrative, but nonexclusive, list of mitigating circumstances which the court may consider with regard to imposing an exceptional sentence below the standard range. The statute also provides an exclusive list of aggravating circumstances which the court may consider an aggravating circumstance or which a jury may consider in imposing an exceptional sentence above the standard range.

**Summary of Bill:**

In the case of a rendering criminal assistance offense, it is not a defense that a person's knowledge of the underlying crime or juvenile offense committed by an offender receiving assistance was nonspecific or based upon secondhand information.

In addition, for purposes of deciding whether to impose an exceptional sentence (with an aggravating or mitigating factor) for a rendering criminal assistance offense, the court or jury may consider the victims of the underlying offense committed by the offender as relevant to the case.

**Appropriation:** None.

**Fiscal Note:** Available.

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