
Judiciary Committee

HB 1147

Title: An act relating to unlawful possession of a firearm in the first degree.

Brief Description: Modifying first degree unlawful possession of a firearm provisions.

Sponsors: Representatives Goodman, Klippert, Moscoso, Hope and Roberts.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Makes Unlawful Possession of a Firearm in the second degree by an adult a predicate offense for Unlawful Possession of a Firearm in the first degree, except where the second degree conviction is based on a predicate gross misdemeanor conviction.

Hearing Date: 2/13/13

Staff: Omeara Harrington (786-7136).

Background:

Standard Sentencing.

A person who is convicted of a felony crime is sentenced under the provisions of the Sentencing Reform Act (SRA). The SRA contains a sentencing grid that provides a standard sentence range based on the seriousness level of the current offense (ranging from level I to XVI) and the offender's prior criminal history score, which is calculated based on rules relating to the number and type of past convictions and the current conviction. The sentencing judge will sentence the offender to a period of confinement within that standard range unless the judge imposes an exceptional sentence.

Unlawful Possession of a Firearm.

A person is guilty of Unlawful Possession of a Firearm in the first degree if the person owns, possesses, or has in his or her control, any firearm after having previously been convicted of a serious offense. A "serious offense" includes any crime of violence, any class B felony drug offense, any class B felony with a finding of sexual motivation, any felony with a deadly weapon

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verdict, Vehicular Homicide and Vehicular Assault when committed while under the influence of alcohol or drugs or while driving recklessly, and a number of other specified crimes.

Unlawful Possession of a Firearm in the first degree is a class B felony ranked at seriousness level VII under the SRA. For a defendant who has no prior convictions other than the predicate serious offense, the standard sentencing range is 21 to 27 months.

A person is guilty of Unlawful Possession of a Firearm in the second degree if the person owns, possesses, or has in his or her control any firearm and the person:

- has previously been convicted of any felony (other than a serious offense);
- has previously been convicted of certain specified gross misdemeanors;
- has previously been involuntarily committed for mental health treatment;
- is under the age of 18 (with some exceptions); or
- is free on bond or personal recognizance pending trial, appeal, or sentencing for a serious offense.

The gross misdemeanor offenses that serve as predicate offenses for Unlawful Possession of a Firearm in the second degree are any of the following offenses if committed by one family or household member against another: Assault in the fourth degree; Coercion; Stalking; Reckless Endangerment; Criminal Trespass in the first degree; or violation of provisions of a protection order or no-contact order restraining the person or excluding the person from a residence.

Unlawful Possession of a Firearm in the second degree is a class C felony ranked at seriousness level III under the SRA. For an offender who has no prior convictions, the standard sentence range is one to three months, and for an offender who has one prior felony conviction, the standard sentence range is three to eight months.

Summary of Bill:

An adult is guilty of Unlawful Possession of a Firearm in the first degree if he or she owns or possesses a firearm after having previously been convicted of the crime of Unlawful Possession of a Firearm in the second degree, other than an Unlawful Possession of a Firearm in the second degree conviction that is based on a predicate gross misdemeanor conviction.

Appropriation: None.

Fiscal Note: Available.

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