

SENATE BILL REPORT

SB 6191

As of January 24, 2014

Title: An act relating to increasing the seriousness level for manslaughter in the second degree.

Brief Description: Increasing the seriousness level for manslaughter in the second degree.

Sponsors: Senators Pearson and Brown.

Brief History:

Committee Activity: Law & Justice: 1/24/14.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Kelly Walsh (786-7755)

Background: When a person is convicted of a ranked felony crime, the court must impose a sentence within the standard sentencing range as established by the seriousness level of the crime and the person's offender score. The seriousness level of each felony crime is established by statute and the offender score is based on the person's criminal history.

A person commits the crime of manslaughter in the second degree when, with criminal negligence, that person causes the death of another person. Currently, the seriousness level for manslaughter in the second degree is level 8. Manslaughter in the second degree is a class B felony for which the standard sentencing range for a first offense is 21-27 months. Other crimes currently ranked at a level 8 seriousness level include arson in the first degree, commercial sexual abuse of a minor, homicide by watercraft by operation in a reckless manner, promoting prostitution in the first degree, theft of ammonia, and vehicular homicide by operation in a reckless manner.

Crimes currently ranked at a level 10 seriousness level include child molestation in the first degree, criminal mistreatment in the first degree, indecent liberties with forcible compulsion, kidnapping in the first degree, leading organized crime, malicious explosion in the third degree, and sexually violent predator escape. The standard sentencing range for a person who has committed a crime ranked at a level 10 seriousness level is 51-68 months for a first offense.

Summary of Bill: The seriousness level for the crime of manslaughter in the second degree is increased from level 8 to level 10.

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.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Currently, there are inequities in the seriousness level of manslaughter in the first degree. The current punishment does not fit the crime of negligently taking a life. If manslaughter in the second degree is raised to a level 10, the punishment will be more fair and more suitable for the type of crime that has taken place.

CON: A person who commits manslaughter in the second degree did not plan the crime or act with intent to hurt anyone. A person who acts with criminal negligence does not act purposefully. A person who acts with criminal negligence does not even act with a reckless disregard for the risks associated with their actions. A prison sentence of 21-27 years will change a person's life. It is not an insignificant punishment. Raising manslaughter in the second degree to a level 10 is not in line with the circumstances contemplated by the crime.

Persons Testifying: PRO: Senator Pearson, prime sponsor.

CON: Larry Jefferson, WA Defenders Assn.