
Public Safety Committee

HB 1432

Brief Description: Scoring an offense a class C felony equivalent if the offense was a felony under the relevant out-of-state statute when there is no clearly comparable offense under Washington law.

Sponsors: Representative Pettigrew.

Brief Summary of Bill

- Establishes that, for the purpose of an offender score, an out-of-state felony conviction for which there is no clearly comparable offense under Washington law will be scored as a class C felony equivalent, unless the defendant can establish that his or her actual conduct did not constitute a felony under Washington law.

Hearing Date: 2/3/15

Staff: Cassie Jones (786-7303).

Background:

Under the Sentencing Reform Act, sentences for felony offenses are determined by reference to a sentencing grid. The sentencing grid provides a standard range of months for the sentence, based on both the severity, or "seriousness level," of the offense and the convicted person's "offender score," which is based on the offender's criminal history. An offender score can vary from zero to nine-plus. There are various factors which affect the calculation of an offender's score: (1) the number of prior criminal convictions or juvenile dispositions; (2) the relationship between any prior offenses and the current offense; (3) any other current convictions; (4) the offender's community custody status at the time the crime was committed; and (5) the length of time between convictions.

Federal or out-of-state convictions are included in an offender's score the same as a comparable offense under Washington law would be. For federal offenses, if there is no clearly comparable

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offense under Washington law, the offense will be scored as a class C felony equivalent if it was a felony under the relevant federal statute.

Summary of Bill:

For purposes of an offender score, an out-of-state felony conviction, if there is no clearly comparable offense under Washington law, will be counted as a class C felony if it was a felony under the relevant out-of-state statute. The offense will not be scored if the defendant can establish that his or her actual conduct did not constitute a felony under Washington law.

Appropriation: None.

Fiscal Note: Available.

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