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**Public Safety Committee**

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**HB 2259**

**Brief Description:** Concerning the crime of indecent exposure.

**Sponsors:** Representatives Klippert and Hayes.

**Brief Summary of Bill**

- Makes the crime of Indecent Exposure a class C felony when the offender has a prior conviction under an equivalent local ordinance.
- Makes felony Indecent Exposure a seriousness level II crime under the Sentencing Reform Act.

**Hearing Date:** 1/15/16

**Staff:** Kelly Leonard (786-7147).

**Background:**

*Classification of Crimes and Sentencing.* Crimes are classified as misdemeanors, gross misdemeanors, or felonies (of which there are class A, B, and C felonies). The classification of a crime generally determines the maximum term of confinement and/or fine for an offense. For each classification, the maximum terms of confinement and maximum fines are as follows:

<u>Classification</u>	<u>Maximum Confinement</u>	<u>Maximum Fine</u>
Misdemeanor	90 days	\$1,000
Gross Misdemeanor	364 days	\$5,000
Class C Felony	5 years	\$10,000
Class B Felony	10 years	\$20,000
Class A Felony	Life	\$50,000

When a person is convicted of a felony, the Sentencing Reform Act (SRA) applies and determines a specific range of sentence within the statutory maximum. Under the SRA, sentences for felony offenses are determined by reference to a sentencing grid. The sentencing

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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. If a felony does not have a seriousness level under the SRA, then the maximum term of confinement is one year regardless of its classification.

*Indecent Exposure.* A person is guilty of Indecent Exposure if he or she intentionally makes any open and obscene exposure of his or her person or the person of another knowing that such conduct is likely to cause reasonable affront or alarm. The act of breastfeeding or expressing breast milk is not Indecent Exposure.

The classification of Indecent Exposure varies as follows:

- class C felony if the person has a prior conviction of Indecent Exposure or of a sex offense;
- gross misdemeanor on the first offense if the person exposes himself or herself to a person under the age of 14 years;
- misdemeanor in all other circumstances.

Felony for Indecent Exposure when committed against a person under the age of 14 years is listed to have a seriousness level of IV under the SRA. Other circumstances for felony convictions of Indecent Exposure are not listed under the SRA.

**Summary of Bill:**

Indecent Exposure is a class C felony if the person has previously been convicted of an equivalent local ordinance.

Indecent Exposure is listed to have a seriousness level of II.

**Appropriation:** None.

**Fiscal Note:** Requested on January 11,2016.

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