
Public Safety Committee

HB 2705

Brief Description: Increasing the seriousness level of first degree rape and first degree rape of a child.

Sponsors: Representatives Klippert, Hayes, Wilson, Griffey, Muri and Smith.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Increases the seriousness levels of Rape in the first degree and Rape of a Child in the first degree from XII (12) to XV (15).
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Hearing Date: 2/2/16

Staff: Kelly Leonard (786-7147).

Background:

Rape in the First Degree and Rape of a Child in the First Degree. A person is guilty of Rape in the first degree when such person engages in sexual intercourse with another person by forcible compulsion where the perpetrator or an accessory:

- uses or threatens to use a deadly weapon or what appears to be a deadly weapon; or
- kidnaps the victim; or
- inflicts serious physical injury, including but not limited to physical injury which renders the victim unconscious; or
- feloniously enters into the building or vehicle where the victim is situated.

A person is guilty of Rape of a Child in the first degree when the person has sexual intercourse with another who is less than 12 years old and not married to the perpetrator and the perpetrator is at least 24 months older than the victim.

Rape in the first degree and Rape of a Child in the first degree are class A felonies with a ranked seriousness level of XII.

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.

Sentencing. For most ranked felony offenses, the Sentencing Reform Act applies and determines the specific range of sentence from which a judge can select a length of confinement for a defendant. Sentences 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 may vary from zero to nine plus points depending on certain factors in his or her history.

The following table highlights the standard ranges (in months) for seriousness level XV and XII offenses for offender scores of zero, two, four, and six:

Seriousness Level	Offender Score			
	0	2	4	6
XV (15)	240-320 Months	261-347 Months	281-374 Months	312-416 Months
XII (12)	93-123 Months	111-147 Months	129-171 Months	162-216 Months

Rape in the first degree and Rape of a Child in the first degree fall under the state policy of "determinate plus" sentencing for certain sex offenses. Convicted offenders are sentenced to an indeterminate range of confinement. A "determinate-plus" sentence must contain a minimum term of confinement that falls within the standard range (shown in the chart above), and a maximum term equaling the statutory maximum sentence for the offense. The statutory maximum for Rape in the first degree or Rape of a Child in the first degree is life in prison.

Offenders given "determinate plus" sentences fall under the purview of the Indeterminate Sentence Review Board through the maximum term of the sentence. Those released from prison will be supervised by the Department of Corrections and will remain on community custody through the maximum term of the sentence.

"Determinate plus" sentencing does not apply to offenders 17 years old or younger at the time of the offense and who have been convicted of Rape of a Child in the First Degree. These offenders would receive a determinate sentence within the standard range.

Voters approved Initiative 593 ("Three Strikes and You're Out") in 1993. The law established the penalty of life in prison without the possibility of release for "persistent offenders." The life sentence applies to both "Three Strike" and "Two Strike" offenders. Rape in the first degree and Rape of a Child in the first degree are strike offenses in both categories.

Summary of Bill:

The seriousness levels of Rape in the first degree and Rape of a Child in the first degree are increased to XV.

Appropriation: None.

Fiscal Note: Available.

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