
Public Safety Committee

HB 2427

Brief Description: Making residential burglary a crime against persons.

Sponsors: Representatives Klippert, Irwin, Haler, Goodman and Young.

<p>Brief Summary of Bill</p> <ul style="list-style-type: none">• Makes Residential Burglary a crime against persons.

Hearing Date: 1/22/18

Staff: Kelly Leonard (786-7147).

Background:

Residential Burglary. A person is guilty of residential burglary if, with intent to commit a crime against a person or property therein, the person enters or remains unlawfully in a dwelling other than a vehicle. Residential burglary is a class B felony and a level IV offense.

Community Custody. Community custody is the portion of an offender's sentence served in the community under the supervision of the Department of Corrections (DOC). Courts are mandated to order community custody for offenders convicted of certain crimes. While on community custody, offenders are subject to a variety of conditions imposed by the court and DOC. The DOC must assess the offender's risk to reoffend and may establish and modify the offender's conditions of community custody based on the offender's risk to community safety and conditions imposed by the court.

A court is not currently authorized to order community custody for a person convicted of Residential Burglary, unless he or she is sentenced to a qualifying sentencing alternative.

Vacating Convictions. In certain circumstances, a person's record of conviction may be vacated by a sentencing judge. To vacate a felony conviction, an offense must qualify for vacation, and the offender must meet eligibility criteria. This includes, for example, a certain number of years

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have passed since an applicant was discharged, and he or she has not committed any new offenses. Once the court vacates a conviction, the offense is no longer included in the person's criminal history.

A person may apply for the vacation of a conviction of Residential Burglary after 10 years have passed since receiving a certificate of discharge, so long as he or she meets all of the other statutory criteria for a vacation.

Crimes Against Persons. Crimes may be designated by statute as crimes against persons. If a crime is designated as a crime against persons, certain restrictions apply, including:

- the court is required to order community custody for one year if an offender is receiving a prison sentence, and for up to one year if an offender is receiving a jail sentence; and
- the conviction may not be vacated.

In some circumstances, a conviction for a crime against persons may restrict an offender's access to certain types of licenses or employment. The Department of Social and Health Services is required to adopt licensure requirements for persons involved in the care and treatment of vulnerable adults. Such requirements must ensure that any person associated with a licensed agency or facility having unsupervised access to vulnerable adults may not have been convicted of a crime against persons.

Residential Burglary is not a crime against persons.

Summary of Bill:

Residential Burglary is designated as a crime against persons.

Appropriation: None.

Fiscal Note: Requested on January 19, 2018.

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