
Public Safety Committee

HB 2850

Brief Description: Providing for a special allegation for robbery in the first or second degree of a marijuana retailer, marijuana processor, or marijuana producer.

Sponsors: Representatives Irwin, Ryu, Vick, Sawyer, Kirby, Condotta and Appleton.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Creates a 12-month sentencing enhancement for Robbery in the first or second degree when it involves robbery against a marijuana retailer, processor, or producer.
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Hearing Date: 1/30/18

Staff: Kelly Leonard (786-7147).

Background:

Robbery. A person commits robbery when he or she unlawfully takes personal property from the person of another or in his or her presence against his or her will by the use or threatened use of immediate force, violence, or fear of injury to that person or his or her property or the person or property of anyone.

A person commits Robbery in the first degree if in the commission of a robbery or of immediate flight therefrom, he or she:

- is armed with a deadly weapon;
- displays what appears to be a firearm or other deadly weapon; or
- inflicts bodily injury.

A person also commits Robbery in the first degree if he or she commits a robbery within and against a financial institution. Robbery in the first degree is a class A felony and level IX offense.

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.

A person commits Robbery in the second degree if he or she commits robbery. Robbery in the second degree is a class B felony and level IV offense.

Sentencing and Enhancements. For felony convictions, the Sentencing Reform Act (SRA) provides the framework for determining the length of sentences. Base sentences are determined by reference to a sentencing grid, which provides a standard range of months of confinement. This range is 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.

While the grid provides the base sentence, additional sentencing policies can increase or decrease a sentence. A sentencing enhancement is a statutory mechanism to increase a term of confinement by a specified number of months when an offense involves certain conduct.

Current law requires a sentencing enhancement of 12 months when a defendant is convicted of Robbery in the first or second degree and the prosecutor proves beyond a reasonable doubt that the defendant committed the robbery against a pharmacy.

Marijuana Retailers, Processors, and Producers. In 2012 Washington voters approved Initiative 502, which legalized certain marijuana-related activity under state law. Initiative 502 established a regulatory system for the production, processing, and distribution of marijuana for recreational use. In addition, since 1998, certain medical uses of limited amounts of marijuana have been protected from arrest or prosecution under state law.

"Marijuana retailer" means a person licensed by the State Liquor and Cannabis Board (LCB) to sell marijuana concentrates, useable marijuana, and marijuana-infused products in a retail outlet.

"Marijuana processor" means a person licensed by the LCB to process marijuana into marijuana concentrates, useable marijuana, and marijuana-infused products, package and label marijuana concentrates, useable marijuana, and marijuana-infused products for sale in retail outlets, and sell marijuana concentrates, useable marijuana, and marijuana-infused products at wholesale to marijuana retailers.

"Marijuana producer" means a person licensed by the LCB to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

Summary of Bill:

The sentencing enhancement for robbery against a pharmacy is expanded to include circumstances where a person commits robbery against a marijuana retailer, processor, or producer. An additional 12 months is added to the standard range for Robbery in the first or second degree if the prosecutor proves beyond a reasonable doubt that the robbery was against a marijuana retailer, processor, or producer.

Appropriation: None.

Fiscal Note: Requested on January 29, 2018.

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