
Public Safety Committee

HB 1384

Brief Description: Raising the seriousness levels of rape of a child and child molestation offenses.

Sponsors: Representatives Klippert, Rude, Mosbrucker, Chase, Young, Dent, Walsh and Jacobsen.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Raises the statutory seriousness level by one level for Rape of a Child in the first, second, and third degrees, and Child Molestation in the first, second, and third degrees.

Hearing Date: 2/12/21

Staff: Omeara Harrington (786-7136).

Background:

Felony Sentencing.

The classification of a crime generally determines the maximum term of confinement and fine for the offense. For each felony classification, the statutory maximum terms of confinement and maximum fines are as follows:

<i>Classification</i>	<i>Maximum Confinement</i>	<i>Maximum Fine</i>
Class A felony	Life	\$50,000
Class B felony	10 years	\$20,000
Class C felony	5 years	\$10,000

For most felony offenses, the Sentencing Reform Act (SRA) determines a specific sentence

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range within the statutory maximum according 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 person's criminal history. The seriousness level of the offense is set in statute, and ranges from level I on the low end to level XVI on the high end. The offender score may vary from zero to nine plus points depending on certain factors.

Rape of a Child and Child Molestation.

A person commits Rape of a Child if he or she has sexual intercourse with a minor, and a person commits Child Molestation if he or she has sexual contact with a minor. Each offense is classified into three different degrees (first, second, and third degree), according to the age of the victim at the time of the offense and the age difference between the victim and the perpetrator:

- A person commits a first degree offense if the victim is younger than 12 years old and, for Rape of a Child, the person is at least 24 months older than the victim, or, for Child Molestation, is at least 36 months older.
- A person commits a second degree offense if the victim is 12 or 13 years old and the person is at least 36 months older than the victim.
- A person commits a third degree offense if the victim is 14 or 15 years old and the person is at least 48 months older than the victim.

The statutory seriousness level and low-end presumptive sentencing ranges for Rape of a Child and Child Molestation are as follows:

<i>Offense and Classification</i>	<i>Statutory Seriousness Level</i>	<i>Low-End Standard Sentence Range</i>
Rape of a Child in the first degree (class A felony)	XII	93–123 months
Rape of a Child in the second degree (class A felony)	XI	78–102 months
Rape of a Child in the third degree (class C felony)	VI	12+ –14 months
Child Molestation in the first degree (class A felony)	X	51–68 months
Child Molestation in the second degree (class B felony)	VII	15–20 months
Child Molestation in the third degree (class C felony)	V	6–12 months

Persons convicted of certain sex offenses, including Rape of a Child in the first and second degrees and Child Molestation in the first degree, are subject to a "determinate-plus" sentencing scheme, unless the person was 17 or younger at the time he or she committed the offense. A determinate-plus sentence must contain a minimum term of confinement that falls within the standard SRA range. In addition, the sentence must contain a maximum sentence that is equal to

the statutory maximum sentence for the offense. Persons serving determinate-plus sentences are overseen by the Indeterminate Sentence Review Board (ISRB) through the maximum term of the sentence. After the person serves the minimum term, the ISRB determines whether the person will be released from prison. If the ISRB decides against release, a new minimum term is set. If the person is released, he or she is placed on community custody.

Summary of Bill:

The statutory seriousness level is increased by one level for Rape of a Child in the first, second, and third degrees, and Child Molestation in the first, second, and third degrees. The statutory seriousness level and low-end presumptive sentencing ranges for Rape of a Child and Child Molestation are as follows:

<i>Offense</i>	<i>Statutory Seriousness Level</i>	<i>Low-End Standard Sentence Range</i>
Rape of a Child in the first degree	XIII	123–164 months
Rape of a Child in the second degree	XII	93–123 months
Rape of a Child in the third degree	VII	15–20 months
Child Molestation in the first degree	XI	78–102 months
Child Molestation in the second degree	VIII	21–27 months
Child Molestation in the third degree	VI	12+ –14 months

Appropriation: None.

Fiscal Note: Requested on February 3, 2021.

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