
**Public Safety & Emergency
Preparedness Committee**

HB 2710

Brief Description: Allowing the imposition of exceptional sentences for offenders who wore body armor at the time of their offenses.

Sponsors: Representatives Hurst, Roach, Morrell, Williams, Loomis and Kelley.

Brief Summary of Bill

- Expands the list of aggravating factors in the Sentencing Reform Act to include any violent offense committed where the defendant was wearing body armor at the time of the offense.

Hearing Date: 1/21/08

Staff: Yvonne Walker (786-7841).

Background:

Body armor, sometimes called a bullet-proof vest, is generally a bullet resistant metal or other material worn by persons such as law enforcement officers and military personnel to provide protection from weapons or bodily injury. Washington law does not prohibit the possession of body armor.

Generally, the standard sentencing range is presumed to be appropriate for the typical felony case. However, the law provides that in exceptional cases, a court has the discretion to depart from the standard range and may impose an exceptional sentence below the standard range (with a mitigating circumstance) or above the range (with an aggravating circumstance). The Sentencing Reform Act (SRA) provides a list of illustrative factors that a court may consider in deciding whether to impose an exceptional sentence outside of the standard range. Some of the illustrative aggravating factors provided by the SRA include: behavior that manifested deliberate cruelty to a victim; vulnerability of a victim; sexual motivation on the part of the defendant; and an ongoing pattern of multiple incidents of abuse to a victim.

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.

Summary of Bill:

The list of illustrative aggravating factors in the SRA is expanded to include any current crime that is a violent offense and the defendant was wearing body armor at the time of the offense. Body armor is defined as, any clothing or equipment designed, in whole or in part, to minimize the risk of injury or death from a deadly weapon.

Appropriation: None.

Fiscal Note: Requested on January 16, 2008.

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