

# SENATE BILL REPORT

## SHB 2497

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As of February 19, 2010

**Title:** An act relating to victimization of homeless persons.

**Brief Description:** Concerning the victimization of homeless persons.

**Sponsors:** House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives White, Orwall, Goodman, Kenney, Kessler and Darneille).

**Brief History:** Passed House: 2/10/10, 96-0.

**Committee Activity:** Human Services & Corrections: 2/19/10.

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Staff:** Kevin Black (786-7747)

**Background:** Under the Sentencing Reform Act, a standard sentence range is established by comparing the seriousness level of an offense to an offender score derived from the offender's criminal history and convictions for other current offenses. A sentence which is outside the standard sentence range is referred to as an exceptional sentence. A court may impose an exceptional sentence below the standard sentence range if it finds that one or more mitigating circumstances have been proven by a preponderance of the evidence. An illustrative and non-exclusive list of mitigating circumstances is provided in statute. A court may impose an exceptional sentence above the standard sentence range if the state gives notice of its intention to rely on one or more of 27 statutory aggravating factors, a jury determines that the existence of one or more aggravating factors have been proven beyond a reasonable doubt, and the court finds that substantial and compelling reasons justify an exceptional sentence, or if the court finds that one of four statutory aggravating circumstances exist which do not require a jury verdict, and finds that substantial and compelling reasons justify an exceptional sentence.

**Summary of Bill:** A new statutory aggravating circumstance is created which would permit the court to impose an exceptional sentence above the standard sentence range if the offense was intentionally committed because the defendant perceived the victim to be homeless. This aggravating circumstance must be submitted to a jury and proven beyond a reasonable doubt. Homeless is defined as lacking a fixed, regular, and adequate nighttime residence, including a nighttime residence at a public or private shelter or a private residence where the individual stays as a transient invitee.

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*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.*

**Appropriation:** None.

**Fiscal Note:** Requested for substitute bill on February 16, 2010.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: Roughly ten years ago, a homeless Vietnam veteran was murdered under a bridge in Seattle who was targeted because he was homeless. The National Coalition for the Homeless released a report which documented 880 attacks against the homeless during the previous decade nationwide. The number of lethal attacks, 242, was more than twice the number of lethal attacks motivated by race, ethnicity, religion, or sexual orientation combined. Roughly 23,000 people are homeless in Washington on a given day. This is a vulnerable population.

**Persons Testifying:** PRO: Representative White, prime sponsor; Zach Carstansen, Jewish Federation of Greater Seattle.