
**Public Safety & Emergency Preparedness
Committee**

HB 1188

Brief Description: Concerning suffocation and other domestic violence offenses.

Sponsors: Representatives Goodman, Kelley, Hurst, Kenney, Moscoso, Warnick, Roberts, Maxwell, Lias, Frockt, Rolfes, Sullivan, Carlyle, Finn, Hudgins, Kagi, Miloscia, Appleton, Ladenburg and Fitzgibbon.

Brief Summary of Bill

- Includes suffocation in the definition of Assault in the second degree.
- Removes Assault in the second degree by suffocation or strangulation from the definition of "most serious offense."
- Modifies offender scoring to "wash out" domestic violence non-felonies where the person has spent 10 years in the community without being convicted of a crime.

Hearing Date: 2/2/11

Staff: Alexa Silver (786-7190).

Background:

A person is guilty of Assault in the second degree if he or she assaults another by strangulation. "Strangulation" means to compress a person's neck, obstructing or intending to obstruct blood flow or the ability to breathe. Assault in the second degree is a class B felony with a seriousness level of IV. If there is a finding of sexual motivation, it is a class A felony.

The definition of "most serious offense" includes Assault in the second degree. A person who has been convicted of three most serious offenses is a persistent offender and may be sentenced to life in prison without the possibility of release.

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.

The standard sentence range for a person convicted of a felony is based on the seriousness level of the offense and the offender score. The offender score is determined based on points for prior offenses.

Generally only prior felonies are included in the offender score, but where the present conviction is for a felony domestic violence offense, one point is added to the offender score for each prior conviction for a repetitive domestic violence offense. A repetitive domestic violence offense includes non-felony Assault, Harassment, Stalking, and violation of no-contact and protection orders.

A prior conviction may "wash out" of an offender's score if the person spends a specific number of years in the community without being convicted of any crime. For example, a class B felony other than a sex offense washes out after 10 years, and a class C felony other than a sex offense washes out after five years.

Summary of Bill:

Assault in the second degree includes assault by suffocation. "Suffocation" means to intentionally obstruct a person's ability to breathe by blocking or impairing intake at the nose or mouth, whether by smothering or other means.

The definition of "most serious offense" does not include Assault in the second degree committed by strangulation or suffocation.

A prior conviction for a repetitive domestic violence offense is not included in the offender score if the person has spent 10 consecutive years in the community without being convicted of a crime.

Appropriation: None.

Fiscal Note: Available.

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