

HOUSE BILL REPORT

EHB 2952

As Passed House:

February 13, 1996

Title: An act relating to increasing penalties for crimes against family or household members.

Brief Description: Increasing penalties for crimes against family or household members.

Sponsors: Representatives Sheahan, Campbell, McMorris, Sterk, Sheldon, Hargrove, Schoesler, Foreman, Thompson, Hymes, Goldsmith, Pennington, L. Thomas, Smith, Backlund, Silver, Johnson, Carrell, Robertson, Blanton, Pelesky, Sherstad and Mulliken.

Brief History:

Floor Activity:

Passed House: 2/13/96, 63-35.

Staff: Pat Shelledy (786-7149).

Background: A crime is considered a crime of "domestic violence" if it is committed by one family or household member against another. "Family or household member" means spouses, former spouses, individuals who have a child in common even if they have not been married or have not lived together, adult persons related by blood or marriage, adults who live or have lived together, juveniles age 16 or older who live or have lived together and who have or have had a dating relationship, persons age 16 or older who have had a dating relationship, and persons who have a biological or legal parent-child relationship, including stepparents, stepchildren, and grandparents and grandchildren.

One statute lists a variety of crimes considered to be crimes of domestic violence. That list is not an exclusive list. Crimes contained on the list range from misdemeanors to class A felonies. The maximum penalty that may be imposed for a misdemeanor is 90 days in jail, a \$1,000 fine, or both. The maximum penalty for a gross misdemeanor is 365 days in jail, a \$5,000 fine, or both. The maximum penalty for a class C felony is 5 years in prison, a \$10,000 fine, or both.

The following crimes that can be crimes of domestic violence are gross misdemeanors: reckless endangerment in the second degree; coercion; stalking,

unless one of several exceptions apply, in which case it is a class C felony; criminal trespass in the second degree; malicious mischief in the third degree if the value of the property damaged exceeds \$50; a willful violation of a no-contact order issued after a person is arrested or arraigned for a crime of domestic violence, unless one of a couple of exceptions apply, in which case it is a class C felony; and a willful violation of a protection order issued in a civil domestic violence action, unless one of a couple of exceptions apply, in which case it is a class C felony.

A violation of a restraining order issued in a divorce case is a misdemeanor. Malicious mischief is also a misdemeanor if the damage to the property is \$50 or less.

Summary of Bill: The following crimes are raised to class C felonies if committed by one family or household member against another:

- Reckless endangerment in the second degree
- Coercion
- Stalking
- Criminal trespass in the first degree
- Malicious mischief in the third degree
- Violation of a no-contact order issued under RCW 10.99.040
- Violation of a protection order issued under chapter 26.50 RCW
- Violation of a restraining order issued under chapter 26.09 RCW

Appropriation: None.

Fiscal Note: Requested on the engrossed bill February 14, 1996.

Effective Date: Ninety days after adjournment of the session in which bill is passed. However, the bill is null and void if not funded in the budget.