

SENATE BILL REPORT

SHB 2043

As Reported By Senate Committee On:
Law & Justice, February 14, 1996

Title: An act relating to making domestic violence an aggravating circumstance for purposes of sentencing decisions.

Brief Description: Making domestic violence an aggravating circumstance for purposes of sentencing decisions.

Sponsors: House Committee on Corrections (originally sponsored by Representatives Ballasiotes, Costa, Ebersole, Appelwick, Romero, Hatfield, Cody, Dickerson, Ogden, Chopp and Conway; by request of Governor Lowry).

Brief History:

Committee Activity: Law & Justice: 2/14/96 [DPA].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended.

Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Haugen, Johnson, Long, McCaslin and Schow.

Staff: Susan Carlson (786-7418)

Background: The sentencing of adult felons is governed by the Sentencing Reform Act. Under the act, a standard sentencing range is determined based on the seriousness of the offense and the extent of the offender's criminal history. The judge may impose a term of confinement outside the standard range only after articulating a substantial and compelling reason justifying an exceptional sentence. The act lists illustrative, but non-exclusive, aggravating and mitigating factors that justify an exceptional sentence.

Because of concerns about the seriousness of domestic violence and its impact on families, it has been suggested that an additional aggravating factor be established for domestic violence offenses.

Current law defines "domestic violence" as including, but not limited to, any of the following crimes when committed by one family or household member against another:

- assault (first, second, third, or fourth degree);
- reckless endangerment (first or second degree);
- coercion;
- burglary (first or second degree);
- criminal trespass (first or second degree);
- malicious mischief (first, second, or third degree);
- kidnapping (first or second degree);

- unlawful imprisonment;
- violation of a protection order or a no-contact order;
- rape (first or second degree);
- residential burglary; and
- stalking.

Summary of Amended Bill: An additional aggravating factor is established for domestic violence offenses involving one or more of the following circumstances:

- (1) the offense was part of an ongoing pattern of abuse;
- (2) the offense occurred in the presence of the victim's minor child; or
- (3) the offense involved deliberate cruelty or intimidation.

For any such domestic violence offense, the sentencing judge is allowed to impose a sentence above the standard range.

Amended Bill Compared to Original Bill: The amendment makes a technical correction to avoid conflict with another section of the Sentencing Reform Act that otherwise would not allow consideration of prior uncharged crimes for purposes of imposing an exceptional sentence.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The bill will allow courts to hold perpetrators of domestic violence more accountable for their actions. The bill clearly establishes the court's authority to impose an exceptional sentence where there has been an ongoing pattern of abuse or the abuse occurs in the presence of the victim's minor child.

Testimony Against: None.

Testified: Representative Ballasiotes, prime sponsor (pro); Lorraine Lee, Governor's Office (pro).