

SENATE BILL REPORT

SB 5488

As Passed Senate, March 8, 1995

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: Senators Smith, Oke, Wood, Winsley, Long, Hale, Moyer, Deccio, Palmer, Roach, Schow, Sellar and Snyder; by request of Governor Lowry.

Brief History:

Committee Activity: Law & Justice: 2/21/95 [DP].
Passed Senate, 3/8/95, 47-0.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long and Schow.

Staff: Susan Carlson (786-7418)

Background: Under the Sentencing Reform Act, judges are required to impose a sentence within the standard range specified for the crime. However, the court may impose a sentence outside the standard range if there is a finding of substantial and compelling reasons justifying an exceptional sentence. A number of illustrative aggravating and mitigating factors are listed in statute.

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

Summary of Bill: An additional aggravating circumstance the court may consider when exercising its discretion to impose an exceptional sentence is whether the offense was one of domestic violence. A domestic violence offense is an offense committed by one family or household member against another. Family or household members include spouses, and former spouses, persons with a child in common, adult persons who are related or presently residing together, and adult persons who previously resided together.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: The bill acknowledges the serious injury that domestic violence causes and encourages the criminal justice system to treat domestic violence offenses seriously.

Testimony Against: None.

Testified: PRO: Vicki Wallen, Governor's Office; Mary Pontarolo, WA State Coalition Against Domestic Violence.