

FINAL BILL REPORT

SHB 1181

C 147 L 99

Synopsis as Enacted

Brief Description: Changing provisions relating to penalties and treatment for crimes involving domestic violence.

Sponsors: By House Committee on Criminal Justice & Corrections (Originally sponsored by Representatives Edwards, Romero, Radcliff, Scott, DeBolt, Cooper, Lovick, Hurst, Fisher, Kessler, Dickerson, O'Brien, Cody, Kenney, Ogden, Wood, Santos, Regala, Conway, Lantz, Rockefeller, McIntire and Stensen).

House Committee on Criminal Justice & Corrections
Senate Committee on Judiciary

Background:

Domestic violence laws provide civil and criminal remedies to victims of domestic violence. A person commits a domestic violence crime if the person commits one of several specified crimes against a family or household member. Examples include assault, rape, stalking, malicious mischief, and criminal trespass. In the civil context, a person who is a victim of domestic violence may petition the court for a domestic violence protection order or, in domestic relations actions, for a restraining order.

Civil Protection Orders. In response to a petition for a protection order, the court may order a variety of relief, such as excluding the respondent from the residence the parties share, restraining the respondent from having any contact with the victim of the domestic violence or the victim's children, and ordering the respondent to participate in batterers' treatment.

Domestic Violence Perpetrator Treatment Programs. The Department of Social and Health Services is required to have standards for the approval of domestic violence perpetrator treatment programs that accept perpetrators of domestic violence into treatment to satisfy court orders. Programs must meet certain minimum qualifications to be approved.

Community Supervision. Community supervision is a period of time during which a convicted offender is subject to crime-related prohibitions (i.e., orders prohibiting conduct that directly relates to the circumstance of the crime for which the offender has been convicted) and other sentence conditions imposed by the court. Crime-related prohibitions do not include orders directing the offender to participate in rehabilitative programs. However, if the offender receives a first-time offender

waiver, up to two years of community supervision may be ordered, which may include requirements that the offender undergo available outpatient or inpatient treatment.

Summary:

Civil Protection Orders. When the court orders a respondent to participate in batterers' treatment in response to a petition for a protection order, it is clarified that this means a domestic violence perpetrator treatment program that has been approved by the Department of Social and Health Services.

Domestic Violence Perpetrator Treatment Programs. The department's standards for approval of domestic violence perpetrator treatment programs must include a requirement that treatment will include education regarding the effects of domestic violence on children if the perpetrator or the victim has a minor child.

Community Supervision. If either the offender or the victim of the domestic violence crime has a minor child, the court may order the offender to participate in an approved domestic violence perpetrator treatment program as part of any term of community supervision ordered.

Votes on Final Passage:

House 96 0

Senate 43 2

Effective: July 25, 1999