

FINAL BILL REPORT

HB 1849

C 330 L 99

Synopsis as Enacted

Brief Description: Expanding aggravating circumstances when a court may impose an exceptional sentence.

Sponsors: Representatives Kagi, Carrell, Tokuda, Boldt, Lovick, Barlean, McIntire, Edwards, Kenney and Schual-Berke.

House Committee on Criminal Justice & Corrections
Senate Committee on Judiciary

Background:

In sentencing a defendant who is convicted of a misdemeanor or gross misdemeanor, the court generally has discretion to impose any sentence up to the maximum allowed by law.

Under the Sentencing Reform Act (SRA), however, "presumptive" sentence ranges are statutorily prescribed and when sentencing a defendant who is convicted of a felony, the standard range is presumed to be appropriate for the typical felony case. However, the law provides that in exceptional cases, a court has the discretion to depart from the standard range and may impose an exceptional sentence below the presumptive range (there are mitigating circumstances) or above the range (if there are aggravating circumstances). The SRA provides "illustrative" mitigating and aggravating factors as examples of the kinds of factors a court may use to justify an exceptional sentence outside of the presumptive range. Among the illustrative aggravating factors provided by the SRA are deliberate cruelty by a defendant, vulnerability of a victim, sexual motivation on the part of the defendant, and multiple incidents of abuse of a victim.

Summary:

The list of "illustrative" aggravating factors in the Sentencing Reform Act is expanded to include an offender who knew the victim was a runaway (a youth who was not residing with a legal custodian) and the offender established or promoted the relationship for the primary purposes of victimization. (This new illustrative aggravating circumstance is an example of the kind of factor a court may use to justify an exceptional sentence outside of the presumptive range.)

Notes on Final Passage:

House 92 0
Senate 46 0 (Senate amended)
House 97 0 (House concurred)

Effective: July 25, 1999