

# HOUSE BILL REPORT

## HB 2339

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**As Passed House:**

January 26, 2000

**Title:** An act relating to violation of foreign protection orders.

**Brief Description:** Ranking the penalty for foreign protection order violations.

**Sponsors:** Representatives O'Brien, Ballasiotes and Hurst; by request of Sentencing Guidelines Commission.

**Brief History:**

**Committee Activity:**

Criminal Justice & Corrections: 1/18/00, 1/19/00 [DP].

**Floor Activity:**

Passed House: 1/26/00, 95-0.

**Brief Summary of Bill**

- Ranks felony violations of domestic violence protection orders issued by out-of-state jurisdictions as level V on the sentencing grid.
- Requires courts to order a mandatory term of community custody for felony violations of these orders.

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### HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

**Majority Report:** Do pass. Signed by 8 members: Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

**Staff:** Jean Ann Quinn (786-7310).

**Background:**

Foreign Protection Orders: In 1999, the Legislature created a statutory procedure for the filing and enforcement of foreign protection orders, i.e., orders related to domestic or family violence, harassment, sexual abuse, or stalking issued by a court

of another state, a United States territory or possession, a U.S. military tribunal, or a tribal court. As with a violation of an order issued by a court of this state, a violation of a foreign protection order is generally a gross misdemeanor, but becomes a class C felony in the following three circumstances: (1) the violation is an assault that does not amount to assault in the first- or second-degree; (2) the violation involved conduct that is reckless and creates a substantial risk of death or serious physical injury to another person; or (3) the offender has at least two prior convictions for violating the provisions of a no-contact order, a domestic violence protection order, or a comparable federal or out-of-state order.

This felony was not ranked (assigned a seriousness level) for the purposes of the Sentencing Reform Act. It is the seriousness level of the crime that, when combined with the offender score, generally determines the sentence the offender will receive. The maximum term of confinement for an unranked felony is 12 months, unless the court finds that there are substantial and compelling reasons for imposing an exceptional sentence.

In 1999, the Legislature ranked a number of felony offenses that were previously unranked, including felony violations of domestic violence no-contact and protection orders issued by Washington courts.

Crimes Against Persons: Crimes are categorized for prosecution standard purposes as crimes against persons, crimes against property/other crimes, and unclassified. Beginning with crimes committed after July 1, 2000, crimes against persons require a mandatory term of community custody. Felony violations of domestic violence no-contact and protection orders issued by Washington courts are considered crimes against persons.

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**Summary of Bill:**

Foreign Protection Orders: Felony violations of foreign protection orders are ranked seriousness level V for the purposes of the Sentencing Reform Act. A level V crime has a presumptive sentence range of six-12 months for an offender with no prior criminal history.

Crimes Against Persons: Felony violations of foreign protection orders are categorized as crimes against persons.

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**Appropriation:** None.

**Fiscal Note:** Requested on January 12, 2000.

**Effective Date:** The bill takes effect on July 1, 2000.

**Testimony For:** The change simply makes the law consistent with changes made last year when the Legislature included other domestic violence offenses on the grid and imposed a mandatory term of community custody for felony violations of domestic violence protection orders. One of the stated purposes of the Sentencing Reform Act is to ensure that similar offenses are punished similarly. Current law is inconsistent in this regard.

**Testimony Against:** None.

**Testified:** (In favor) Roger Goodman, Sentencing Guidelines Commission.