

SENATE BILL REPORT

SHB 2075

As Reported By Senate Committee On:
Law & Justice, February 22, 1996

Title: An act relating to the finding of aggravating circumstances for the commission of violent offenses against pregnant women.

Brief Description: Making the commission of an offense against a pregnant woman an aggravating circumstance.

Sponsors: House Committee on Law & Justice (originally sponsored by Representatives Costa, Lambert, Veloria, Ballasiotes, Scott, Chappell, Patterson, Kessler, H. Sommers, Appelwick, Romero, Morris and Tokuda).

Brief History:

Committee Activity: Law & Justice: 2/20/96, 2/22/96 [DPA].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended.

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

Staff: Martin Lovinger (786-7443)

Background: When an adult defendant is convicted of a felony, the court generally sentences the defendant to a determinate term within the standard range established for the offense. The standard range of confinement is established based on the seriousness of the crime and the defendant's criminal history. The court may sentence the defendant to a term of confinement below or above the standard range if the court finds that mitigating or aggravating circumstances exist that warrant imposition of an exceptional sentence.

Summary of Amended Bill: An additional aggravating factor is added to the list of aggravating factors upon which an exceptional sentence above the standard range may be imposed on an adult defendant convicted of a violent crime. That factor is that the defendant knew that the victim of the offense was pregnant.

Amended Bill Compared to Substitute Bill: The striking amendment requires that the defendant knew the victim was pregnant to be an aggravating factor.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: Some victims are specifically victimized because they are pregnant. Some domestic violence begins over the issue of pregnancy. Pregnancy can make victims more vulnerable and less able to defend themselves.

Testimony Against: An assault is an assault whether or not the victim is pregnant. A person who is not pregnant does not suffer less when that person is the victim of a violent crime.

Testified: Rep. Costa, prime sponsor (pro); Merton Cooper, Myrtle Cooper, Port Orchard (con); Mary Pontarolo, WA State Coalition Against Domestic Violence (pro).