

SENATE BILL REPORT

SB 5759

As Passed Senate, March 10, 1995

Title: An act relating to exceptional sentences.

Brief Description: Including crimes committed to obstruct or hinder legal abortions on the list of aggravating circumstances for the purposes of imposing exceptional sentences.

Sponsors: Senators Pelz, Smith, Prince, Rinehart, Winsley, Heavey, Quigley, Drew, Prentice, Finkbeiner, Fairley, Fraser, Spanel, C. Anderson, Kohl and Wojahn.

Brief History:

Committee Activity: Law & Justice: 2/21/95, 2/23/95 [DP].
Passed Senate, 3/10/95, 29-18.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Haugen, Quigley, Rinehart and Roach.

Staff: Susan Carlson (786-7418)

Background: Upon conviction of a felony offense, 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.

Concerns have been expressed regarding acts of violence that have occurred in or around health clinics where abortions are performed. It has been suggested that an additional aggravating circumstance should be established for violent offenses committed to obstruct or hinder legal abortions.

Summary of Bill: An aggravating circumstance that the court may consider upon sentencing an offender for a violent offense is whether the offense was committed to obstruct or hinder legal abortions and the victim was an employee, volunteer, or patient of a health care facility where legal abortions are performed. Health care facility means a facility that provides health care services directly to patients, such as hospitals and clinics. The term "employee" includes a person contracting with the health care facility.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: The bill gives judges discretion to impose a longer sentence and may discourage some of the violence directed at health care facilities that perform legal abortions.

Testimony Against: None.

Testified: Senator Pelz, prime sponsor; Diane Hale, A Women's Choice Clinic, Cedar River Clinic; Marcy Bloom, Aradia Women's Health Center; Pat Shively, Eastside Women's Health.