

# SENATE BILL REPORT

## ESSB 5629

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As Passed Senate, February 9, 1998

**Title:** An act relating to making domestic violence an aggravating circumstance for purposes of sentencing decisions.

**Brief Description:** Making domestic violence an aggravating circumstance for purposes of sentencing decisions.

**Sponsors:** Senate Committee on Law & Justice (originally sponsored by Senators Roach, Hargrove, Winsley, Long, Benton, Schow and Oke).

**Brief History:**

**Committee Activity:** Law & Justice: 2/10/97, 2/17/97 [DPS, DNPS].

Passed Senate, 3/17/97, 48-1.

Passed Senate, 2/9/98, 47-0.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** That Substitute Senate Bill No. 5629 be substituted therefor, and the substitute bill do pass.

Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Hargrove, Haugen, Long, McCaslin, Stevens and Zarelli.

**Minority Report:** Do not pass substitute.

Signed by Senator Kline.

**Staff:** David Johnson (786-7754)

**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. Some aggravating and mitigating factors are listed in statute and the courts have developed others in case law.

Domestic violence victims are often more vulnerable and less able to defend themselves than other people because, among other problems, they are often financially and emotionally dependent on the abuser. Many cases of domestic violence consist of a long list of crimes ending only with the death of the victim or, less frequently, the death of the perpetrator. Domestic violence is defined in statute as including, but not limited to, an extensive list of crimes when committed by one family or household member against another.

**Summary of Bill:** The aggravating factor of domestic violence upon which an exceptional sentence above the standard range may be imposed on an adult defendant convicted of a violent crime is changed to include any domestic violence offense.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** None.

**Testimony Against:** None.

**Testified:** No one.