

SENATE BILL REPORT

SB 5023

As of January 14, 1999

Title: An act relating to aggravating circumstances affecting sentencing decisions.

Brief Description: Revising aggravating factors to be considered when making sentencing decisions.

Sponsors: Senators Goings, Rasmussen and Costa.

Brief History:

Committee Activity: Judiciary:

SENATE COMMITTEE ON JUDICIARY

Staff: Harry S. Steinmetz (786-7421)

Background: When an adult offender is convicted of a felony included on the sentencing grid, a predetermined standard sentencing range is determined based on an offender score. Current and past offenses are used to determine the score. If the court imposes a sentence within the standard range, the sentence length is not subject to appeal.

A court may impose a sentence outside the standard range upon a finding that the reasons for the sentence are not justified by the record or that the sentence is clearly too lenient or excessive. A nonexclusive list of mitigating and aggravating factors which the court may consider in imposing an exceptional sentence are included in the Sentencing Reform Act.

The Juvenile Justice Act also includes an offender sentencing grid. A juvenile disposition within the sentencing grid is similarly beyond appeal. A disposition outside the standard range may be imposed upon a finding that the standard range would effectuate a manifest injustice. A slightly different list of aggravating and mitigating circumstances is included in the Juvenile Justice Act.

Summary of Substitute Bill: For adult sentencing purposes, a violation of the Uniform Controlled Substances Act in the presence of the defendant's child is an aggravating factor for sentencing purposes.

Two circumstances are added to the list of aggravating factors in the juvenile sentencing act: (1) a violation of the Uniform Controlled Substances Act in the presence of the defendant's child; and (2) assault in the first, second, or third degree committed by a family or household member in the presence of the victim's child.

Substitute Bill Compared to Original Bill: The aggravating circumstance that assault in the first, second, or third degree committed by a family or household member in the presence of a child of the victim for adult sentencing purposes is eliminated. This aggravating circumstance is already included in the Sentencing Reform Act.

Appropriation: None.

Fiscal Note: Requested on January 11, 1999.

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