
**Criminal Justice & Corrections
Committee**

HB 1663

Brief Description: Authorizing an exceptional sentence when a crime is motivated by hate.

Sponsors: Representatives McDermott, O'Brien, Darneille, Ruderman, Murray, Schual-Berke, Romero, Conway, Poulsen and Santos; by request of Governor Locke.

Brief Summary of Bill

- Expands the illustrative list of aggravating factors that a court may consider when imposing an exceptional sentence to include hate crimes.

Hearing Date: 1/23/02

Staff: Yvonne Walker (786-7841).

Background:

The Sentencing Reform Act (SRA) governs the sentencing of adult felons who commit a crime after July 1, 1984. Generally, these felons receive a sentence within the standard range for the offense which, under the SRA, is calculated using the seriousness level of the current offense and the extent of the offender's criminal history.

Although the standard range is presumed appropriate for the typical felony case, a court may depart from the standard range and may impose an exceptional sentence below the standard range (with a mitigating circumstance) or above the range (with an aggravating circumstance). To impose an exceptional sentence, generally, the court must find there are substantial and compelling reasons. Further, the court is required to set forth the reasons in writing.

The SRA provides a list of illustrative factors that a court may consider in deciding whether to impose an exceptional sentence outside of the standard range. Some of the illustrative aggravating factors provided by the SRA include: behavior that manifested into deliberate cruelty to a victim; vulnerability of a victim; sexual motivation on the part of the defendant; or an ongoing pattern of multiple incidents of abuse to a victim.

Summary of Bill:

The illustrative list of aggravating factors that a court may consider when deciding whether to impose an exception sentence outside of the standard range is expanded to include hate crimes. Specifically, a court may consider imposing a sentence above the standard range when the court finds the defendant's motivation for committing the crime was the defendant's perception of the victim's race, color, religion, ancestry, national origin, gender, sexual orientation, or mental, physical, or sensory handicap.

Appropriation: None.

Fiscal Note: Requested on January 17, 2002.

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