

HOUSE BILL REPORT

HB 1337

As Reported by House Committee On:
Public Safety

Title: An act relating to assault on code enforcement officers.

Brief Description: Adding code enforcement officers to assault in the third degree provisions.

Sponsors: Representatives Barkis, Klippert, Irwin and Lovick.

Brief History:

Committee Activity:

Public Safety: 1/29/19, 2/14/19 [DPS].

Brief Summary of Substitute Bill

- Expands the list of aggravating circumstances that may support imposition of an exceptional sentence above the standard sentencing range to include assault of a code enforcement officer acting in his or her official capacity.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Goodman, Chair; Klippert, Ranking Minority Member; Sutherland, Assistant Ranking Minority Member; Appleton, Graham, Griffey, Lovick, Orwall, Pellicciotti and Pettigrew.

Minority Report: Without recommendation. Signed by 1 member: Representative Davis, Vice Chair.

Staff: Alaura Valley (786-7291) and Omeara Harrington (786-7136).

Background:

The Sentencing Reform Act (SRA) is used to determine the sentence for a person who has been convicted of a felony. The SRA assigns a determinate sentence range, taking into account the seriousness level of the offense and the offender score. The seriousness level is a

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statutory severity designation of the offense. The offender score is calculated based on the convicted person's criminal history.

In a typical felony case, the standard sentence range is presumed to be appropriate. However, if there are substantial and compelling reasons to justify an exceptional sentence, the SRA provides that the court may impose a determinate sentence outside the standard sentence range. An exceptional sentence may be below the standard range if there are mitigating circumstances, or above the standard range if there are aggravating circumstances.

The SRA provides an exclusive list of aggravating circumstances that may support an exceptional sentence above the standard range. Generally, the facts supporting an aggravating circumstance must be proven to a jury beyond a reasonable doubt.

Summary of Substitute Bill:

The statutory list of aggravating circumstances is expanded. It is an aggravating circumstance that the current offense involved an assault of a code enforcement officer who was engaged in official duties at the time of the act. "Code enforcement officer" is defined as an officer employed by the state, or any county, city, or other political subdivision of the state, who is responsible for the enforcement of fire, building, zoning, or life and safety codes.

Substitute Bill Compared to Original Bill:

Provisions are removed that elevate the classification of Assault when committed against a code enforcement officer from Assault in the fourth degree to Assault in the third degree.

The list of aggravating circumstances that may support imposition of an exceptional sentence above the standard sentencing range is expanded to include assault of a code enforcement officer who is engaged in official duties.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available. New fiscal note requested on February 14, 2019.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Though code enforcement officers account for a large number of public servants, their needs often go unnoticed. Code enforcement officers are dedicated, highly qualified professionals who prevent neighborhood deterioration and enhance safety, livability, and

vitality in communities. Assaults, injuries, and deaths of code enforcement officers while working in their official capacity are on the rise. Code enforcement officers often enter dangerous situations, but they are not trained or armed in the way that police officers or other public servants are.

(Other) Code enforcement officers should be free from assault; however, criminal prosecution after the assault has happened is not an effective way to solve this problem. A better solution is to implement swift and efficient civil penalties. This will prevent the need to prosecute people for felonies.

(Opposed) While code enforcement officers do get put into challenging environments and conditions, the solution is not to raise the penalty. Raising the penalty will not enhance safety and will only provide an additional punishment after the fact. This law would create a new class of people who become felons, regardless of how minimal the harm from the assault was. Assault in the fourth degree is a sufficient punishment to act as deterrent, bringing a maximum sentence of 364 days in jail.

Persons Testifying: (In support) Representative Barkis, prime sponsor; Kraig Stevenson, International Code Council; Larry Isenhart and Elizabeth Krzyminski, Washington Association of Code Enforcement; and Stephen Mauer.

(Other) Arthur West.

(Opposed) Alex Hur, Washington Defender Association and Washington Association of Criminal Defense Lawyers.

Persons Signed In To Testify But Not Testifying: None.