

HOUSE BILL REPORT

HB 2473

As Reported by House Committee On:
Public Safety

Title: An act relating to domestic violence.

Brief Description: Concerning domestic violence.

Sponsors: Representatives Goodman and Wylie.

Brief History:

Committee Activity:

Public Safety: 1/20/20, 1/23/20 [DPS].

Brief Summary of Substitute Bill

- Modifies references to "family or household member" with respect to domestic violence to also reference "intimate partner" in order to resolve statutory disparities arising from the passage of Engrossed Second Substitute House Bill 1517 (2019).
- Modifies Assault in the fourth degree involving domestic violence by expanding the types of prior offenses that can elevate a present offense to a felony.

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; Davis, Vice Chair; Appleton, 2nd Vice Chair; Klippert, Ranking Minority Member; Sutherland, Assistant Ranking Minority Member; Graham, Lovick, Orwall, Pellicciotti and Pettigrew.

Staff: Kelly Leonard (786-7147).

Background:

Definitions Pertaining to Domestic Violence.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Prior to 2019 state law generally defined "domestic violence" (DV) as a crime or specified act committed by one "family or household member" against another, with certain types of relationships qualifying a person as a "family or household member." In 2019 the Legislature passed Engrossed Second Substitute House Bill 1517 (E2SHB 1517). Among many other policy changes, E2SHB 1517 modified the definition of DV in the chapters of law governing DV by splitting it into two categories—those crimes or specified acts committed by a "family or household member" against another, and those committed by an "intimate partner" against another. Together, the terms include the same types of qualifying relationships that were covered under the term "family or household member" prior to 2019. Splitting the qualifying relationships into two categories was completed for the express purpose of facilitating discrete data analysis and research by judicial, criminal justice, and advocacy entities.

Several statutes contain references to "family or household member." However, E2SHB 1517 did not amend all of those references, leaving ambiguity as to the application of those statutes to intimate partner relationships. This includes, for example, statutes pertaining to civil and collaborative law, court procedures, firearm-related offenses, and warrantless arrest requirements, among others.

Felony Assault in the Fourth Degree with Domestic Violence.

Assault in the fourth degree is typically a gross misdemeanor. However, the offense is elevated to a class C felony if it involved DV and the person has two or more prior adult convictions within 10 years for any of the following crimes involving DV:

- Assault in the first, second, or third degree;
- repetitive DV offense;
- a specified crime involving harassment; or
- an out-of-state comparable offense.

Felony Assault in the fourth degree involving DV is limited to circumstances when the offense is committed by certain intimate partners against another, including a spouse, former spouse, domestic partner, former domestic partner, current or former dating partner, or against a person with whom the defendant has a child in common.

Summary of Substitute Bill:

Definitions Pertaining to Domestic Violence.

Several statutes with references to "family or household member" are modified to also include references to "intimate partner."

Assault in the Fourth Degree with Domestic Violence.

A prior municipal, tribal, or federal offense comparable to Assault in the first, second, or third degree, repetitive DV, or a crime of Harassment constitutes a qualifying prior offense for

elevating a present Assault in the fourth degree involving DV to a class C felony. The offense also is modified to account for the new definition of "intimate partner."

Substitute Bill Compared to Original Bill:

Assault in the fourth degree involving DV is modified by providing that the time restrictions on present and prior offenses relate to when those offenses were committed, rather than when those offenses were pleaded and proven.

Subsections and numbering are reorganized to account for cross-references in the existing code.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony:

(In support) Last year the Legislature passed E2SHB 1517 (2019), which was a major move forward in the state's efforts to address DV. By advancing E2SHB 1517 and many other significant policies in the last decade, the Washington Legislature has been—and continues to be—a national leader on this issue. This bill is a continuation of these efforts. Several statutes need modifications to account for policy changes in past legislation. It is important to be consistent across the code so as to avoid confusion among practitioners and also to keep victims safe.

There is an urgent need for this bill to pass. The Legislature should keep the emergency clause and pass the bill as soon as possible. Several statutes affecting public safety need to be fixed.

(Opposed) None.

Persons Testifying: Representative Goodman, prime sponsor; David Martin, King County Prosecutor's Office, Domestic Violence Unit; and James McMahan, Washington Association of Sheriffs and Police Chiefs.

Persons Signed In To Testify But Not Testifying: None.