

SENATE BILL REPORT

SHB 2473

As Passed Senate, March 3, 2020

Title: An act relating to domestic violence.

Brief Description: Concerning domestic violence.

Sponsors: House Committee on Public Safety (originally sponsored by Representatives Goodman and Wylie).

Brief History: Passed House: 2/12/20, 96-0.

Committee Activity: Law & Justice: 2/20/20, 2/27/20 [DP].

Floor Activity:

Passed Senate: 3/03/20, 48-1.

Brief Summary of Bill

- Revises references in statute after 2019 legislation that split domestic violence-related qualifying relationships into two categories—family or household member and intimate partner—for purposes of data collection and analysis.
- Modifies the offense of assault in the fourth degree involving domestic violence by adding prior offenses that can elevate a present offense to a felony.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy, Kuderer, Salomon and Wilson, L..

Staff: Melissa Burke-Cain (786-7755)

Background: Definitions Pertaining to Domestic Violence. Prior to 2019, state law generally defined domestic violence 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 made several policy changes related to domestic violence. The definition of domestic violence was revised by dividing it into

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two categories—crimes or specified acts committed by a family or household member against another, and crimes or specified acts committed by an intimate partner against another. Together, the two terms contain the qualifying relationships that were covered under the term family or household member prior to 2019. The change facilitates discrete data analysis and research by judicial, criminal justice, and advocacy entities. Several statutes still refer to family or household member because the 2019 legislation did not amend them all, resulting in ambiguity about applying the term intimate partner relationships.

Felony Assault in the Fourth Degree with Domestic Violence. Fourth-degree assault is a gross misdemeanor. Certain prior offenses elevate the crime to a class C felony if the assault involved domestic violence and the defendant has two or more prior adult convictions within ten years for any of the following crimes involving domestic violence:

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

Felony Assault in the fourth degree involving domestic violence 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 Bill: Several statutes referring to family or household member now include references to intimate partner. Fourth degree assault involving domestic violence becomes a class C felony when the person charged has two or more prior adult convictions within ten years for any of the following offenses involving domestic violence: a municipal, tribal, out-of-state, or federal offense comparable to first, second, or third degree assault; repetitive domestic violence; or criminal harassment. For purposes of defining domestic violence, fourth degree assault with domestic violence applies to family or household members and intimate partners as defined in statute.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: The bill updates 2019 legislation that revised the definitions related to domestic violence by distinguishing between intimate partner violence and violence between family and household members in order to track data on domestic violence in these two groups separately. The bill also clarifies that municipal ordinances related to domestic violence were not expressly included in the crimes elevating assault in the fourth degree to a felony. This bill is considered a "must pass" because it affects mandatory domestic violence arrests and firearms in domestic violence cases. Domestic violence and DUI crimes are the two greatest sources of harm in our communities. It is important to distinguish between intimate partner domestic violence and domestic

violence involving family and household members in order to analyze how domestic violence occurs in these groups and better understand the difference. In the future analysis based on evidence may change how we consider and address these two types of domestic violence crimes.

Persons Testifying: PRO: Representative Roger Goodman, Prime Sponsor; James McMahan, Washington Association of Sheriffs and Police Chiefs; David Martin, King County Prosecuting Attorney/DV Unit; Russell Brown, Washington Association of Prosecuting Attorneys.

Persons Signed In To Testify But Not Testifying: No one.