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**Criminal Justice & Corrections  
Committee**

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**HB 2578**

**Brief Description:** Adding situations in which a crime victim is vulnerable or incapable of resistance due to the lack of a fixed residence to the list of illustrative aggravating circumstances for which an exceptional sentence may be imposed.

**Sponsors:** Representatives O'Brien, Delvin, Pettigrew, Benson, Kessler, Haigh, Boldt, Clibborn and Pearson.

**Brief Summary of Bill**

- Expands the illustrative list of aggravating factors that a court may consider when imposing an exceptional sentence to include offenses committed against victims who are vulnerable or incapable of resistance due to the lack of a fixed residence.

**Hearing Date:** 1/27/04

**Staff:** Sarah Shirey (Jim Morishima 786-7191).

**Background:**

Under the Sentencing Reform Act (SRA), when sentencing a defendant who is convicted of a felony, standard sentence ranges are statutorily prescribed. The standard range for a given offense is determined by the seriousness of the crime and the offender's criminal history. A sentence within the standard range may not be appealed. However, a court may depart from the standard range, imposing an exceptional sentence above or below the standard range. Generally, the court must find there are substantial and compelling reasons known as "mitigating" or "aggravating" circumstances, to impose an exceptional sentence. A sentence above or below SRA's standard range may be appealed by the state or the defendant.

The SRA provides a list of illustrative factors that a court may consider to be mitigating or aggravating circumstances when deciding whether to impose a 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 exceptional sentence outside of the standard range is expanded to include crimes committed against people that the offender knows to be vulnerable or incapable of resistance due to the lack of a fixed residence.

**Appropriation:** None.

**Fiscal Note:** Available.

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