

SENATE BILL REPORT

HB 2578

As of February 19, 2004

Title: An act relating to 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.

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 History:

Committee Activity: Judiciary: 2/26/04.

SENATE COMMITTEE ON JUDICIARY

Staff: Aldo Melchiori (786-7439)

Background: Under the Sentencing Reform Act (SRA), when sentencing a defendant who is convicted of a felony, standard sentence ranges are statutorily prescribed. A sentence within the standard range may not be appealed. A court may impose an exceptional sentence above or below the standard range if it finds substantial and compelling reasons for doing so. A sentence above or below the 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.

Summary of Bill: An exceptional sentence, outside of the standard range, may be imposed if the court finds that the crime was committed against a person that the offender knew to be vulnerable or incapable of resistance due to the lack of a fixed residence.

Appropriation: None.

Fiscal Note: Available.

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