

SENATE BILL REPORT

SB 6384

As Reported By Senate Committee On:
Judiciary, February 5, 2004

Title: An act relating to penalties against convicted domestic violence offenders to pay for domestic violence programs.

Brief Description: Imposing penalties against convicted domestic violence offenders to pay for domestic violence programs.

Sponsors: Senators Esser, Thibaudeau, Keiser, Regala, Eide, McCaslin, Rasmussen, Oke, Prentice, B. Sheldon, Kline, Murray, McAuliffe, Kohl-Welles and Roach.

Brief History:

Committee Activity: Judiciary: 1/29/04, 2/5/04 [DPS].

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 6384 be substituted therefor, and the substitute bill do pass.

Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline and Roach.

Staff: Jinnah Rose-McFadden (786-7421)

Background: Domestic violence includes, but is not limited to, crimes such as assault, stalking, malicious mischief, and rape, when committed by one family or household member against another.

Under Washington law, all crimes are punishable by imprisonment, payment of a fine, or both. In addition to criminal fines, courts may be required to impose additional assessments against convicted persons. For example, a superior court must impose a crime victims and witness penalty assessment of \$250 against a person convicted of a misdemeanor, and \$500 for a gross misdemeanor or felony.

Generally, all fees, fines, forfeitures, and penalties assessed and collected by courts must be remitted and distributed between local governments and the state. Usually, the distribution is 32 percent to the state public safety and education account and 68 percent to local government.

Summary of Substitute Bill: A new penalty of up to \$100 is established for anyone convicted of a crime involving domestic violence. All superior courts and courts of limited jurisdiction may impose this penalty, in addition to any other penalty, restitution, fine or cost already required under law. Judges are encouraged to solicit input from victims when assessing an offender's ability to pay this penalty. Specifically, judges should inquire into the families' financial circumstances.

Revenues collected must be used to fund domestic violence advocacy, prevention, and prosecution programs in the city or county in which the court imposing the penalty is located. In cities and counties where domestic violence programs do not exist, revenues may be used to contract with recognized community based domestic violence program providers.

Revenues collected from this new penalty are not subject to remittance requirements. Additionally, cities and counties may not supplant the revenue generated by this new penalty for purposes other than domestic violence advocacy, prevention, and prosecution programming.

Substitute Bill Compared to Original Bill: A new provision encourages judges to solicit input from victims when assessing the offenders ability to pay this penalty. Specifically, judges should inquire into the families' financial circumstances. Additionally, a provision is added clarifying that cities and counties may not supplant the revenue generated by this new penalty for purposes other than domestic violence advocacy, prevention, and prosecution programming.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Domestic violence programs are in a state of crisis. For instance, in Kent domestic violence crimes are up by 20 percent this year, while attorney staffing has declined by 40 percent and domestic violence advocacy staffing has declined by 50 percent. Last year, 35,000 individuals were refused from domestic violence shelters, due to a lack of space. By creating a new funding stream, this bill will allow cities and counties to assist families affected by domestic violence.

Testimony Against: This does not offer a consistent source of funding. The fines, restitution and penalties that offenders are already required to pay are high and difficult to recoup. When legal financial obligations (LFOs) are not paid by an offender, the offender is charged interest, and failure to pay these LFOs can result in more incarceration.

Testified: PRO: Doug Levy, City of Kent; Tami A. Perdue, City of Kent; Carey Morris, Washington State Coalition Against Domestic Violence; Amber Balch Carter, AWB. CON: Sherry Appleton, WACDL, WDA.