

SENATE BILL REPORT

HB 1790

As of March 23, 2009

Title: An act relating to including domestic violence court order violations to the list of offenses eligible for notification.

Brief Description: Including domestic violence court order violations to the list of offenses eligible for notification.

Sponsors: Representatives O'Brien, Hurst, Dickerson, Orwall, Green, Morrell, Dammeier, Klippert, Walsh, Darneille, Kelley, Probst and Hudgins; by request of Department of Corrections.

Brief History: Passed House: 2/23/09, 97-0.

Committee Activity: Human Services & Corrections: 3/26/09.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Jennifer Strus (786-7316)

Background: Victim Notification. The Department of Corrections (DOC) must send written notice of parole, release, community custody, work release placement, furlough, or escape to certain persons. With the exception of escape and emergency furloughs, such notice must be provided at least 30 days in advance. This notice requirement applies to offenders convicted of a violent offense, a sex offense, or felony harassment. The list of persons to whom the notice must be sent includes:

- the chief of police of the city in which the offender will reside or be placed in work release;
- the sheriff of the county in which the offender will reside or be placed in work release;
- the State Patrol (sex offenders only);
- if notice has been requested in writing, to:
 - any victim or next of kin if the offense is a homicide;
 - a witness who testified against the offender in any court proceedings involving a violent offense;
 - a person specified by the prosecuting attorney; and
- any person who has requested notice, at least 60 days prior to release, about a sex offender.

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.

Whenever DOC mails the notice and it is returned as undeliverable, DOC must attempt alternative methods of notification, including a telephone call to the person's last known telephone number. DOC must also provide notification if there has been an escape and notification of recapture.

Statement of Rights of Victims and Witnesses. Where a judgment and sentence was entered after October 1, 1983, DOC must provide victims, next of kin in the case of a homicide, and witnesses, in the case of violent or sex offenses, a statement of the rights of victims and witnesses to request and receive notification.

Domestic Violence Court Orders. A court may issue an order (often called a protection order) prohibiting contact between an offender and a victim or witness in an offense which involved an allegation of domestic violence. The court may issue such an order while a criminal matter alleging domestic violence is pending or upon sentencing. A violation of such an order is a gross misdemeanor. In certain cases, a violation of the order accompanied by other criminal behavior, such as an assault, which does not amount to first or second degree, or reckless conduct, will elevate the seriousness level of the offense to a Class C felony. The offense will also be classified as a Class C felony if the defendant has two or more convictions for violating a protection order. As a Class C felony, the offense would be punishable by a sentence range of 0-12 months in jail or a fine up to \$10,000 or both.

Summary of Bill: DOC's victim and witness notification program is expanded to include notification regarding offenders convicted of violating a protection or no-contact order issued in certain cases. It is clarified that both victims and witnesses in cases involving homicide and violent offenses must receive a statement of rights of victims and witnesses to request and receive notification for offenses for which a judgment and sentence was entered after October 1, 1983.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill takes effect on August 1, 2009.