
Public Safety Committee

HB 1859

Brief Description: Providing an aggravating circumstance for assault against a utility worker.

Sponsors: Representatives Pellicciotti, Griffey, Pettigrew, Chapman, Goodman and Ormsby.

Brief Summary of Bill

- Expands the list of aggravating circumstances that a court may consider when imposing an exceptional sentence above the standard sentencing range to include assault of a utility worker who is engaged in official duties.

Hearing Date: 2/13/17

Staff: Omeara Harrington (786-7136).

Background:

When a person is convicted of a felony, the Sentencing Reform Act (SRA) applies and determines a specific sentence range within the statutory maximum. Sentence ranges are calculated using both a statutory severity designation for the offense, or its "seriousness level," and the convicted person's "offender score," which is based on the offender's criminal history.

In a typical felony case, the standard sentence range is presumed to be appropriate. However, the SRA provides that the court may impose a determinate sentence outside the standard sentence range for an offense if it finds that there are substantial and compelling reasons justifying an exceptional sentence. An exceptional sentence may either be below the standard range (with a mitigating circumstance) or above the standard range (with an aggravating circumstance).

The SRA provides an exclusive list of aggravating circumstances that may support a sentence above the standard range. With some exceptions, the facts supporting an aggravating circumstance must be proven to a jury beyond a reasonable doubt.

Summary of Bill:

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.

The statutory list of aggravating circumstances that may support a sentence above the standard range is expanded. It qualifies as an aggravating circumstance that the current offense involved the assault of a utility employee of any publicly or privately owned utility company or agency, who is at the time of the act engaged in official duties. Official duties include the maintenance or repair of utility poles, lines, conduits, pipes, or other infrastructure, and connecting, disconnecting, or recoding utility meters.

Appropriation: None.

Fiscal Note: Not requested.

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