

SENATE BILL REPORT

HB 2457

As of February 19, 2018

Title: An act relating to timelines in criminal cases involving domestic violence.

Brief Description: Concerning timelines in criminal cases involving domestic violence.

Sponsors: Representatives Goodman and Klippert.

Brief History: Passed House: 2/08/18, 98-0.

Committee Activity: Law & Justice: 2/16/18.

Brief Summary of Bill

- Specifies timeframes for which domestic violence no-contact orders entered as a condition of sentence remain in effect.
- Extends the maximum time that a superior court may suspend a non-felony domestic violence sentence to five years.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Shani Bauer (786-7468)

Background: Domestic Violence No-Contact Orders. Domestic violence offenses are certain crimes committed by one family member or household member against another. While a domestic violence case is pending, or upon conviction, the court may issue a no-contact order prohibiting the defendant from having contact with the victim or knowingly coming or remaining within a specified location. Willful violation of a domestic violence no-contact order is a crime punishable as a gross misdemeanor, and becomes a felony offense under some circumstances.

When a defendant is found guilty of a crime involving domestic violence and a condition of the sentence restricts the defendant's ability to have contact with the victim, the no-contact condition must be recorded and a written certified copy of the no-contact order must be provided to the victim. Statute does not identify a specific period of time for which domestic violence no-contact orders remain in effect. A recent Washington State Court of Appeals case, *State v. Granath*, held that post-conviction, domestic violence no-contact orders expire when the defendant has completed all other conditions of the sentence.

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.

Suspended Sentences in Domestic Violence Cases. A court may suspend the imposition or execution of a criminal sentence and direct that the suspension continue as long as the defendant complies with conditions of probation imposed by the court. The court retains jurisdiction over the defendant during this time and may modify or revoke its order suspending the sentence if the defendant violates or fails to carry out any of the court's conditions.

A court of limited jurisdiction may suspend a sentence for a non-felony domestic violence offense for up to five years. Non-felony domestic violence sentences in cases heard in superior courts may be suspended for up to two years.

Summary of Bill: Time periods are designated for which domestic violence no-contact orders remain in effect. In non-felony cases, a domestic violence no-contact order remains in effect for a fixed period of time as determined by the court, not to exceed five years from the date of sentencing or disposition. In felony cases, a no-contact order remains in effect for a fixed period of time determined by the court, not to exceed the adult maximum sentence. If the defendant remains subject to imprisonment, community supervision, conditional release, probation, or parole beyond the time period designated by the court, the order remains in effect until expiration of that condition. The court may modify an order to extend its expiration date, subject to these time limitations.

Superior courts may suspend imposition of a non-felony domestic violence sentence and place the defendant on probation for five years, rather than up to two years.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: We have been working for years to protect victims of domestic violence. This bill repairs the statute in light of the Court of Appeals decision and would ensure that no contact orders do not expire at the moment the person is released or completes their term of community supervision. This bill protects victims. The most dangerous period for a victim is when the perpetrator is first released. Without this fix, court are concerned that they will need to find other means to protect victims.

Persons Testifying: PRO: Representative Roger Goodman, Prime Sponsor.

Persons Signed In To Testify But Not Testifying: No one.