Washington State
House of Representatives
Office of Program Research

BILL ANALYSIS

Community Safety Committee

HB 1591

Brief Description: Providing remedies for defendant survivors of domestic violence, sexual assault, or human trafficking.

Sponsors: Representatives Taylor, Goodman, Parshley, Simmons, Ormsby, Scott, Doglio, Salahuddin, Reed and Davis.

Brief Summary of Bill

- Establishes a sentencing alternative for defendants who are survivors of domestic violence, sexual assault, or human trafficking, and authorizes the court to impose the sentencing alternative or a sentence below the standard range in applicable cases.
- Authorizes the court to resentence persons who are survivors of domestic violence, sexual assault, or human trafficking, under certain circumstances.
- Authorizes the court to vacate records of conviction for persons who are survivors of domestic violence, sexual assault, or human trafficking, under certain circumstances.

Hearing Date: 1/20/26

Staff: Corey Patton (786-7388).

Background:

Sentencing Reform Act.
For most felony offenses, the Sentencing Reform Act (SRA) determines a specific sentence range within the statutory maximum according to a sentencing grid. The sentencing grid provides a standard range of months for the sentence, based on both the severity, or "seriousness

---

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

level," of the offense and the convicted person's "offender score," which is based on the person's criminal history. Additional sentencing policies may further increase or decrease the standard sentence range.

For example, certain sentencing enhancements add a specified amount of time to the standard sentence range if the state proves that the offense involves certain conduct. The court is also authorized to impose exceptional sentences either above or below the standard range for substantial and compelling reasons. The SRA provides a nonexhaustive list of mitigating circumstances that the court may consider when deciding whether to impose an exceptional sentence below the standard range.

Vacating a Record of Conviction.
The court may vacate a person's record of conviction for certain criminal offenses if the person meets specified eligibility requirements, which vary depending on the nature of the conviction. If the court vacates the record of conviction, the offense is no longer included in the person's criminal history and the person may state that he or she has never been convicted of that crime, including when responding to questions pertaining to licensing, employment, and housing applications. Certain types of convictions may not be vacated.

Domestic Violence, Sexual Assault, and Human Trafficking.
For purposes of the SRA, a "victim of domestic violence" is an intimate partner or household member who has been subjected to physical harm or sexual and psychological abuse by an intimate partner or household member as part of a pattern of assaultive, coercive, and controlling behaviors directed at achieving compliance from or control over that intimate partner or household member. "Domestic violence" includes, but is not limited to, offenses like Rape, Stalking, Assault, or Kidnapping when committed either by one family or household member against another, or one intimate partner against another intimate partner. An "intimate partner" includes any of the following:

- spouses or domestic partners;
- former spouses or former domestic partners;
- persons with a child in common regardless of whether they have ever been married or lived together;
- adults presently or previously residing together who have or have had a dating relationship;
- persons 16 years of age or older presently or previously residing together who have or have had a dating relationship; and
- persons 16 years of age or older with whom a person 16 years of age or older has or has had a dating relationship.

A "victim of sexual assault" is a person who is a victim of a sexual assault offense, nonconsensual sexual conduct, or nonconsensual penetration, and who suffers physical, emotional, financial, or psychological impacts as a result. "Sexual assault offenses" include, but are not limited to, sex offenses such as Rape, Child Molestation, and Sexual Misconduct with a Minor.

State law also provides criminal penalties for Trafficking, which occurs when a person recruits, entices, harbors, transports, isolates, solicits, provides, obtains, buys, purchases, maintains, or receives by any means another person and:

- knows, or recklessly disregards the fact, that force, fraud, or coercion will be used to cause the person to engage in forced labor, involuntary servitude, a sexually explicit act, or a commercial sex act; or
- knowingly, or in reckless disregard, causes a person under 18 years of age to engage in a sexually explicit act or commercial sex act, or benefits financially or by receiving anything of value from participation in a specified act or venture.

Summary of Bill:

Sentencing Options for Survivors of Domestic Violence, Sexual Assault, or Human Trafficking. A sentencing alternative is established for eligible defendants who are survivors of domestic violence, sexual assault, or human trafficking, and the court is authorized to impose the sentencing alternative or a sentence below the standard range in applicable cases. A defendant is eligible for the sentencing alternative or other reduced sentence if:

- at the time of the offense, the defendant was a victim of domestic violence, sexual assault, or human trafficking, and subjected to substantial physical, sexual, or psychological abuse inflicted by an intimate partner or family or household member;
- the domestic violence or abuse suffered by the defendant was a significant contributing factor to the defendant's criminal conduct; and
- generally applicable sentencing requirements would be unduly harsh given the nature and circumstances of the crime and the defendant's history, character, and condition.

Before imposing the sentencing alternative or other reduced sentence, the court must find whether the defendant meets the above eligibility criteria. The court may consider the following factors and evidence when making its finding:

- whether the underlying crime was committed against an intimate partner who committed domestic violence against the defendant;
- whether the defendant has been diagnosed with or treated for any behavioral health conditions related to prior victimization;
- evidence that the defendant's prior victimization affected the defendant's perception of safety and security, perception of the ability to receive help through law enforcement or other government entities, or ability to achieve financial independence;
- oral and written arguments, written statements, testimony, medical records and documents, physical evidence, specified protection orders, police reports, and recordings of 911 calls; and
- any other factors or evidence the court deems relevant.

If the court finds that the defendant meets the eligibility criteria, the court may impose the sentencing alternative or other reduced sentence, which may include imposing a sentence below any mandatory minimum terms or departing downward from any sentencing enhancements. The

court must impose the sentencing alternative if the defendant meets the eligibility criteria and the court finds the sentencing alternative is appropriate. The court may order the Department of Corrections (DOC) to complete a risk assessment or chemical dependency screening report to help determine whether the sentencing alternative is appropriate. When utilizing the sentencing alternative, the court is authorized to waive the standard range sentence and any applicable enhancements, and instead impose:

- an extended term of community custody with a reduced term of confinement; or
- an extended term of community custody without any term of confinement.

The court has complete discretion to determine the term of confinement and community custody, provided that the combined length of both does not exceed the standard range for the underlying crime, including any enhancements. For any person serving community custody under the sentencing alternative:

- the court and the DOC may impose conditions they deem appropriate;
- the DOC must report any violations of conditions to the court;
- the court may order the defendant to report to court at any time to evaluate the person's compliance;
- the court may modify conditions or impose sanctions for violations; and
- if the person violates conditions, the court may order the person to serve a term of total confinement within the standard range.

Defendants convicted of Aggravated Murder in the first degree, Murder in the first degree, Homicide by Abuse, an offense committed with intent to commit a terrorist act, an offense requiring sex offender registration, or an attempt or conspiracy to commit any of the aforementioned crimes are ineligible for the sentencing alternative or other reduced sentence.

Resentencing.
An incarcerated person serving a sentence of at least eight years, imposed prior to the effective date of the bill, may petition the court for resentencing based on the same eligibility criteria for the sentencing alternative established by the bill. The petition must include at least two specified pieces of evidence that corroborate the petitioner's claim of eligibility. If the court orders a hearing, the court may consider the same factors and evidence it would have considered at a sentencing hearing after the effective date of the bill, and other relevant facts or circumstances. The prosecutor must make reasonable efforts to notify victims and survivors of victims about the petition and hearing date, and provide access to related services. The court must provide an opportunity for victims and survivors of victims to present a statement personally or by representation.

If the court grants the petition and resentences the person, any new sentence imposed may not be greater than the original sentence. If the court denies resentencing, the court must inform the petitioner and enter an order including written findings of fact and reasoning. The court may deny a petition for resentencing without a hearing. The petitioner may appeal a denial or a newly imposed sentence.

Vacating Records of Conviction.
A person who has been convicted of a misdemeanor, gross misdemeanor, or felony offense, and who has completed the conditions of the person's sentence, may apply to the court to vacate the person's record of conviction based on the same eligibility criteria for the sentencing alternative established by the bill. When reviewing the person's application, the court may consider the same factors and evidence it would have considered at a sentencing hearing after the effective date of the bill. However, the court may instead rely solely upon the person's sworn testimony at a hearing before the court. If the court finds that the person qualifies, the court may, in the interest of justice, waive any statutory restrictions relating to vacating convictions and proceed with vacating the person's record of conviction.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains multiple effective dates. Please see the bill.