

# FINAL BILL REPORT

## SHB 1343

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Synopsis as Enacted

**Brief Description:** Allowing the reduction in sentences of battered women convicted of murder prior to July 23, 1989.

By House Committee on Corrections (originally sponsored by Representatives Morris, Ballasiotes, Brough, Leonard, Heavey, Scott, G. Cole, R. Fisher, Kremen, Long, Rust, Carlson, Voloria, Dellwo, Karahalios, Wang, Grant, Jones, Wolfe, Franklin, Forner, Jacobsen, Appelwick, Campbell, H. Myers, Kessler, Springer, Miller, Locke, Roland, Valle, Basich, Wood, Quall, King, Johanson, Hansen, L. Johnson, Ogden, J. Kohl, Wineberry and Anderson).

House Committee on Corrections  
Senate Committee on Law & Justice

**Background:** The Sentencing Reform Act requires judges to sentence a convicted defendant to the standard range for the offense committed unless the court finds that mitigating or aggravating factors justify a sentence outside the standard range. The 1989 Legislature enacted a statute that allows a convicted defendant to receive a mitigated exceptional sentence below the standard range, if the victim subjected the defendant or the defendant's children to a continuing pattern of physical or sexual abuse and the defendant committed the offense in response to the abuse. This statutory change is not retroactive and applies only to offenses occurring after the implementation date of July 23, 1989.

Individuals who murdered their spouses or partners prior to the July 23, 1989 effective date, where mitigating circumstances may have been present due to a continuing pattern of physical or sexual abuse that led to the crime, may not have had the pattern of abuse considered at the time of sentencing.

Some offenders were sentenced prior to July 1, 1984 and are under the jurisdiction of the Indeterminate Sentence Review Board. Others were sentenced under the Sentencing Reform Act after July 1, 1984, but before July 23, 1989, when the mitigating circumstances were enacted into law. The Indeterminate Sentence Review Board makes decisions about parole eligibility for offenders under its jurisdiction.

**Summary:** A procedure is established for a convicted murderer to apply to have his or her sentence reduced using certain mitigating factors. The petitioner must allege that the murder was committed in response to the victim's continuing pattern of physical or sexual abuse toward the petitioner or the petitioner's children. The petitioner must also allege that the sentencing court did not consider the mitigating evidence for purposes of establishing the original sentence.

Petitions for reduction of sentences are made to the Indeterminate Sentencing Review Board. If the offender is under the board's jurisdiction, the board may reduce the offender's minimum term and set an earlier parole eligibility date. If the offender was sentenced under the Sentencing Reform Act, the board will review the case and make a recommendation to the sentencing court for a reduction in the offender's sentence.

In its review, the board must find that the offender would have been eligible for a reduced sentence below the sentence originally imposed if the mitigating factor had been available for consideration by the court.

Inmates may petition the board by letter. The petitions are due October 1, 1993. The board may reset the minimum term and parole eligibility date of a petitioner convicted and sentenced before July 1, 1984, who is under its jurisdiction. The board must complete its review of the petitions submitted by inmates sentenced after July 1, 1984 and submit recommendations to the sentencing courts or their successors by October 1, 1994. The court must render its decision regarding reducing the inmate's sentence no later than six months after receiving the Indeterminate Sentencing Review Board's recommendation to reduce the sentence imposed.

The board is directed to solicit recommendations from the prosecuting attorneys of the counties where the petitioners were convicted, and to accept input from other interested parties, i.e., defense attorneys. The court may consider any other recommendations and evidence concerning the issue of whether the defendant committed the crime in response to abuse.

**Votes on Final Passage:**

House	95	3
Senate	46	0

**Effective:** April 30, 1993