

SENATE BILL REPORT

SB 5536

AS OF FEBRUARY 19, 1993

Brief Description: Specifying additional aggravating circumstances justifying an exceptional sentence.

SPONSORS: Senators A. Smith and Quigley

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Susan Carlson (786-7418)

Hearing Dates: February 23, 1993

BACKGROUND:

Under the Sentencing Reform Act (SRA), the judge must impose a sentence within the standard range specified for the particular crime unless the judge finds factors justifying an exceptional sentence. A nonexclusive list of mitigating and aggravating factors that could justify an exceptional sentence is included in the act.

In 1991, the Washington Supreme Court held that future dangerousness cannot be used to justify an exceptional sentence for a defendant convicted of a nonsexual crime. The court stated that this was a policy issue to be addressed by the Legislature.

SUMMARY:

The court may impose an exceptional sentence if the defendant is convicted of an offense involving the use or threatened use of physical force and the court finds the defendant poses a future danger which is not sufficiently mitigated by incarceration within the standard range. This finding must be supported by a history of similar misconduct, and a finding that the defendant is not amenable to treatment. Lack of amenability to treatment can be based on the opinion of a mental health professional, evidence that the defendant has been refused treatment at all available facilities or refused to cooperate with evaluations, or commission of the current offense less than six months after release from incarceration for a similar offense.

Appropriation: none

Revenue: none

Fiscal Note: none requested