

HOUSE BILL ANALYSIS

HB 2962

Title: An act relating to criminal mistreatment.

Brief Description: Creating the crime of criminal mistreatment in the third degree.

Sponsors: Representatives Robertson, Kessler, Lisk, Costa, Sheahan and McDonald.

HOUSE COMMITTEE ON LAW & JUSTICE

Staff: Edie Adams (786-7180).

Background: Domestic violence laws provide civil and criminal remedies to victims of domestic violence. "Domestic violence" is defined as the commission of one of a specified list of crimes against a family or household member. Some of the crimes that may be domestic violence include: assault, rape, drive-by shooting, reckless endangerment, burglary, malicious mischief, and kidnapping.

"Family or household member" means spouses, former spouses, persons who have a child in common, adults related by blood or marriage, adults who reside together or have resided together, persons 16 years of age or older who reside together or have resided together and who have or have had a dating relationship, persons 16 years of age or older who have or have had a dating relationship, and persons who have a biological or legal parent-child relationship.

Under the Sentencing Reform Act, a person who commits a felony offense involving domestic violence may receive an exceptional sentence based on a number of aggravating factors, including that the offense occurred within sight or sound of the victim's or the offender's minor children under the age of 18 years.

There are two degrees to the crime of criminal mistreatment. The first-degree offense, a class B felony, is committed when a parent of the child, a person entrusted with the physical custody of the child or dependent person, or a person employed to provide to the child or dependent person the basic necessities of life, recklessly causes great bodily harm to the child or dependent person by withholding the basic necessities of life. The second-degree offense, a class C felony, involves recklessly creating an imminent and substantial risk of death or great bodily harm, or recklessly causing substantial bodily harm by withholding the basic necessities of life.

Summary of Bill: A new crime of criminal mistreatment in the third degree is created. A person commits criminal mistreatment in the third degree if the person

commits domestic violence within sight or sound of the victim's or offender's minor child. Third-degree criminal mistreatment is a misdemeanor.

As part of the sentence for third-degree criminal mistreatment, the court must impose the following conditions: restricted or no contact with the victim; no further acts of violence or threats against the victim; substance abuse treatment if the defendant was under the influence of drugs or alcohol when he or she committed the offense; and completion of a domestic violence perpetrator program. The court may waive the imposition of any of these conditions if it would not be in the best interest of justice to impose them. The defendant must pay the costs of evaluation, treatment, and monitoring.

Fiscal Note: Not requested.

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

Office of Program Research