

# SENATE BILL REPORT

## SB 6712

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As Reported By Senate Committee On:  
Law & Justice, February 6, 1998

**Title:** An act relating to criminal mistreatment.

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

**Sponsors:** Senators Roach and Rasmussen.

**Brief History:**

**Committee Activity:** Law & Justice: 2/6/98 [DP, DNP].

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass.

Signed by Senators Roach, Chair; Fairley, Goings, Kline, Long, McCaslin and Thibaudeau.

**Minority Report:** Do not pass.

Signed by Senators Hargrove, Stevens and Zarelli.

**Staff:** Harry Steinmetz (786-7421)

**Background:** Domestic violence frequently occurs in front of the children of the victim or the offender. Although prosecutors use this as an argument in favor of a no contact order or to increase the punishment, it is not a separate crime.

Presently, the state has two degrees of criminal mistreatment. First degree, where causing great bodily harm to a child or dependent, is a class B felony. Second degree, where placing a child or dependant in a situation that creates a risk of death or great bodily harm or causes substantial bodily harm, is a class C felony.

It has been suggested that witnessing actual violence causes psychological harm to a child.

**Summary of Bill:** Criminal mistreatment in the third degree is created. The crime occurs when a person commits an act of domestic violence within sight or sound of the victim's or offender's minor children. This crime is a misdemeanor.

The perpetrator must complete substance abuse assessment and treatment if under the influence at the time of the act, complete domestic violence treatment, and the court must restrict or forbid contact with the victim for no longer than 90 days.

Criminal mistreatment in the third degree is added to the meaning of "crimes against children or other persons" regarding background checks for persons with access to children or vulnerable persons.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** Currently there is no law on the books dealing with the effects of domestic violence on children. This bill addresses that problem. 4.3 million kids per year witness domestic violence. The correlation between witnessing domestic violence and an anti-social outlook or homelessness is very high.

**Testimony Against:** None.

**Testified:** PRO: Captain James Kelly, Auburn Police Department; Cathy Meyers, Auburn City Attorney, Domestic Violence Advocate.