

HOUSE BILL REPORT

SHB 1181

As Passed Legislature

Title: An act relating to domestic violence perpetrator treatment programs.

Brief Description: Changing provisions relating to penalties and treatment for crimes involving domestic violence.

Sponsors: By House Committee on Criminal Justice & Corrections (Originally sponsored by Representatives Edwards, Romero, Radcliff, Scott, DeBolt, Cooper, Lovick, Hurst, Fisher, Kessler, Dickerson, O'Brien, Cody, Kenney, Ogden, Wood, Santos, Regala, Conway, Lantz, Rockefeller, McIntire and Stensen).

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/2/99, 2/17/99 [DPS].

Floor Activity:

Passed House: 2/26/99, 96-0.

Passed Senate: 4/9/99, 43-2.

Passed Legislature.

Brief Summary of Substitute Bill

- Mandates that domestic violence perpetrator treatment programs approved by the Department of Social and Health Services include education regarding the effects of domestic violence on children if either the perpetrator or the victim has a minor child.
- Clarifies that the batterers' treatment that may be ordered by the court in response to a petition for an order for protection is a domestic violence perpetrator treatment program approved by the Department of Social and Health Services.
- Allows the court to order an offender to participate in a domestic violence perpetrator program as part of the offender's term of community supervision if the offender has been convicted of a crime of domestic violence and the offender or the victim has a minor child.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Staff: Jean Ann Quinn (786-7310).

Background:

Domestic violence laws provide civil and criminal remedies to victims of domestic violence. A person commits a domestic violence crime if the person commits one of several specified crimes against a family or household member. Examples include assault, rape, stalking, malicious mischief, and criminal trespass. In the civil context, a person who is a victim of domestic violence may petition the court for a domestic violence protection order or, in domestic relations actions, for a restraining order.

Civil Protection Orders: In response to a petition for a protection order, the court may order a variety of relief, such as excluding the respondent from the residence the parties share, restraining the respondent from having any contact with the victim of the domestic violence or the victim's children, and ordering the respondent to participate in batterers' treatment.

Domestic Violence Perpetrator Treatment Programs: The Department of Social and Health Services is required to have standards for the approval of domestic violence perpetrator treatment programs that accept perpetrators of domestic violence into treatment to satisfy court orders. Programs must meet certain minimum qualifications to be approved.

Community Supervision: Community supervision means a period of time during which a convicted offender is subject to crime-related prohibitions (which are orders prohibiting conduct that directly relates to the circumstance of the crime for which the offender has been convicted) and other sentence conditions imposed by the court. Crime-related prohibitions do not include orders directing the offender to participate in rehabilitative programs. However, if the offender receives a first-time offender waiver, up to two years of community supervision may be ordered, which can include requirements that the offender undergo available outpatient treatment of up to two years or inpatient treatment not to exceed the standard range of confinement for the offense.

Summary of Bill:

Civil Protection Orders: When the court orders a respondent to participate in batterers' treatment in response to a petition for a protection order, it is clarified that this means a domestic violence perpetrator treatment program that has been approved by the Department of Social and Health Services.

Domestic Violence Perpetrator Treatment Programs: The department's standards for approval of domestic violence perpetrator treatment programs must include a requirement that, if the perpetrator or the victim has a minor child, treatment will include education regarding the effects of domestic violence on children.

Community Supervision: If either the offender or the victim of the domestic violence crime has a minor child, the court may order the offender to participate in an approved domestic violence perpetrator treatment program as part of any term of community supervision.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: (Original bill) The bill provides important support for the forgotten victims of domestic violence « the children. Domestic violence perpetrator treatment programs must educate offenders regarding all of the effects domestic violence has on children, including its emotional impacts and the long-term consequences, and it must teach parenting skills.

(In support with concerns) Domestic violence treatment programs should include education regarding the effects on children for everyone, not just those with children. All offenders would benefit from this type of education. The language of the bill that implies that someone other than the perpetrator is responsible for the violence is misleading and should be changed.

Testimony Against: (Original bill) People can be ordered into domestic violence perpetrator treatment programs without ever having been convicted of a crime. The programs are burdensome and expensive, and it is uncertain if they are actually effective in reducing recidivism. There is very little oversight of the programs, and they have become "cash cows" for the agencies that run them. Finally, the bill places total blame for the violence on one party, but since there are generally two people involved, both should be required to get treatment.

Testified: (In support) Representative Edwards (prime sponsor).

(In support with concerns) Mary Pontarolo, Washington State Coalition Against Domestic Violence; and Deborah Roberts, Jade Counseling Center.

(Opposed) Lisa Scott, Attorney.