

HOUSE BILL ANALYSIS

HB 2339

Brief Description: Ranking the penalty for foreign protection order violations.

Sponsors: Representatives O'Brien and Ballasiotes

Hearing: January 18, 2000

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

Staff: Jean Ann Quinn (786-7310)

BACKGROUND:

Foreign Protection Orders: In 1999, the Legislature created a statutory procedure for the filing and enforcement of foreign protection orders « i.e., orders related to domestic or family violence, harassment, sexual abuse, or stalking issued by a court of another state, a United States territory or possession, a U.S. military tribunal, or a tribal court. As with a violation of an order issued by a court of this state, a violation of a foreign protection order is generally a gross misdemeanor, but becomes a class C felony in the following three circumstances: (1) the violation is an assault that does not amount to assault in the first- or second-degree; (2) the violation involved conduct that is reckless and creates a substantial risk of death or serious physical injury to another person; or (3) the offender has at least two prior convictions for violating the provisions of a no-contact order, a domestic violence protection order, or a comparable federal or out-of-state order.

This felony was not "ranked" (assigned a seriousness level) for the purposes of the Sentencing Reform Act. It is the seriousness level of the crime that, when combined with the offender score, generally determines the sentence the offender will receive. The maximum term of confinement for an "unranked" felony is 12 months, unless the court finds that there are substantial and compelling reasons for imposing an exceptional sentence.

In 1999, the Legislature ranked a number of felony offenses that were previously unranked, including felony violations of domestic violence no-contact and protection orders issued by Washington courts.

Crimes Against Persons: Crimes are categorized as "crimes against persons," "crimes against property/other crimes," and "unclassified" for prosecution standards purposes. Beginning with crimes committed after July 1, 2000, crimes against persons require a mandatory term of community custody. Felony violations of domestic violence no-contact and protection orders issued by Washington courts are considered crimes against persons.

SUMMARY OF BILL:

Foreign Protection Orders: Felony violations of foreign protection orders are ranked seriousness level V for the purposes of the Sentencing Reform Act. A level V crime has a presumptive sentence range of 6-12 months for an offender with no prior criminal history.

Crimes Against Persons: Felony violations of foreign protection orders are categorized as crimes against persons.

FISCAL NOTE: Requested on January 12, 2000.

EFFECTIVE DATE: Ninety days after adjournment of session in which bill is passed.