

SENATE BILL REPORT

HB 1849

As Reported By Senate Committee On:
Judiciary, April 2, 1999

Title: An act relating to imposing an exceptional sentence.

Brief Description: Expanding aggravating circumstances when a court may impose an exceptional sentence.

Sponsors: Representatives Kagi, Carrell, Tokuda, Boldt, Lovick, Barlean, McIntire, Edwards, Kenney and Schual-Berke.

Brief History: Passed House 3/9/99, 92-0.

Committee Activity: Judiciary: 4/2/99 [DPA].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended.

Signed by Senators Costa, Goings, Hargrove, Haugen, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Staff: Harry Steinmetz (786-7421)

Background: Under the Sentencing Reform Act (SRA), "presumptive" sentence ranges are statutorily prescribed when sentencing a defendant who is convicted of a felony. The seriousness level of the crime and the offender score determines the standard range. This standard range is presumed to be appropriate for the felony case.

The law provides, however, that in exceptional cases a court has the discretion to depart from the standard range and may impose an exceptional sentence below or above the presumptive range if there are sufficient "mitigating" or "aggravating" factors. The SRA provides a list of "illustrative" mitigating and aggravating factors as examples of the kinds of factors a court may use to justify an "exceptional" sentence outside the presumptive range. When imposing an exceptional sentence, the judge must issue a written statement including findings of fact and conclusions of law justifying the exceptional sentence.

Summary of Amended Bill: The list of "illustrative" aggravating factors in the Sentencing Reform Act is expanded to include an offender who knew the victim was a youth who was not residing with a legal custodian (a runaway), was particularly vulnerable to a relationship with the offender, and the offender established or promoted the relationship for the primary purposes of victimization. This new illustrative aggravating circumstance is an example of a kind of factor a court may use to justify an exceptional sentence outside the presumptive range.

Amended Bill Compared to Original Bill: The amendatory language of the bill is put into a separate subsection. This is a structural change that does not effect the intent of the bill.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Street kids are being taken advantage of by adults. This includes grooming by sexual predators to turning kids into prostitutes or drug dealers. Some adults are making their living on the back of these kids. It is wrong and this bill will allow the court to take that kind of victimization into consideration when sentencing the offender.

Testimony Against: None.

Testified: PRO: Seth Dawson, Common Ground for Children; Jim Theofelis.