

SENATE BILL REPORT

HB 2339

As Reported By Senate Committee On:
Judiciary, February 18, 2000

Title: An act relating to violation of foreign protection orders.

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

Sponsors: Representatives O'Brien, Ballasiotes and Hurst; by request of Sentencing Guidelines Commission.

Brief History:

Committee Activity: Judiciary: 2/16/2000, 2/18/2000 [DP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Hargrove, Johnson, Long, McCaslin and Thibaudeau.

Staff: Lidia Mori (786-7755)

Background: 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 (misdemeanors) 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 level domestic violence offense 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 are categorized for prosecution purposes as crimes against persons, crimes against property/other crimes, and unclassified. 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: 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 six-12 months for an offender with no prior criminal history.

Felony violations of foreign protection orders are categorized as crimes against persons.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on July 1, 2000.

Testimony For: This bill brings foreign domestic violence orders in line with changes that were made by the Legislature last year.

Testimony Against: None.

Testified: PRO: Representative O'Brien, prime sponsor; Brian Gaines, King County Superior Court.