

***Criminal Justice & Corrections
Committee***

HB 1663

Brief Description: *Authorizing an exceptional sentence when a crime is motivated by hate.*

Sponsors: *Representatives McDermott, O'Brien, Darneille, Ruderman, Murray, Schual-Berke, Romero, Conway, Poulsen and Santos; by request of Governor Locke.*

Brief Summary of Bill

- *Adds hate crimes to the illustrative list a court may consider when imposing an exceptional sentence.*

Hearing Date: *2/16/01*

Staff: *Matthew Zuchetto (786-7291).*

Background:

When a person is convicted of a felony, the person is sentenced to a standard sentence based on the person's prior convictions and the seriousness of the offense. The sentencing grid matches the seriousness level of the crime with the person's prior convictions to determine what sentence the person will receive.

The court is required to give a sentence within the range prescribed by the sentencing grid. However, the law provides that in exceptional cases, the court has the discretion to depart from the standard range and may impose an exceptional sentence. To impose an exceptional sentence, generally, the court must find there are substantial and compelling reasons. Further, the court is required to set forth the reasons in writing.

The law sets forth a number of illustrative factors the court may consider when imposing an exceptional sentence. The list of illustrative factors is neither binding on the court nor exclusive. The illustrative list includes both mitigating circumstances, supporting a lesser sentence, and aggravating factors, supporting a greater sentence.

For example, some aggravating factors listed for the court to consider include whether the defendant's conduct evinced deliberate cruelty to the victim, whether there was a finding of sexual motivation on the part of the defendant, or whether there is an ongoing pattern of multiple incidents of abuse of a victim.

Summary of Bill:

Hate crimes are added to the illustrative list of aggravating factors a court may consider in imposing an exceptional sentence. Specifically, a court may consider imposing a sentence above the standard range when the court finds the defendant's motivation for committing the crime was the defendant's perception of the victim's race, color, religion, ancestry, national origin, gender, sexual orientation, or mental, physical, or sensory handicap.

Appropriation: *None.*

Fiscal Note: *Not Requested.*

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