

SENATE BILL REPORT

SB 5402

As of January 25, 2002

Title: An act relating to sentencing of hate crimes.

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

Sponsors: Senators Kline, Franklin, Fairley, McAuliffe, Kohl-Welles, Shin, Regala, Costa, Carlson and Gardner; by request of Governor Locke.

Brief History:

Committee Activity: Judiciary: 2/5/01; 1/31/02.

SENATE COMMITTEE ON JUDICIARY

Staff: Aldo Melchiori (786-7439)

Background: Malicious harassment is committed when a person causes physical injury, damage to property, or a reasonable fear of harm to persons or property because of the person's perception of the victim's race, color, religion, ancestry, national origin, gender, sexual orientation, or mental, physical, or sensory handicap. Malicious harassment is a class C felony ranked at level IV on the sentencing grid (3-9 months for a first offense).

An offender committing any ranked offense may not appeal the sentence if it is within the standard range for that offense. A court may impose a sentence outside the standard range, however, if it finds substantial and compelling reasons justifying the exceptional sentence. Examples of mitigating and aggravating circumstances justifying an exceptional sentence are provided by statute. Sentences outside the standard range may be appealed.

Summary of Bill: In determining whether an exceptional sentence is appropriate, the court may consider whether the offender committed the offense because of the person'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.