

FINAL BILL REPORT

SHB 1188

C 166 L 11
Synopsis as Enacted

Brief Description: Concerning crimes against persons involving suffocation or domestic violence.

Sponsors: House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Goodman, Kelley, Hurst, Kenney, Moscoso, Warnick, Roberts, Maxwell, Lias, Frockt, Rolfes, Sullivan, Carlyle, Finn, Hudgins, Kagi, Miloscia, Appleton, Ladenburg and Fitzgibbon).

House Committee on Public Safety & Emergency Preparedness
Senate Committee on Judiciary

Background:

A person is guilty of Assault in the second degree if he or she assaults another by strangulation. "Strangulation" means to compress a person's neck, obstructing or intending to obstruct blood flow or the ability to breathe. Assault in the second degree is a class B felony with a seriousness level of IV. If there is a finding of sexual motivation, it is a class A felony.

The definition of "most serious offense" includes Assault in the second degree. A person who has been convicted of three most serious offenses is a persistent offender and may be sentenced to life in prison without the possibility of release.

The standard sentence range for a person convicted of a felony is based on the seriousness level of the offense and the person's offender score. The offender score is determined based on points for prior offenses. Generally only prior felonies are included in the offender score, but where the present conviction is for a felony domestic violence offense, one point is added to the offender score for each prior conviction for a repetitive domestic violence offense. A repetitive domestic violence offense includes non-felony Assault, Harassment, Stalking, and violation of no-contact and protection orders.

A prior conviction "washes out" of an offender's score if the person spends a specified number of years in the community without being convicted of a crime. For example, a class B felony other than a sex offense washes out after 10 years, and a class C felony other than a sex offense washes out after five years.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary:

Assault in the second degree includes assaulting another by suffocation. "Suffocation" means to block or impair the intake of air at the nose and mouth, whether by smothering or other means, with the intent to obstruct the ability to breathe.

A prior conviction for a repetitive domestic violence offense is not included in the offender score if the person has spent 10 consecutive years in the community without being convicted of a crime.

Votes on Final Passage:

House	97	0	
Senate	49	0	(Senate amended)
House	97	0	(House concurred)

Effective: July 22, 2011