

HOUSE BILL REPORT

HB 2548

As Reported by House Committee On:
Public Safety & Emergency Preparedness

Title: An act relating to offenses against members of the military and their families.

Brief Description: Concerning offenses against members of the military and their families.

Sponsors: Representative Kelley.

Brief History:

Committee Activity:

Public Safety & Emergency Preparedness: 1/24/12, 1/31/12 [DP].

Brief Summary of Bill

- Makes it an aggravating circumstance if an offender commits an offense against a member of the military or his or her family and the defendant committed the offense knowing the military member was on deployment.

HOUSE COMMITTEE ON PUBLIC SAFETY & EMERGENCY PREPAREDNESS

Majority Report: Do pass. Signed by 11 members: Representatives Hurst, Chair; Ladenburg, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton, Armstrong, Goodman, Hope, Kirby, Moscoso and Ross.

Staff: Yvonne Walker (786-7841).

Background:

Generally, the standard sentencing range is presumed to be appropriate for the typical felony case. However, the law provides that, in exceptional cases, a court has the discretion to depart from the standard range and may impose an exceptional sentence below the standard range (with a mitigating circumstance) or above the range (with an aggravating circumstance). The Sentencing Reform Act (SRA) provides a list of factors that a court may consider in deciding whether to impose an exceptional sentence outside of the standard range. Some of the aggravating factors provided by the SRA include: behavior that manifested deliberate cruelty to a victim; the vulnerability of a victim; an offense

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intentionally committed against a person perceived to be homeless; sexual motivation on the part of the defendant; and an ongoing pattern of multiple incidents of abuse to a victim.

In the case of an aggravating circumstance, where there is an exceptional sentence imposed above the standard sentence range, the prosecutor must provide notice that he or she is seeking a sentence above the standard range. The prosecutor must then prove the aggravating circumstances justifying such a sentence to a jury beyond a reasonable doubt.

Military "deployment" means the temporary transfer of a service member serving in an active-duty status to another location in support of a military operation, to include any tour of duty classified by the member's branch of the armed forces as remote or unaccompanied.

Summary of Bill:

A new aggravating circumstance is added to the list of circumstances that may lead to an exceptional sentence above the standard sentencing range. A court may impose an exceptional sentence above the range if: (1) the offense was committed against an active or reserve member of the United States military or naval forces or his or her immediate family, or a National Guard member or his or her immediate family; and (2) the defendant committed the current offense knowing the military member was on deployment. This aggravating circumstance must be found by a jury beyond a reasonable doubt before the exceptional sentence can be imposed.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) There have been several military members that have been deployed. As soon as they were sent overseas someone broke into their homes. This bill gives us one more tool to go after these offenders and to protect our service members.

(Opposed) None.

Persons Testifying: Representative Kelley, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.