

FINAL BILL REPORT

SB 5011

C 87 L11
Synopsis as Enacted

Brief Description: Concerning the victimization of homeless persons.

Sponsors: Senators White, Kohl-Welles, Murray, Chase, Nelson and McAuliffe.

Senate Committee on Judiciary

House Committee on Public Safety & Emergency Preparedness

Background: Under the Sentencing Reform Act, a standard sentence range is established by comparing the seriousness level of an offense to an offender score derived from the offender's criminal history and convictions for other current offenses. A sentence which is outside the standard sentence range is referred to as an exceptional sentence. A court may impose an exceptional sentence above the standard sentence range if:

- the state gives notice of its intention to rely on one or more of 28 statutory aggravating factors;
- a jury determines that the existence of one or more aggravating factors have been proven beyond a reasonable doubt; and,
- the court finds that substantial and compelling reasons justify an exceptional sentence.

Summary: A new statutory aggravating circumstance is created which would permit the court to impose an exceptional sentence above the standard sentence range if the offense was intentionally committed because the defendant perceived the victim to be homeless. This aggravating circumstance must be submitted to a jury and proven beyond a reasonable doubt.

"Homeless" is defined as a condition where an individual lacks a fixed, regular, and adequate nighttime residence and who has a primary nighttime residence that is a supervised, publicly or privately operated shelter designed to provide temporary living accommodations; a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; or, a private residence where the individual stays as a transient invitee.

Votes on Final Passage:

Senate	49	0
House	92	1

Effective: July 22, 2011.

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.