

HOUSE BILL REPORT

HB 2194

As Reported by House Committee On:
Public Safety

Title: An act relating to domestic violence against a child.

Brief Description: Concerning the offender score for domestic violence against a child.

Sponsors: Representative Goodman.

Brief History:

Committee Activity:

Public Safety: 1/22/14, 1/24/14 [DP].

Brief Summary of Bill

- Counts two points for each prior conviction of Assault of a Child or Criminal Mistreatment for the purpose of calculating an offender score when the offenses involve domestic violence.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: Do pass. Signed by 11 members: Representatives Goodman, Chair; Roberts, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton, Holy, Hope, Moscoso, Pettigrew, Ross and Takko.

Staff: Jenna Zwang (786-7290) and Sarah Koster (786-7303).

Background:

The sentence imposed in a particular case will depend on both the seriousness level of the offense for which the defendant was convicted and the defendant's offender score. Crimes included within each seriousness level are listed in RCW 9.94A.515.

The offender score may vary from zero to nine plus points depending on five factors: (1) the number of prior criminal convictions or juvenile dispositions; (2) the relationship between any prior offense(s) and the current offense of conviction; (3) the presence of other current

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convictions; (4) the offender's community custody status at the time the crime was committed; and (5) the length of the offender's crime-free behavior between offenses.

The following felony offenses currently count double, or two points, towards an offender score, when domestic violence was involved in the commission of the offense:

- Felony Domestic Violence Harassment;
- Felony Domestic Violence Stalking;
- Burglary 1;
- Kidnapping 1;
- Kidnapping 2;
- Unlawful Imprisonment;
- Robbery 1;
- Robbery 2;
- Assault 1;
- Assault 2;
- Assault 3;
- Arson 1; and
- Arson 2.

Domestic Violence is defined to mean: (a) physical harm, bodily injury, assault or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members; (b) sexual assault of one family or household member by another; or (c) stalking of one family or household member by another family or household member.

Assault of a Child in the first degree is a class A felony with a seriousness level of XII.

Assault of a Child in the second degree is a class B felony with a seriousness level of IX.

Assault of a Child in the third degree is a class C felony, with a seriousness level of III.

Criminal Mistreatment in the first degree is a class B felony, with a seriousness level of X.

Criminal Mistreatment in the second degree is a class C felony, with a seriousness level of V.

Summary of Bill:

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- Felony Domestic Violence Harassment;
- Felony Domestic Violence Stalking;
- Burglary 1;
- Kidnapping 1;
- Kidnapping 2;
- Unlawful Imprisonment;
- Robbery 1;
- Robbery 2;

- Assault 1;
 - Assault 2;
 - Assault 3;
 - Arson 1;
 - Arson 2;
 - Assault of a Child 1;
 - Assault of a Child 2;
 - Assault of a Child 3;
 - Criminal Mistreatment 1; and
 - Criminal Mistreatment 2.
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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) This bill was brought forward to equalize the penalty for assaulting a child to that of assaulting an adult. Currently, if an adult is assaulted, the offender gets a score that contributes towards longer imprisonment. However, the same is not currently the case when a child is assaulted. This is a common sense measure that we should hold people accountable for assaulting a child in the same manner that we hold adults accountable.

(Opposed) None.

Persons Testifying: Representative Goodman, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.