
Public Safety Committee

HB 1380

Brief Description: Providing an aggravating circumstance for assault against a utility worker.

Sponsors: Representatives Pellicciotti, Goodman, Pettigrew, Chapman, Ormsby, Reeves and Macri.

Brief Summary of Bill

- Expands the list of aggravating circumstances that may support imposition of an exceptional sentence above the standard sentencing range to include assault of a utility worker who is engaged in official duties.

Hearing Date: 1/29/19

Staff: Alaura Valley (786-7291). Omeara Harrington (786-7136).

Background:

The Sentencing Reform Act (SRA) is used to determine the sentence for a person who has been convicted of a felony. The SRA assigns a determinate sentence range, taking into account the seriousness level of the offense and the offender score. The seriousness level is a statutory severity designation of the offense. The offender score is calculated based on the convicted person's criminal history.

In a typical felony case, the standard sentence range is presumed to be appropriate. However, if there are substantial and compelling reasons to justify an exceptional sentence, the SRA provides that the court may impose a determinate sentence outside the standard sentence range. An exceptional sentence may be below the standard range if there are mitigating circumstances. The sentence may be above the standard range if there are aggravating circumstances.

The SRA provides an exclusive list of aggravating circumstances that may support an exceptional sentence above the standard range. Generally, the facts supporting an aggravating circumstance must be proven to a jury beyond a reasonable doubt.

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 of Bill:

The statutory list of aggravating circumstances is expanded. It is an aggravating circumstance that the current offense involved an assault of a utility employee of any publicly or privately owned utility company or agency, who was engaged in official duties at the time of the act. Official duties include the maintenance or repair of utility poles, lines, conduits, pipes, or other infrastructure, and connecting, disconnecting, or recording utility meters.

Appropriation: None.

Fiscal Note: Requested on January 23, 2019.

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