

HOUSE BILL REPORT

HB 1380

As Passed House:
March 1, 2019

Title: An act relating to providing an aggravating circumstance for assault against a utility worker.

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

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

Brief History:

Committee Activity:

Public Safety: 1/29/19, 2/7/19 [DP].

Floor Activity:

Passed House: 3/1/19, 95-0.

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.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: Do pass. Signed by 9 members: Representatives Goodman, Chair; Klippert, Ranking Minority Member; Sutherland, Assistant Ranking Minority Member; Graham, Griffey, Lovick, Orwall, Pellicciotti and Pettigrew.

Minority Report: Without recommendation. Signed by 2 members: Representatives Davis, Vice Chair; Appleton.

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

Background:

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.

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.

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: 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) Utility workers are often outside in hazardous conditions. The dangerous nature of the work is heightened by weather, terrain, uncontrolled pets, and angry or violent people. Utility workers are often working through the night and stormy weather to provide the everyday luxuries everyone enjoys. Utility lines do not always follow roads, and utility workers regularly must enter private property to do repairs. Utility workers are often met with hostility and violence when repairing utility lines, but also in other aspects of their profession such as shutting off power to individuals who have not paid.

(Opposed) The goal is for utility workers to feel safe. There is need for a public awareness campaign to help individuals understand why utility workers need access to private property. This bill is not the way to incentivize public safety for utility workers. This bill would only result in higher sentences and increase the already high incarceration rates.

Persons Testifying: (In support) Representative Pellicciotti, prime sponsor; Sean Bagsby and Rick Luiten, International Brotherhood of Electrical Workers, Local 77; and Damian Hernandez, Lewis County Public Utility District and International Brotherhood of Electrical Workers, Local 77.

(Opposed) Alex Hur, Washington Defender Association and Washington Association of Criminal Defense Lawyers.

Persons Signed In To Testify But Not Testifying: None.