
Public Safety Committee

HB 1637

Brief Description: Allowing a court to mitigate a criminal sentence when the defendant was experiencing mental illness at the time of the offense.

Sponsors: Representatives Simmons, Taylor, Ryu, Bateman, Davis, Macri, Peterson, Pollet, Ormsby, Harris-Talley and Frame; by request of Administrative Office of the Courts.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Allows a court to mitigate a criminal sentence when the defendant's behavior was impacted by a mental health condition at the time of the offense.
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Hearing Date: 1/21/22

Staff: Omeara Harrington (786-7136).

Background:

When a person is convicted of a felony, the Sentencing Reform Act (SRA) applies and determines a specific sentence range within the statutory maximum. Sentence ranges are calculated using both a statutory severity designation for the offense, or its "seriousness level," and the convicted person's "offender score," which is based on the person's criminal history.

In a typical felony case, the standard sentence range is presumed to be appropriate. However, the SRA provides that the court may impose a determinate sentence outside the standard sentence range for an offense if it finds that there are substantial and compelling reasons justifying an exceptional sentence. An exceptional sentence may either be above the standard range (with an aggravating circumstance) or below the standard range (with a mitigating circumstance). While aggravating circumstances must be proven before a jury, a

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judge retains the discretion to adjust a sentence downward based on mitigating circumstances. The SRA provides a non-exhaustive list of mitigating circumstances upon which an exceptional sentence may be based.

Summary of Bill:

A new statutory mitigating circumstance is created, allowing a judge to impose an exceptional sentence below the standard range when the defendant's behavior was impacted by a mental health condition at the time of the offense.

Appropriation: None.

Fiscal Note: Available.

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