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## Public Safety Committee

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### SB 5612

**Brief Description:** Ensuring domestic violence victims and survivors of victims have the opportunity to make a statement during sentencing for all domestic violence convictions.

**Sponsors:** Senators Wilson, L., Warnick, Braun, Brown, Dhingra, Keiser, Lovick, Mullet, Rolfes, Short, Wagoner and Wilson, J..

Brief Summary of Bill
<ul style="list-style-type: none"><li>Establishes the right of a victim to present a statement at a sentencing hearing for any domestic violence conviction, regardless of the classification of the underlying offense.</li></ul>



**Hearing Date:** 2/17/22

**Staff:** Kelly Leonard (786-7147).

**Background:**

*Victims' Rights.* The Washington Constitution grants crime victims basic and fundamental rights, and additional rights are enumerated in statute. A reasonable effort must be made to ensure that victims and survivors of victims have various rights in criminal court and juvenile court proceedings. Examples of statutory rights include the following:

- the right to be physically present in court during trial, or if subpoenaed to testify, to be scheduled as early as practical in the proceedings in order to be physically present during trial after testifying and not to be excluded solely because they have testified;
- the right to be informed by the prosecuting attorney of the date, time, and place of the trial and of the sentencing hearing for a felony conviction;
- the right to submit a victim impact statement or report to the court, with the assistance of the prosecuting attorney if requested, which must be included in all pre-sentence reports

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and permanently included in the files and records accompanying the offender committed to the custody of a state agency or institution; and

- the right to present a statement, personally or by representation, at a sentencing hearing for a felony conviction.

*Domestic Violence.* Domestic violence refers to a crime committed by one family or household member against another or by one intimate partner against another. A crime is considered domestic violence if the prosecutor pleads and proves the facts of the underlying crime and the applicable family, household, or intimate partner relationship during the criminal proceedings. A domestic violence crime could be any classification, including felony, gross misdemeanor, or misdemeanor. Depending on the circumstances, state law may afford additional protections for the victim and impose additional requirements and restrictions upon the defendant in a domestic violence case.

**Summary of Bill:**

The statutory right for a victim or survivor of a victim to present a statement, personally or by representation, at a sentencing hearing for a felony conviction is expanded as it relates to domestic violence. A victim has the right to present a statement at a sentencing hearing for any domestic violence conviction. This applies regardless of the classification of the offense.

**Appropriation:** None.

**Fiscal Note:** Requested on February 15, 2022.

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