

HOUSE BILL REPORT

SB 5612

As Reported by House Committee On:
Public Safety

Title: An act relating to ensuring domestic violence victims and survivors of victims have the opportunity to make a statement during sentencing for all domestic violence convictions.

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 History:

Committee Activity:

Public Safety: 2/17/22, 2/22/22 [DPA].

Brief Summary of Bill
(As Amended By Committee)

- Extends certain statutory rights afforded to victims in felony cases to victims of misdemeanor domestic violence cases, including the right to receive notices as to the date, time, and place of the trial and sentencing hearing and the right to provide a statement at the sentencing hearing.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: Do pass as amended. Signed by 13 members: Representatives Goodman, Chair; Johnson, J., Vice Chair; Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Davis, Graham, Griffey, Hackney, Orwall, Ramos, Simmons, Thai and Young.

Staff: Kelly Leonard (786-7147).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

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. Among other statutory rights, in any felony case, a victim or survivor of victim has:

- the right to be informed by the prosecuting attorney of the date, time, and place of the trial and the sentencing hearing, upon the request of the victim or survivor; and
- the right to present a statement, personally or by representation, at a sentencing hearing.

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 Amended Bill:

The statutory rights afforded to victims and survivors of victims in felony cases are extended to misdemeanor domestic violence cases. A victim or survivor of a victim in any domestic case, regardless of the classification of the offense, has:

- the right to be informed by the prosecuting attorney of the date, time, and place of the trial and sentencing hearing, upon the request of the victim or survivor; and
- the right to present a statement, personally or by representation, at the sentencing hearing.

Amended Bill Compared to Original Bill:

The amended bill adds a provision requiring the prosecuting attorney to notify victims and survivors of victims in any domestic violence case of the date, time, and place of the trial and of the sentencing hearing, upon request by a victim or survivor. The provision regarding the right to provide statements at sentencing hearings is reorganized by providing that it applies to "any felony case or any case involving domestic violence" (rather than "felony convictions and convictions involving domestic violence").

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: 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 builds upon the important changes in the Tiffany Hill Act. Current law does not afford victims of domestic violence the right to make a statement at sentencing unless the offense was charged as a felony. This bill would expand this right to include all domestic violence cases, regardless if it is felony or misdemeanor. This is important because many domestic violence cases are charged as misdemeanors, even though the underlying conduct constitutes felony level violence. Domestic violence victims should be able to confront their abusers at sentencing. Their perspectives and experiences may have a bearing on sentencing outcomes. This is also an important part of the healing process.

The bill should be amended to adjust related requirements for notifying victims of the date and time of sentencing. Victims need notice of the sentencing hearing in order to be able to exercise their right to provide a statement.

(Opposed) None.

Persons Testifying: Senator Lynda Wilson, prime sponsor; Rene Sundby; Melissa Johnson, District and Municipal Court Judges Association; and Lauren Boyd.

Persons Signed In To Testify But Not Testifying: None.