

HOUSE BILL REPORT

HB 1160

As Reported by House Committee On:
Community Safety, Justice, & Reentry

Title: An act relating to establishing an aggravating circumstance for the mutilation or dismemberment of a human body.

Brief Description: Concerning an aggravating circumstance for the mutilation or dismemberment of a human body.

Sponsors: Representatives Graham, Jacobsen, Walsh and Schmidt.

Brief History:

Committee Activity:

Community Safety, Justice, & Reentry: 1/16/23, 1/26/23 [DPS].

Brief Summary of Substitute Bill

- Makes intentional mutilation or dismemberment an aggravating circumstance for purposes of felony sentencing.

HOUSE COMMITTEE ON COMMUNITY SAFETY, JUSTICE, & REENTRY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Goodman, Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis, Farivar, Fosse, Graham and Ramos.

Staff: Jim Morishima (786-7191).

Background:

Generally, a person convicted of a felony is sentenced within a standard range determined by the person's criminal history and the seriousness level of the crime. The person may be

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sentenced above the standard range, up to the statutory maximum for the crime, if "aggravating circumstances" are proven beyond reasonable doubt to a jury (or to the judge if a jury is waived). Examples of aggravating circumstances include when the defendant acted with deliberate cruelty to the victim, the victim was vulnerable or incapable of resistance, or the defendant exhibited an egregious lack of remorse.

Summary of Substitute Bill:

It is an aggravating circumstance when, during the commission of the current offense, the defendant intentionally mutilated or dismembered a human body.

Substitute Bill Compared to Original Bill:

The substitute bill requires the the mutilation or dismemberment be intentional in order to constitute an aggravating circumstance.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute 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 is about justice for the families of murder victims. When a person goes missing, it is horrible for the family. Every time the phone rings or someone similar to the victim is seen, the world stops for the family. The behavior covered in this bill is premeditated and deliberately cruel. It sometimes makes even a proper burial of the victim impossible. This behavior should not be tolerated and is something the state can do something about.

(Opposed) Sentencing enhancements and aggravators contribute to the state's mass incarceration problem. If harsher penalties deter crime, then the penalties for murder would be enough. Crime has not decreased. Aggravators contribute to an unjust system. The threat of a long sentence gives prosecutors leverage, which deters people from going to trial, even if they are innocent. This bill needs an intent element. Otherwise, someone who is unaware could be subject to this aggravator, including in situations like automobile accidents.

Persons Testifying: (In support) Representative Jenny Graham, prime sponsor.

(Opposed) Jason Schwarz, Washington Defender Association.

Persons Signed In To Testify But Not Testifying: None.