
**Community Safety, Justice, & Reentry
Committee**

HB 2048

Brief Description: Concerning supervision of domestic violence in criminal sentencing.

Sponsors: Representatives Mosbrucker, Goodman, Graham, Doglio and Davis.

Brief Summary of Bill

- Removes the requirement under the Sentencing Reform Act (SRA) that domestic violence was "pleaded and proven" in specified instances.

Hearing Date: 1/11/24

Staff: Michelle Rusk (786-7153).

Background:

The Sentencing Reform Act and Domestic Violence Offenses.

The Sentencing Reform Act (SRA) provides the framework for sentencing of persons convicted of felony offenses. A crime of domestic violence is defined by statute to mean certain crimes when committed by one family or household member, or intimate partner, against another. The SRA further defines domestic violence as physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault, sexual assault, or stalking, of one intimate partner or family or household member by another.

Pleaded and Proven.

Several provisions of the SRA relating to domestic violence include a requirement that domestic violence was "pleaded and proven," including provisions related to: (1) supervision of people convicted of certain offenses; (2) the calculation of offender scores for determining standard sentencing ranges; (3) eligibility for sentencing alternatives; (4) required risk assessments; and

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.

(5) the definition of "recidivist offenses."

Supervision. The Department of Corrections (DOC) must supervise certain individuals who are sentenced to probation in superior court for specified offenses. Specifically, the DOC must supervise individuals who have:

- a current conviction for a repetitive domestic violence offense where domestic violence has been pleaded and proven after August 1, 2011; and
- a prior conviction for a repetitive domestic violence offense or domestic violence felony offense where domestic violence has been pleaded and proven after August 1, 2011.

The DOC must also supervise an individual sentenced to community custody, regardless of their risk classification, if the individual has a current conviction for:

- a domestic violence felony offense where domestic violence has been pleaded and proven after August 1, 2011, and a prior conviction for a repetitive domestic violence offense or domestic violence felony offense where domestic violence was pleaded and proven after August 1, 2011;
- a domestic violence felony offense where domestic violence has been pleaded and proven.

Offender Score. When an individual's present conviction is for a felony domestic violence offense where domestic violence was pleaded and proven, in addition to calculation of points for other prior offenses, points are also assigned as follows:

- two points for each adult prior conviction where domestic violence was pleaded and proven after August 1, 2011, for specified offenses including, for example, a felony violation of a no-contact or protection order;
- two points for each adult prior conviction where domestic violence was pleaded and proven after July 23, 2017, for specified offenses; and
- one point for each adult prior conviction for a repetitive domestic violence offense where domestic violence was pleaded and proven after August 1, 2011.

Sentencing Hearing Procedure. Under the SRA, and unless specifically waived by the court, the court shall order the DOC to complete a presentence investigation before imposing a drug offender sentencing alternative (DOSA) upon a defendant who has been convicted of a felony offense where domestic violence has been pleaded and proven.

Risk Assessment. In 2019, the Washington State University (WSU) criminal justice department was directed to develop a tool to be used in conjunction with the Washington one risk assessment that would predict whether an individual will commit domestic violence in the future. By July 1, 2021, the DOC must use the domestic violence assessment tool when conducting a Washington one risk assessment for an individual with a current conviction where domestic violence was pleaded and proven.

Recidivist Offense. The SRA defines "recidivist offense" as a felony offense where a prior conviction of the same offense or other specified offense is an element of the crime, including but not limited to Assault in the fourth degree where domestic violence is pleaded and proven.

Summary of Bill:

Pleaded and Proven Standard Removed.

The requirement under the SRA that domestic violence was "pleaded and proven" is eliminated for purposes of: (1) supervision of people convicted of certain offenses; (2) the calculation of offender scores for determining standard sentencing ranges; (3) eligibility for sentencing alternatives; (4) required risk assessments; and (5) the definition of "recidivist offenses."

Appropriation: None.

Fiscal Note: Requested on January 3, 2024.

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