

# SENATE BILL REPORT

## SHB 2048

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As of February 12, 2024

**Title:** An act relating to supervision of domestic violence in criminal sentencing.

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

**Sponsors:** House Committee on Community Safety, Justice, & Reentry (originally sponsored by Representatives Mosbrucker, Goodman, Graham, Doglio and Davis).

**Brief History:** Passed House: 2/6/24, 97-0.

**Committee Activity:** Law & Justice: 2/15/24.

### Brief Summary of Bill

- Removes the requirement that domestic violence was pleaded and proven in provisions relating to supervision of individuals convicted of specified domestic violence offenses.
- Requires the Department of Corrections to conduct an audit of its supervisory obligations for specified domestic violence offenses.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Staff:** Ryan Giannini (786-7285)

**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 member, 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.

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*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.*

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 supervision of people convicted of certain domestic violence offenses.

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

DOC must also supervise an individual sentenced to community custody 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; or
- a domestic violence felony offense where domestic violence has been 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 in provisions relating to supervision of individuals convicted of certain domestic violence offenses.

Audit. DOC must conduct an audit and report on its supervisory obligations with respect to specified domestic violence offenses. The audit must identify: (1) the number of individuals for whom a Washington court ordered supervision by DOC for specified offenses, (2) the number of individuals within the number identified for whom supervision was ordered but did not or has not occurred, and (3) the reason or reasons why DOC did not undertake supervision if the numbers identified are not the same.

The audit and report must cover the time period between July 1, 2022, and June 30, 2024, and must be reported to the appropriate committees of the Legislature by December 1, 2024.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.