

SENATE BILL REPORT

SB 5133

As of January 10, 2025

Title: An act relating to departures from the guidelines for caregiver status.

Brief Description: Concerning departures from the guidelines for caregiver status.

Sponsors: Senators Wilson, C. and Trudeau; by request of Administrative Office of the Courts.

Brief History:

Committee Activity: Law & Justice: 1/16/25.

Brief Summary of Bill

- Adds a mitigating circumstance upon which a court may rely upon in departing from the standard felony sentencing range related to the defendant's status as a parent or caregiver.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Joe McKittrick (786-7287)

Background: The Sentencing Reform Act (SRA) is used to determine sentences for persons convicted of felony crimes. The SRA assigns a determinate sentence range, taking into consideration the seriousness level of the offense and the particular defendant's offender score. The seriousness level is a statutory severity designation of the offense. The offender score is calculated based on the convicted person's criminal history.

While typically the standard sentence range calculated under the SRA is presumed to be appropriate, the SRA permits the court to impose a determinate sentence outside the standard range if there are substantial and compelling reasons to do so. An exceptional sentence may be below the standard range if there are mitigating circumstances and may be above the standard range if there are aggravating circumstances.

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.

To impose an exceptional sentence below the standard range, the court must find that the mitigating circumstances are established by a preponderance of the evidence. The SRA provides a nonexhaustive list of circumstances which a court may rely upon in imposing an exceptional sentence below the standard range.

Summary of Bill: The defendant's status as a primary parent, legal guardian, or custodian with physical custody of a minor child, or status as a primary caregiver for other family members is added to the nonexhaustive list of circumstances upon which the court may rely in imposing an exceptional sentence below the standard range.

Appropriation: None.

Fiscal Note: Not requested.

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

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