

FINAL BILL REPORT

SHB 2048

C 63 L 24
Synopsis as Enacted

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).

House Committee on Community Safety, Justice, & Reentry
Senate Committee on Law & Justice

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.

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, 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,

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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; or
- a domestic violence felony offense where domestic violence has been pleaded and proven.

Summary:

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.

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

Votes on Final Passage:

House	97	0
Senate	48	0

Effective: June 6, 2024