

2 **SB 6462** - H COMM AMD
3 By Committee on Law & Justice

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "**Sec. 1.** RCW 9.94A.390 and 1995 c 316 s 2 are each amended to read
8 as follows:

9 If the sentencing court finds that an exceptional sentence outside
10 the standard range should be imposed in accordance with RCW
11 9.94A.120(2), the sentence is subject to review only as provided for in
12 RCW 9.94A.210(4).

13 The following are illustrative factors which the court may consider
14 in the exercise of its discretion to impose an exceptional sentence.
15 The following are illustrative only and are not intended to be
16 exclusive reasons for exceptional sentences.

17 (1) Mitigating Circumstances

18 (a) To a significant degree, the victim was an initiator, willing
19 participant, aggressor, or provoker of the incident.

20 (b) Before detection, the defendant compensated, or made a good
21 faith effort to compensate, the victim of the criminal conduct for any
22 damage or injury sustained.

23 (c) The defendant committed the crime under duress, coercion,
24 threat, or compulsion insufficient to constitute a complete defense but
25 which significantly affected his or her conduct.

26 (d) The defendant, with no apparent predisposition to do so, was
27 induced by others to participate in the crime.

28 (e) The defendant's capacity to appreciate the wrongfulness of his
29 or her conduct or to conform his or her conduct to the requirements of
30 the law, was significantly impaired (voluntary use of drugs or alcohol
31 is excluded).

32 (f) The offense was principally accomplished by another person and
33 the defendant manifested extreme caution or sincere concern for the
34 safety or well-being of the victim.

1 (g) The operation of the multiple offense policy of RCW 9.94A.400
2 results in a presumptive sentence that is clearly excessive in light of
3 the purpose of this chapter, as expressed in RCW 9.94A.010.

4 (h) The defendant or the defendant's children suffered a continuing
5 pattern of physical or sexual abuse by the victim of the offense and
6 the offense is a response to that abuse.

7 (2) Aggravating Circumstances

8 (a) The defendant's conduct during the commission of the current
9 offense manifested deliberate cruelty to the victim.

10 (b) The defendant knew or should have known that the victim of the
11 current offense was particularly vulnerable or incapable of resistance
12 due to extreme youth, advanced age, disability, or ill health.

13 (c) The current offense was a major economic offense or series of
14 offenses, so identified by a consideration of any of the following
15 factors:

16 (i) The current offense involved multiple victims or multiple
17 incidents per victim;

18 (ii) The current offense involved attempted or actual monetary loss
19 substantially greater than typical for the offense;

20 (iii) The current offense involved a high degree of sophistication
21 or planning or occurred over a lengthy period of time; or

22 (iv) The defendant used his or her position of trust, confidence,
23 or fiduciary responsibility to facilitate the commission of the current
24 offense.

25 (d) The current offense was a major violation of the Uniform
26 Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to
27 trafficking in controlled substances, which was more onerous than the
28 typical offense of its statutory definition: The presence of ANY of
29 the following may identify a current offense as a major VUCSA:

30 (i) The current offense involved at least three separate
31 transactions in which controlled substances were sold, transferred, or
32 possessed with intent to do so;

33 (ii) The current offense involved an attempted or actual sale or
34 transfer of controlled substances in quantities substantially larger
35 than for personal use;

36 (iii) The current offense involved the manufacture of controlled
37 substances for use by other parties;

38 (iv) The circumstances of the current offense reveal the offender
39 to have occupied a high position in the drug distribution hierarchy;

1 (v) The current offense involved a high degree of sophistication or
2 planning or occurred over a lengthy period of time or involved a broad
3 geographic area of disbursement; or

4 (vi) The offender used his or her position or status to facilitate
5 the commission of the current offense, including positions of trust,
6 confidence or fiduciary responsibility (e.g., pharmacist, physician, or
7 other medical professional).

8 (e) The current offense included a finding of sexual motivation
9 pursuant to RCW 9.94A.127.

10 (f) The offense was part of an ongoing pattern of sexual abuse of
11 the same victim under the age of eighteen years manifested by multiple
12 incidents over a prolonged period of time.

13 (g) The current offense involved domestic violence, as defined in
14 RCW 10.99.020 and one or more of the following was present:

15 (i) The offense was part of an ongoing pattern of psychological,
16 physical, or sexual abuse of the victim manifested by multiple
17 incidents over a prolonged period of time;

18 (ii) The offense occurred within sight or sound of the victim's or
19 offender's minor children under the age of eighteen years; or

20 (iii) The offender's conduct during the commission of the current
21 offense manifested deliberate cruelty or intimidation of the victim.

22 (h) The operation of the multiple offense policy of RCW 9.94A.400
23 results in a presumptive sentence that is clearly too lenient in light
24 of the purpose of this chapter, as expressed in RCW 9.94A.010.

25 (~~(h)~~) (i) The defendant's prior unscored misdemeanor or prior
26 unscored foreign criminal history results in a presumptive sentence
27 that is clearly too lenient in light of the purpose of this chapter as
28 expressed in RCW 9.94A.010.

29 NEW SECTION. Sec. 2. A new section is added to chapter 9A.36 RCW
30 to read as follows:

31 (1) A person commits the crime of interfering with the reporting of
32 domestic violence if the person:

33 (a) Commits a crime of domestic violence, as defined in RCW
34 10.99.020; and

35 (b) Prevents or attempts to prevent the victim of or witness to the
36 domestic violence crime committed under this subsection (1) from
37 calling a 911 emergency communication system, obtaining medical
38 assistance, or making a report to any law enforcement official.

1 (2) Commission of a crime of domestic violence under subsection (1)
2 of this section is a necessary element of the crime of interfering with
3 the reporting of domestic violence. The state must prove, either in
4 the criminal proceeding in which the person is charged with the crime
5 of interfering with the reporting of a crime of domestic violence or in
6 a previous criminal proceeding, that the defendant committed a crime of
7 domestic violence as provided in subsection (1) of this section.

8 (3) Interference with the reporting of domestic violence is a gross
9 misdemeanor.

10 **Sec. 3.** RCW 10.99.020 and 1995 c 246 s 21 are each amended to read
11 as follows:

12 Unless the context clearly requires otherwise, the definitions in
13 this section apply throughout this chapter.

14 (1) "Family or household members" means spouses, former spouses,
15 persons who have a child in common regardless of whether they have been
16 married or have lived together at any time, adult persons related by
17 blood or marriage, adult persons who are presently residing together or
18 who have resided together in the past, persons sixteen years of age or
19 older who are presently residing together or who have resided together
20 in the past and who have or have had a dating relationship, persons
21 sixteen years of age or older with whom a respondent sixteen years of
22 age or older has or has had a dating relationship, and persons who have
23 a biological or legal parent-child relationship, including stepparents
24 and stepchildren and grandparents and grandchildren.

25 (2) "Dating relationship" has the same meaning as in RCW 26.50.010.

26 (3) "Domestic violence" includes but is not limited to any of the
27 following crimes when committed by one family or household member
28 against another:

29 (a) Assault in the first degree (RCW 9A.36.011);

30 (b) Assault in the second degree (RCW 9A.36.021);

31 (c) Assault in the third degree (RCW 9A.36.031);

32 (d) Assault in the fourth degree (RCW 9A.36.041);

33 (e) Reckless endangerment in the first degree (RCW 9A.36.045);

34 (f) Reckless endangerment in the second degree (RCW 9A.36.050);

35 (g) Coercion (RCW 9A.36.070);

36 (h) Burglary in the first degree (RCW 9A.52.020);

37 (i) Burglary in the second degree (RCW 9A.52.030);

38 (j) Criminal trespass in the first degree (RCW 9A.52.070);

1 (k) Criminal trespass in the second degree (RCW 9A.52.080);
2 (l) Malicious mischief in the first degree (RCW 9A.48.070);
3 (m) Malicious mischief in the second degree (RCW 9A.48.080);
4 (n) Malicious mischief in the third degree (RCW 9A.48.090);
5 (o) Kidnapping in the first degree (RCW 9A.40.020);
6 (p) Kidnapping in the second degree (RCW 9A.40.030);
7 (q) Unlawful imprisonment (RCW 9A.40.040);
8 (r) Violation of the provisions of a restraining order restraining
9 the person or excluding the person from a residence (RCW 26.09.300);
10 (s) Violation of the provisions of a protection order or no-contact
11 order restraining the person or excluding the person from a residence
12 (RCW 26.50.060, 26.50.070, 26.50.130, ~~((or))~~ 10.99.040, or 10.99.050);
13 (t) Rape in the first degree (RCW 9A.44.040);
14 (u) Rape in the second degree (RCW 9A.44.050);
15 (v) Residential burglary (RCW 9A.52.025); ~~((and))~~
16 (w) Stalking (RCW 9A.46.110); and
17 (x) Interference with the reporting of domestic violence (section
18 2 of this act).

19 (4) "Victim" means a family or household member who has been
20 subjected to domestic violence.

21 **Sec. 4.** RCW 10.99.030 and 1995 c 246 s 22 are each amended to read
22 as follows:

23 (1) All training relating to the handling of domestic violence
24 complaints by law enforcement officers shall stress enforcement of
25 criminal laws in domestic situations, availability of community
26 resources, and protection of the victim. Law enforcement agencies and
27 community organizations with expertise in the issue of domestic
28 violence shall cooperate in all aspects of such training.

29 (2) The criminal justice training commission shall implement by
30 January 1, 1997, a course of instruction for the training of law
31 enforcement officers in Washington in the handling of domestic violence
32 complaints. The basic law enforcement curriculum of the criminal
33 justice training commission shall include at least twenty hours of
34 basic training instruction on the law enforcement response to domestic
35 violence. The course of instruction, the learning and performance
36 objectives, and the standards for the training shall be developed by
37 the commission and focus on enforcing the criminal laws, safety of the
38 victim, and holding the perpetrator accountable for the violence. The

1 curriculum shall include training on the extent and prevalence of
2 domestic violence, the importance of criminal justice intervention,
3 techniques for responding to incidents that minimize the likelihood of
4 officer injury and that promote victim safety, investigation and
5 interviewing skills, evidence gathering and report writing, assistance
6 to and services for victims and children, verification and enforcement
7 of court orders, liability, and any additional provisions that are
8 necessary to carry out the intention of this subsection.

9 (3) The criminal justice training commission shall develop and
10 update annually an in-service training program to familiarize law
11 enforcement officers with the domestic violence laws. The program
12 shall include techniques for handling incidents of domestic violence
13 that minimize the likelihood of injury to the officer and that promote
14 the safety of all parties. The commission shall make the training
15 program available to all law enforcement agencies in the state.

16 (4) Development of the training in subsections (2) and (3) of this
17 section shall be conducted in conjunction with agencies having a
18 primary responsibility for serving victims of domestic violence with
19 emergency shelter and other services, and representatives to the state-
20 wide organization providing training and education to these
21 organizations and to the general public.

22 (5) The primary duty of peace officers, when responding to a
23 domestic violence situation, is to enforce the laws allegedly violated
24 and to protect the complaining party.

25 (6)(a) When a peace officer responds to a domestic violence call
26 and has probable cause to believe that a crime has been committed, the
27 peace officer shall exercise arrest powers with reference to the
28 criteria in RCW 10.31.100. The officer shall notify the victim of the
29 victim's right to initiate a criminal proceeding in all cases where the
30 officer has not exercised arrest powers or decided to initiate criminal
31 proceedings by citation or otherwise. The parties in such cases shall
32 also be advised of the importance of preserving evidence.

33 (b) A peace officer responding to a domestic violence call shall
34 take a complete offense report including the officer's disposition of
35 the case.

36 (7) When a peace officer responds to a domestic violence call, the
37 officer shall advise victims of all reasonable means to prevent further
38 abuse, including advising each person of the availability of a shelter
39 or other services in the community, and giving each person immediate

1 notice of the legal rights and remedies available. The notice shall
2 include handing each person a copy of the following statement:

3 "IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the
4 city or county prosecuting attorney to file a criminal
5 complaint. You also have the right to file a petition in
6 superior, district, or municipal court requesting an order for
7 protection from domestic abuse which could include any of the
8 following: (a) An order restraining your abuser from further
9 acts of abuse; (b) an order directing your abuser to leave your
10 household; (c) an order preventing your abuser from entering
11 your residence, school, business, or place of employment; (d)
12 an order awarding you or the other parent custody of or
13 visitation with your minor child or children; and (e) an order
14 restraining your abuser from molesting or interfering with
15 minor children in your custody. The forms you need to obtain
16 a protection order are available in any municipal, district, or
17 superior court.

18 Information about shelters and alternatives to domestic
19 violence is available from a state-wide twenty-four-hour toll-
20 free hotline at (include appropriate phone number). The
21 battered women's shelter and other resources in your area are
22 (include local information)"

23 (8) The peace officer may offer, arrange, or facilitate
24 transportation for the victim to a hospital for treatment of injuries
25 or to a place of safety or shelter.

26 (9) The law enforcement agency shall forward the offense report to
27 the appropriate prosecutor within ten days of making such report if
28 there is probable cause to believe that an offense has been committed,
29 unless the case is under active investigation.

30 (10) Each law enforcement agency shall make as soon as practicable
31 a written record and shall maintain records of all incidents of
32 domestic violence reported to it.

33 (11) Records kept pursuant to subsections (6) and (10) of this
34 section shall be made identifiable by means of a departmental code for
35 domestic violence.

36 (12) Commencing January 1, 1994, records of incidents of domestic
37 violence shall be submitted, in accordance with procedures described in
38 this subsection, to the Washington association of sheriffs and police

1 chiefs by all law enforcement agencies. The Washington criminal
2 justice training commission shall amend its contract for collection of
3 state-wide crime data with the Washington association of sheriffs and
4 police chiefs:

5 (a) To include a table, in the annual report of crime in Washington
6 produced by the Washington association of sheriffs and police chiefs
7 pursuant to the contract, showing the total number of actual offenses
8 and the number and percent of the offenses that are domestic violence
9 incidents for the following crimes: (i) Criminal homicide, with
10 subtotals for murder and nonnegligent homicide and manslaughter by
11 negligence; (ii) forcible rape, with subtotals for rape by force and
12 attempted forcible rape; (iii) robbery, with subtotals for firearm,
13 knife or cutting instrument, or other dangerous weapon, and strongarm
14 robbery; (iv) assault, with subtotals for firearm, knife or cutting
15 instrument, other dangerous weapon, hands, feet, aggravated, and other
16 nonaggravated assaults; (v) burglary, with subtotals for forcible
17 entry, nonforcible unlawful entry, and attempted forcible entry; (vi)
18 larceny theft, except motor vehicle theft; (vii) motor vehicle theft,
19 with subtotals for autos, trucks and buses, and other vehicles; ((and))
20 (viii) arson; and (ix) violations of the provisions of a protection
21 order or no-contact order restraining the person from going onto the
22 grounds of or entering a residence, workplace, school, or day care;

23 (b) To require that the table shall continue to be prepared and
24 contained in the annual report of crime in Washington until that time
25 as comparable or more detailed information about domestic violence
26 incidents is available through the Washington state incident based
27 reporting system and the information is prepared and contained in the
28 annual report of crime in Washington; and

29 (c) To require that, in consultation with interested persons, the
30 Washington association of sheriffs and police chiefs prepare and
31 disseminate procedures to all law enforcement agencies in the state as
32 to how the agencies shall code and report domestic violence incidents
33 to the Washington association of sheriffs and police chiefs.

34 **Sec. 5.** RCW 10.99.040 and 1995 c 246 s 23 are each amended to read
35 as follows:

36 (1) Because of the serious nature of domestic violence, the court
37 in domestic violence actions:

1 (a) Shall not dismiss any charge or delay disposition because of
2 concurrent dissolution or other civil proceedings;

3 (b) Shall not require proof that either party is seeking a
4 dissolution of marriage prior to instigation of criminal proceedings;

5 (c) Shall waive any requirement that the victim's location be
6 disclosed to any person, other than the attorney of a criminal
7 defendant, upon a showing that there is a possibility of further
8 violence: PROVIDED, That the court may order a criminal defense
9 attorney not to disclose to his or her client the victim's location;
10 and

11 (d) Shall identify by any reasonable means on docket sheets those
12 criminal actions arising from acts of domestic violence.

13 (2) Because of the likelihood of repeated violence directed at
14 those who have been victims of domestic violence in the past, when any
15 person charged with or arrested for a crime involving domestic violence
16 is released from custody before arraignment or trial on bail or
17 personal recognizance, the court authorizing the release may prohibit
18 that person from having any contact with the victim. The jurisdiction
19 authorizing the release shall determine whether that person should be
20 prohibited from having any contact with the victim. If there is no
21 outstanding restraining or protective order prohibiting that person
22 from having contact with the victim, the court authorizing release may
23 issue, by telephone, a no-contact order prohibiting the person charged
24 or arrested from having contact with the victim. In issuing the order,
25 the court shall consider the provisions of RCW 9.41.800. The no-
26 contact order shall also be issued in writing as soon as possible.

27 (3) At the time of arraignment the court shall determine whether a
28 no-contact order shall be issued or extended. If a no-contact order is
29 issued or extended, the court may also include in the conditions of
30 release a requirement that the defendant submit to electronic
31 monitoring. If electronic monitoring is ordered, the court shall
32 specify who shall provide the monitoring services, and the terms under
33 which the monitoring shall be performed. Upon conviction, the court
34 may require as a condition of the sentence that the defendant reimburse
35 the providing agency for the costs of the electronic monitoring.

36 (4)(a) Willful violation of a court order issued under subsection
37 (2) or (3) of this section is a gross misdemeanor except as provided in
38 (b) and (c) of this subsection (4). Upon conviction and in addition to
39 other penalties provided by law, the court may require that the

1 defendant submit to electronic monitoring. The court shall specify who
2 shall provide the electronic monitoring services and the terms under
3 which the monitoring must be performed. The court also may include a
4 requirement that the defendant pay the costs of the monitoring. The
5 court shall consider the ability of the convicted person to pay for
6 electronic monitoring.

7 (b) Any assault that is a violation of an order issued under this
8 section and that does not amount to assault in the first or second
9 degree under RCW 9A.36.011 or 9A.36.021 is a class C felony punishable
10 under chapter 9A.20 RCW, and any conduct in violation of a protective
11 order issued under this section that is reckless and creates a
12 substantial risk of death or serious physical injury to another person
13 is a class C felony punishable under chapter 9A.20 RCW.

14 (c) A willful violation of a court order issued under this section
15 is a class C felony if the offender:

16 (i) Has at least two previous convictions for violating the
17 provisions of a no-contact order issued under this chapter, a domestic
18 violence protection order issued under chapter 26.09, 26.10, 26.26, or
19 26.50 RCW, or any federal or out-of-state order that is comparable to
20 a no-contact order or protection order issued under Washington law; and

21 (ii) One of the previous convictions was for a crime the offender
22 committed after being convicted of the other previous crime; and

23 (iii) The offender was convicted of both of the previous crimes
24 prior to committing the current offense.

25 The previous convictions may involve the same victim or other
26 victims specifically protected by the no-contact orders or protection
27 orders the offender violated.

28 (d) The written order releasing the person charged or arrested
29 shall contain the court's directives and shall bear the legend:
30 "Violation of this order is a criminal offense under chapter 10.99 RCW
31 and will subject a violator to arrest; any assault or reckless
32 endangerment that is a violation of this order is a felony. You can be
33 arrested even if any person protected by the order invites or allows
34 you to violate the order's prohibitions. You have the sole
35 responsibility to avoid or refrain from violating the order's
36 provisions. Only the court can change the order." A certified copy of
37 the order shall be provided to the victim. If a no-contact order has
38 been issued prior to charging, that order shall expire at arraignment
39 or within seventy-two hours if charges are not filed. Such orders need

1 not be entered into the computer-based criminal intelligence
2 information system in this state which is used by law enforcement
3 agencies to list outstanding warrants.

4 (5) Whenever an order prohibiting contact is issued, modified, or
5 terminated under subsection (2) or (3) of this section, the clerk of
6 the court shall forward a copy of the order on or before the next
7 judicial day to the appropriate law enforcement agency specified in the
8 order. Upon receipt of the copy of the order the law enforcement
9 agency shall forthwith enter the order for one year or until the
10 expiration date specified on the order into any computer-based criminal
11 intelligence information system available in this state used by law
12 enforcement agencies to list outstanding warrants. Entry into the law
13 enforcement information system constitutes notice to all law
14 enforcement agencies of the existence of the order. The order is fully
15 enforceable in any jurisdiction in the state.

16 **Sec. 6.** RCW 10.99.050 and 1991 c 301 s 5 are each amended to read
17 as follows:

18 (1) When a defendant is found guilty of a crime and a condition of
19 the sentence restricts the defendant's ability to have contact with the
20 victim, such condition shall be recorded and a written certified copy
21 of that order shall be provided to the victim.

22 (2) Willful violation of a court order issued under this section is
23 a gross misdemeanor. Any assault that is a violation of an order
24 issued under this section and that does not amount to assault in the
25 first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C
26 felony, and any conduct in violation of a protective order issued under
27 this section that is reckless and creates a substantial risk of death
28 or serious physical injury to another person is a class C felony. A
29 willful violation of a court order issued under this section is also a
30 class C felony if the offender:

31 (a) Has at least two previous convictions for violating the
32 provisions of a no-contact order issued under this chapter, or a
33 domestic violence protection order issued under chapter 26.09, 26.10,
34 26.26, or 26.50 RCW, or any federal or out-of-state order that is
35 comparable to a no-contact order or protection order that is issued
36 under Washington law; and

37 (b) One of the previous convictions was for a crime the offender
38 committed after being convicted of the other previous crime; and

1 (c) The offender was convicted of both of the previous crimes prior
2 to committing the current offense.

3 The previous convictions may involve the same victim or other
4 victims specifically protected by the no-contact orders or protection
5 orders the offender violated.

6 The written order shall contain the court's directives and shall
7 bear the legend: Violation of this order is a criminal offense under
8 chapter 10.99 RCW and will subject a violator to arrest; any assault or
9 reckless endangerment that is a violation of this order is a felony.

10 (3) Whenever an order prohibiting contact is issued pursuant to
11 this section, the clerk of the court shall forward a copy of the order
12 on or before the next judicial day to the appropriate law enforcement
13 agency specified in the order. Upon receipt of the copy of the order
14 the law enforcement agency shall forthwith enter the order for one year
15 into any computer-based criminal intelligence information system
16 available in this state used by law enforcement agencies to list
17 outstanding warrants. Entry into the law enforcement information
18 system constitutes notice to all law enforcement agencies of the
19 existence of the order. The order is fully enforceable in any
20 jurisdiction in the state.

21 **Sec. 7.** RCW 26.50.110 and 1995 c 246 s 14 are each amended to read
22 as follows:

23 (1) Whenever an order for protection is granted under this chapter
24 and the respondent or person to be restrained knows of the order, a
25 violation of the restraint provisions or of a provision excluding the
26 person from a residence, workplace, school, or day care is a gross
27 misdemeanor except as provided in subsections (4) and (5) of this
28 section. Upon conviction, and in addition to any other penalties
29 provided by law, the court may require that the respondent submit to
30 electronic monitoring. The court shall specify who shall provide the
31 electronic monitoring services, and the terms under which the
32 monitoring shall be performed. The order also may include a
33 requirement that the respondent pay the costs of the monitoring. The
34 court shall consider the ability of the convicted person to pay for
35 electronic monitoring.

36 (2) A peace officer shall arrest without a warrant and take into
37 custody a person whom the peace officer has probable cause to believe
38 has violated an order issued under this chapter that restrains the

1 person or excludes the person from a residence, workplace, school, or
2 day care, if the person restrained knows of the order. Presence of the
3 order in the law enforcement computer-based criminal intelligence
4 information system is not the only means of establishing knowledge of
5 the order.

6 (3) A violation of an order for protection shall also constitute
7 contempt of court, and is subject to the penalties prescribed by law.

8 (4) Any assault that is a violation of an order issued under this
9 chapter and that does not amount to assault in the first or second
10 degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any
11 conduct in violation of a protective order issued under this chapter
12 that is reckless and creates a substantial risk of death or serious
13 physical injury to another person is a class C felony.

14 (5) A violation of a court order issued under this chapter is a
15 class C felony if the offender:

16 (a) Has at least two previous convictions for violating the
17 provisions of a no-contact order issued under chapter 10.99 RCW, a
18 domestic violence protection order issued under chapter 26.09, 26.10,
19 or 26.26 RCW or this chapter, or any federal or out-of-state order that
20 is comparable to a no-contact or protection order issued under
21 Washington law; and

22 (b) One of the previous convictions was for a crime the offender
23 committed after being convicted of the other previous crime; and

24 (c) The offender was convicted of both of the previous crimes prior
25 to committing the current offense.

26 The previous convictions may involve the same victim or other
27 victims specifically protected by the no-contact orders or protection
28 orders the offender violated.

29 (6) Upon the filing of an affidavit by the petitioner or any peace
30 officer alleging that the respondent has violated an order for
31 protection granted under this chapter, the court may issue an order to
32 the respondent, requiring the respondent to appear and show cause
33 within fourteen days why the respondent should not be found in contempt
34 of court and punished accordingly. The hearing may be held in the
35 court of any county or municipality in which the petitioner or
36 respondent temporarily or permanently resides at the time of the
37 alleged violation.

1 NEW SECTION. **Sec. 8.** If specific funding for the impact to the
2 Washington criminal justice training commission to implement section 4
3 of this act, referencing this act by bill or chapter number, is not
4 provided by June 30, 1996, in the supplemental omnibus appropriations
5 act, section 4 of this act is null and void.

6 **Sec. 9.** RCW 9.94A.370 and 1989 c 124 s 2 are each amended to read
7 as follows:

8 (1) The intersection of the column defined by the offender score
9 and the row defined by the offense seriousness score determines the
10 presumptive sentencing range (see RCW 9.94A.310, (Table 1)). The
11 additional time for deadly weapon findings or for those offenses
12 enumerated in RCW 9.94A.310(4) that were committed in a state
13 correctional facility or county jail shall be added to the entire
14 presumptive sentence range. The court may impose any sentence within
15 the range that it deems appropriate. All presumptive sentence ranges
16 are expressed in terms of total confinement.

17 (2) In determining any sentence, the trial court may rely on no
18 more information than is admitted by the plea agreement, or admitted,
19 acknowledged, or proved in a trial or at the time of sentencing.
20 Acknowledgement includes not objecting to information stated in the
21 presentence reports. Where the defendant disputes material facts, the
22 court must either not consider the fact or grant an evidentiary hearing
23 on the point. The facts shall be deemed proved at the hearing by a
24 preponderance of the evidence. Facts that establish the elements of a
25 more serious crime or additional crimes may not be used to go outside
26 the presumptive sentence range except upon stipulation or when
27 specifically provided for in RCW 9.94A.390(2) (c), (d), (f), and
28 ~~((e))~~ (g)."

29 **SB 6462** - H COMM AMD
30 By Committee on Law & Justice

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32 On page 1, line 1 of the title, after "violence;" strike the
33 remainder of the title and insert "amending RCW 9.94A.390, 10.99.020,
34 10.99.030, 10.99.040, 10.99.050, 26.50.110, and 9.94A.370; adding a new
35 section to chapter 9A.36 RCW; creating a new section; and prescribing
36 penalties."

1 EFFECT: Clarifying and technical amendments are made as follows:
2 (1) The provision regarding imposition of an exceptional sentence is
3 clarified to provide that the crime may have occurred within the sight
4 or sound of the children and in the presence of either the victim's or
5 offender's children; (2) The new crime of interfering with reporting
6 domestic violence is rewritten to clarify that the person must be
7 convicted of the underlying offense of domestic violence and must be
8 the person who interfered with the reporting of the crime. It is also
9 amended to cross reference the list of crimes contained in RCW
10 10.99.020 rather than the definition of domestic violence in another
11 statute; (3) A technical cross reference to a crime of domestic
12 violence is added to the list of crimes of domestic violence; (4) The
13 provisions regarding raising a third violation of a no-contact order or
14 protection order are clarified to provide that crime which triggers the
15 increased penalty must have been committed after commission of at least
16 two prior convictions one of which must have been committed after the
17 conviction for the other offense. That provision is also clarified to
18 provide that other violations may have involved other victims or other
19 no-contact orders than the conviction for the present offense. A
20 provision is added that was added in a similar house bill that passed
21 the house which is to require the Washington Association of Sheriffs
22 and Police Chiefs, subject to funding in the budget, to collect data on
23 violations of no-contact and protection orders.

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