

HOUSE BILL ANALYSIS

HB 1181

Title: An act relating to domestic violence perpetrator treatment programs.

Brief Description: Changing provisions relating to penalties and treatment for crimes involving domestic violence.

Sponsors: Representatives Edwards, Romero, Radcliff, Scott, DeBolt, Cooper, Lovick, Hurst, Fisher, Kessler, Dickerson, O'Brien, Cody, Kenney, Ogden, Wood, Santos, Regala, Conway, Lantz, Rockefeller, McIntire and Stensen.

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

Staff: Jean Ann Quinn (786-7310).

Background:

Domestic violence laws provide civil and criminal remedies to victims of domestic violence. A person commits a domestic violence crime if the person commits one of several specified crimes against a family or household member. Examples include assault, rape, stalking, malicious mischief, and criminal trespass. In the civil context, a person who is a victim of domestic violence may petition the court for a domestic violence protection order or, in domestic relations actions, for a restraining order.

Civil Protection Orders: In response to a petition for a protection order, the court may order a variety of relief, such as excluding the respondent from the residence the parties share, restraining the respondent from having any contact with the victim of the domestic violence or the victim's children, and ordering the respondent to participate in batterers' treatment.

Domestic Violence Perpetrator Treatment Programs: The Department of Social and Health Services is required to have standards for the approval of domestic violence perpetrator treatment programs that accept perpetrators of domestic violence into treatment to satisfy court orders. Programs must meet certain minimum qualifications to be approved.

Community Supervision: Community supervision is a sentencing option that a judge may impose on a person convicted of a crime. Community supervision may include crime-related prohibitions, which are orders prohibiting conduct that directly relates to the

circumstance of the crime for which the offender has been convicted. Crime-related prohibitions do not include orders directing the offender to participate in rehabilitative programs. However, if the offender receives a first-time offender waiver, up to two years of community supervision may be ordered, which can include requirements that the offender undergo available outpatient treatment of up to two years or inpatient treatment not to exceed the standard range of confinement for the offense.

Summary:

Civil Protection Orders: When the court orders a respondent to participate in batterers' treatment in response to a petition for a protection order, it is clarified that this means a domestic violence perpetrator treatment program that has been approved by the Department of Social and Health Services.

Domestic Violence Perpetrator Treatment Programs: The Department's standards for approval of domestic violence perpetrator treatment programs must include a requirement that, if the perpetrator or the victim has a minor child, treatment will include education regarding the effects of domestic violence on children, and parenting skills to help the perpetrator control the events or behavior that lead to incidents of domestic violence.

Community Supervision: If either the offender or the victim of the domestic violence crime has a minor child, the court may order the offender to participate in an approved domestic violence perpetrator treatment program as part of any term of community supervision.

Fiscal Note: Not requested.

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