

HB 3176 A STAFF MEASURE SUMMARY

Carrier: Rep. Williamson

House Committee On Judiciary

Action Date: 03/30/17

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 11-0-0-0

Yeas: 11 - Barker, Gorsek, Greenlick, Lininger, Olson, Post, Sanchez, Sprenger, Stark, Vial, Williamson

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Josh Nasbe, Counsel

WHAT THE MEASURE DOES:

Provides that, in determining mitigation for purposes of imposing sentence, court may consider whether defendant committed crime while under duress, compulsion, direction or pressure from person who has committed domestic violence against defendant or forced defendant to engage in commercial sex act.

ISSUES DISCUSSED:

- Many incarcerated women are victims of violence, coercion and abuse
- Not taking victimization into account harms women and their children
- Exponential growth of women in prison

EFFECT OF AMENDMENT:

Replaces measure.

BACKGROUND:

When a person is convicted of a misdemeanor, the court has broad discretion to impose a sentence within the applicable maximums. For example, when a person is convicted of a Class A misdemeanor, the court may impose a jail sentence of up to one year, a fine of up to \$6,250, or both. For felonies that are subject to the sentencing guidelines, a court may impose a departure from a presumptive sentence based on substantial and compelling reasons. In both of these circumstances, House Bill 3176-A will allow a sentencing court to consider whether a crime was committed while a defendant was pressured by a person who has previously committed domestic violence against the defendant or compelled the defendant to engage in a commercial sex act.