

# SENTENCING GUIDELINES: CRIME COMMITTED IN CHILD'S PRESENCE



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FISCAL ANALYSIS

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**HOUSE BILL 5291 SUBSTITUTE H-1**

**Sponsor:** Rep. Barb Vander Veen

**Committee:** Criminal Justice

**FLOOR ANALYSIS - 5/23/02**

**Analyst(s):** Marilyn Peterson

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## SUMMARY

Under sentencing guidelines set forth in the Code of Criminal Procedure, various offense and prior record variables are scored in order to determine the recommended range for an offender's minimum sentence. The bill would amend the Code of Criminal Procedure to revise scoring applicable to violent crimes. At present, the offense variable of psychological injury to a member of a victim's family is scored for a limited number of violent crimes, including homicide and attempted murder. Under the bill, this offense variable would be scored for all violent crimes, as defined by the bill.

Currently, serious psychological injury to a victim's family member is assessed 15 points, while no points are added if no such injury occurred. Under the bill, additional scoring options would apply for crimes that did not necessarily cause serious psychological injury but did affect a child. If a child witnessed the violent crime, 10 points would be assessed; if the child observed the physical results of a violent crime against a family member, 5 points. The offense variable would be scored using the points assigned to the highest-severity element that fit the facts of the case.

By broadening the application of an offense variable, and by potentially increasing the number of points scored under that variable, the bill could increase the level of guidelines-recommended punishment for a given offense, and thus could increase state or local correctional costs.