

BILL SUMMARY
1st Session of the 53rd Legislature

Bill No.:	SB952
Version:	CCS
Request Number:	1804
Author:	Representative Nelson Senator Nichols
Date:	5/20/2011
Impact:	Increase in Prison Costs Dependent Upon the Number of Adjudicated Cases

Research Analysis

The measure adds aggravated assault and battery upon any person defending another person as an 85% crime.

The measure creates a new felony crime of domestic assault or domestic assault and battery with a dangerous weapon. Punishment for domestic assault or domestic assault and battery with a dangerous weapon is imprisonment in Department of Corrections custody for not more than 10 years or by imprisonment in a county jail for not more than 1 year.

Creates a new felony crime of domestic assault and battery with a deadly weapon. Punishment for domestic assault and battery with a deadly weapon is imprisonment in the custody of the Department of Corrections not exceeding life imprisonment.

Requires court to order the offender to counseling as a condition of a suspended sentence or probation for a conviction for domestic assault and battery with a dangerous weapon or domestic assault and battery with a deadly weapon.

The measure would allow for state charges to be brought if a law enforcement officer who is assaulted is employed by the federal government and increases the punishment for aggravated assault and battery upon a law enforcement officer upon conviction to a term of incarceration not to exceed life in prison or a fine not exceeding \$1,000 or both fine and imprisonment. If the assault results in maiming, a conviction results in punishment of not less than 5 years nor more than life imprisonment or a fine of not more than \$5,000 or both fine and imprisonment.

The bill modifies the crime of maiming by increasing the punishment upon conviction to a term of incarceration not exceeding life imprisonment or a fine of not more than \$1,000 or both fine and imprisonment. The current punishment is a term of incarceration not exceeding 7 years in Department of Corrections custody or up to 1 year in the county jail.

Prohibits a police officer or sheriff from releasing a person arrested for an act constituting domestic assault and battery or domestic assault and battery with a deadly weapon without appearing before a judge or court.

Prohibits a person arrested for an act constituting domestic assault and battery or domestic assault and battery with a deadly weapon from being considered for pretrial release programs.

Prepared By: Brad Wolgamott

Fiscal Analysis

The CCS for SB952 makes aggravated assault and battery upon any person defending another person from assault and battery an 85% crime. The measure makes domestic assault and domestic assault and battery with a dangerous weapon a felony, punishable by either one year in the county jail or up to ten years imprisonment. Domestic assault and battery with a deadly weapon would be a felony, punishable by up to life imprisonment. For both offenses the punishment doubles for a second or subsequent conviction.

The measure increases the penalty for aggravated assault and battery upon a law enforcement officer or corrections officer, while the officer is in the performance of his or her duties, from up to five years imprisonment to not more than life imprisonment. If the aggravated assault and battery results in maiming, the punishment would be five years to life. The measure also increases the penalty for maiming anyone other than a law enforcement officer or corrections officer from a maximum of seven years imprisonment to a maximum of life imprisonment.

Every person convicted of these crimes will serve a term of incarceration that will cost the state approximately \$56 per day for each day of incarceration. Persons convicted of an 85% crime must serve at least of 85% of their sentence prior to becoming eligible for consideration for parole or any earned credits. SB952 will increase prison costs, dependent upon the number of adjudicated cases and the length of prison terms imposed by the court.

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Other Considerations

None