

HOUSE BILL REPORT

HB 2318

As Reported By House Committee On:
Corrections

Title: An act relating to sentencing of sex offenders.

Brief Description: Extending the period of community placement after confinement for sex offenders.

Sponsors: Representatives Ballasiotes, Hatfield, Conway, Hymes, McMahan, Dickerson, Murray, Thompson, Quall, Costa and Chopp.

Brief History:

Committee Activity:

Corrections: 1/17/96, 1/23/96 [DPS].

HOUSE COMMITTEE ON CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Ballasiotes, Chairman; Blanton, Vice Chairman; Sherstad, Vice Chairman; Quall, Ranking Minority Member; Tokuda, Assistant Ranking Minority Member; Cole; Dickerson; Koster; Radcliff; Schoesler and D. Sommers.

Staff: Rick Neidhardt (786-7841).

Background: The Sentencing Reform Act governs the sentencing of felony sex offenders. In addition to any term of confinement, the act requires a sentencing judge to impose a term of community placement on any sex offender who committed his or her crime after July 1, 1988.

Community placement is a form of community supervision. It has two distinct components. The first component, community custody, is the supervision that occurs when an offender has earned an early release from confinement due to good behavior and participation in programming. The second component, post-release supervision is that portion of the community placement that occurs after the period of community custody is completed. Violations of community custody are handled administratively by the Department of Corrections, and offenders may be returned to confinement for

the remaining time of community custody. Violations of post-release supervision are addressed in a court hearing, and the punishment is limited to 60 days in jail for each violation.

For sex offenses committed between July 1, 1988, and June 30, 1990, the period of community placement is required to be one year.

For sex offenses committed on or after July 1, 1990, the period of community placement is required to be two years, or up to the period of time the offender has earned in early release, whichever is longer. For example, if the sex offender earned three years off the length of his or her sentence, the offender would be on community placement for three years, and it would all be served on community custody.

Summary of Substitute Bill: For sex offenses committed on or after July 1, 1996, the court must sentence the offender to community placement for five years, or up to the period of time the offender earned in early release, whichever is longer.

Substitute Bill Compared to Original Bill: The substitute bill makes a technical amendment to correct an erroneous cross-reference in existing law.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: This bill takes effect on July 1, 1996.

Testimony For: Increasing the duration of community placement for sex offenders is a good change. The fiscal impact of this change, though, is a concern; perhaps the Department of Corrections should be given discretion to determine the length of community placement. The length of supervision is not always the entire issue; the conditions to be imposed are also important.

Testimony Against: None.

Testified: Dave Savage, Department of Corrections (pro, with concerns).