

SENATE BILL REPORT

SHB 2318

As Reported By Senate Committee On:
Human Services & Corrections, February 23, 1996
Ways & Means, February 26, 1996

Title: An act relating to sentencing of sex offenders.

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

Sponsors: House Committee on Corrections (originally sponsored by Representatives Ballasiotes, Hatfield, Conway, Hymes, McMahan, Dickerson, Murray, Thompson, Quall, Costa and Chopp).

Brief History:

Committee Activity: Human Services & Corrections: 2/20/96, 2/23/96 [DPA-WM].
Ways & Means: 2/26/96 [DPA (HSC)].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass as amended and be referred to Committee on Ways & Means.
Signed by Senators Hargrove, Chair; Kohl, Long, Prentice, Schow, Smith, Strannigan, Thibaudeau and Zarelli.

Staff: Andrea McNamara (786-7483)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended by Committee on Human Services & Corrections.
Signed by Senators Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, McDonald, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Staff: Steve Jones (786-7440)

Background: Community placement is a form of community supervision imposed on offenders sentenced under the Sentencing Reform Act (SRA). It replaces the previous parole system in place prior to the SRA.

For sex offenses committed between July 1, 1988 and June 30, 1990, sex offenders are required to serve one year of community placement following incarceration. For sex offenses committed on or after July 1, 1990, sex offenders are required to serve two years or up to the period the offender has earned in early release, whichever is longer.

Community placement is comprised of two distinct components: community custody and post-release supervision. Community custody is that period of time when an offender has earned early release from confinement, which for sex offenders may be up to 15 percent of their sentences. Post-release supervision is that portion of the community placement sentence remaining after completion of community custody.

Violations of community custody are handled administratively by the Department of Corrections, and offenders may be returned to confinement for up to the remaining term of their community custody. Violations of post-release supervision are addressed by the court, and the sanction is limited to a maximum of 60 days in jail for each violation.

Summary of Amended Bill: A number of changes are made to the terms and conditions of sex offenders who are supervised in the community.

For sex offenders sentenced under the special sex offender sentencing alternative (SSOSA), time spent in the community under the terms of the suspended sentence is served as community custody. SSOSA offenders on community custody are required to comply with conditions imposed by the Department of Corrections in addition to conditions imposed by the judge at the time of sentencing. Violations of conditions are processed administratively by the department. Sanctions may include up to 60 days incarceration in the county jail for each violation. The department may also refer an offender back to the court for revocation of the suspended sentence.

Offenders sentenced for felony sex offenses after the effective date of the act are required to serve a term of community custody for three years or up to total of their earned early release, whichever is longer. They must be required to comply with all conditions imposed by the court at the time of sentencing and any additional conditions imposed by the department at or after they are released from incarceration. The department is authorized to impose any appropriate conditions on sex offenders during their community custody terms, including prohibitions on having contact with specified individuals or classes of individuals.

While a sex offender is on community custody, violations of conditions are processed administratively by the department. During the period of an offender's earned early release, sanctions for violations may include return to incarceration for up to the remainder of the offender's sentence. After the period of an offender's earned early release, each violation may be sanctioned by up to 60 days in the county jail.

At any time prior to the end of a sex offender's community custody term, the department may petition the court to extend any or all of the offender's conditions beyond the term of community custody. The court may impose such an order which remains in effect for up to the maximum allowable sentence for the crime for which the offender is convicted, regardless of the expiration of the offender's term of community custody.

Amended Bill Compared to Substitute Bill: The amendment replaces the requirement that sex offenders serve a minimum of five years community placement after incarceration with the requirement that they serve a minimum of three years community custody.

All other provisions summarized above were also added by the amendment.

Appropriation: None.

Fiscal Note: Available. For amended bill, see fiscal note for SSB 6274.

Effective Date: The bill takes effect on July 1, 1996.

Testimony For: The more that is learned about sex offenders, the more clear it becomes that public safety requires they be supervised for longer periods of time.

Testimony Against: The department is supportive of the bill's intent, but is concerned about the costs of extending supervision for all sex offenders to five years. With research results indicating that the majority of sex offenders who reoffend do so within three years, the department supports the less costly approach taken in SSB 6274, which extends supervision of sex offenders to three years and creates the option of extending certain conditions beyond that time when it is appropriate for an individual offender.

Testified: Representative Ida Ballasiotes, original prime sponsor; Dave Savage, Director, Division of Community Corrections, Department of Corrections.