

# SENATE BILL REPORT

## SHB 2320

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As Reported By Senate Committee On:  
Law & Justice, February 21, 1996  
Ways & Means, February 26, 1996

**Title:** An act relating to persistent offenders.

**Brief Description:** Making certain sex offenders subject to life imprisonment without parole after two offenses.

**Sponsors:** House Committee on Corrections (originally sponsored by Representatives Ballasiotes, Blanton, Radcliff, Backlund, Robertson, Hatfield, Mulliken, Sheldon, Hymes, Kessler, Carlson, Johnson, Thompson, Costa and Boldt).

**Brief History:**

**Committee Activity:** Law & Justice: 2/19/96, 2/21/96 [DP-WM, DNP].  
Ways & Means: 2/26/96 [DP, DNP].

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass and be referred to Committee on Ways & Means.

Signed by Senators Smith, Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

**Minority Report:** Do not pass and do not be referred to Committee on Ways & Means.

Signed by Senator Fairley, Vice Chair.

**Staff:** Susan Carlson (786-7418)

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### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** Do pass.

Signed by Senators Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Long, McDonald, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

**Minority Report:** Do not pass.

Signed by Senator Kohl.

**Staff:** Steve Jones (786-7440)

**Background:** A persistent offender is an offender who has three separate convictions for an offense that is classified as a most serious offense. The sentence for a persistent offender is life imprisonment without possibility of release. The offenses, including attempts, that are most serious offenses are as follows:

- (1) all class A felonies;
- (2) assault in the second degree;
- (3) assault of a child in the second degree;
- (4) child molestation in the second degree;
- (5) controlled substance homicide;
- (6) extortion in the first degree;
- (7) incest when committed against a child under 14;
- (8) indecent liberties;
- (9) kidnapping in the second degree;
- (10) leading organized crime;
- (11) manslaughter in the first degree;
- (12) manslaughter in the second degree;
- (13) promoting prostitution in the first degree;
- (14) rape in the third degree;
- (15) robbery in the second degree;
- (16) sexual exploitation;
- (17) vehicular assault;
- (18) vehicular homicide, when caused by a DWI or recklessness;
- (19) any Class B felonies that were sexually motivated;
- (20) any felony committed with a deadly weapon; or
- (21) any federal or out-of-state convictions for offenses similar to those contained in this list.

The Department of Corrections provides treatment and counseling services for some of the sex offenders who are confined in the state prison system.

**Summary of Bill:** A person must be sentenced as a persistent offender to life imprisonment without possibility of release if the person has two separate convictions for any of the following offenses, including attempts:

- (1) rape in the first degree;
- (2) rape in the second degree;
- (3) indecent liberties by forcible compulsion; or
- (4) any of the following offenses if they were specifically found to have been sexually motivated:
  - (a) murder in the first or second degree;
  - (b) kidnapping in the first or second degree;
  - (c) assault in the first or second degree; or
  - (d) burglary in the first degree.

The Department of Corrections is prohibited from providing sex offender treatment or sex offender counseling services to a sex offender sentenced to life imprisonment as a persistent offender.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** The offenders covered by this bill are very dangerous, and their crimes have devastating impacts on victims and their families. These offenders should be subject to a life sentence after two offenses. The fiscal impact of the bill is very limited.

**Testimony Against:** The Sentencing Reform Act already provides judges sufficient discretion to impose an exceptional sentence on sex offenders based on future dangerousness.

**Testified:** Representative Ballasiotes, original prime sponsor (pro); Tom McBride, WA Assn. of Prosecuting Attorneys (pro); Debra Ruggles, WA Coalition of Sexual Assault Programs (pro); Kristine Rowland (pro); Pennie Saun (pro); Courtney Mae (pro); Geraldine Jacobson (pro); Julie Line, Tennis Shoe Brigade (pro); Dick Van Wagenen, Sentencing Guidelines Commission (con); Terry Kohl, WA Defenders Assn/WA Assn. of Criminal Defense Attorneys (con).