

SENATE BILL REPORT

SSB 6274

As Passed Senate, February 9, 1996

Title: An act relating to supervision of sex offenders.

Brief Description: Providing for increased supervision of sex offenders for up to the entire maximum term of the sentence.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Long, Hargrove, Roach, Quigley, Wood, Smith, Schow, Winsley, Oke, A. Anderson, Rasmussen, Haugen and McAuliffe).

Brief History:

Committee Activity: Human Services & Corrections: 1/17/96, 1/30/96 [DPS].

Ways & Means: 2/6/96 [DPS (HSC)].

Passed Senate, 2/9/96, 48-0.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 6274 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Moyer, Prentice, Schow, Smith, Strannigan, Thibaudeau and Zarelli.

Staff: Andrea McNamara (786-7483)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 6274 as recommended by Committee on Human Services & Corrections be substituted therefor, and the substitute bill do pass.

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

Staff: Andrea McNamara (786-7483)

Background: Sex offenders who are supervised in the community by the Department of Corrections are subject to varying terms and conditions imposed by the judge at the time of sentencing. They may be under parole, community supervision, or community placement; community placement may consist of community custody, post-release supervision, or both.

Both the length and conditions of supervision are often the result of factors unrelated to an offender's individual circumstances or risk to community safety and are instead a function of when the crime was committed and the limited information available about a sex offender's history at the time of sentencing.

Under current law, all conditions of supervision must be imposed at the time of sentencing by the court and may not be altered later except to make them less restrictive. The department does not have the statutory authority to impose additional supervision conditions based on information it may learn about an individual's history or deviancy cycle during incarceration.

Sex offenders who were sentenced before July 1, 1988, are not required to serve any time under community placement (although some may be subject to parole under the jurisdiction of the Indeterminate Sentence Review Board). Those sentenced between July 1988 and July 1990, are subject to one year of community placement, and those sentenced after July 1, 1990, must serve two years of community placement after incarceration. Sex offenders given the special sex offender sentencing alternative (SSOSA) may be sentenced for up to eight years of community supervision in lieu of incarceration.

Violations of conditions are processed administratively by the department for those offenders on community custody and by the court for those offenders on community supervision or post-release supervision.

Community custody violations may be sanctioned with a return to prison for up to the remainder of an offender's earned early release time, which for sex offenders may be as much as 15 percent of their sentences. Violations occurring during post-release supervision are referred by the department to local prosecutors. Courts may impose up to 60 days incarceration in the county jail for each violation of post-release supervision. SSOSA offenders serve their suspended sentences under community supervision, and violations of the conditions of community supervision are reviewed by the court for sanctions including possible revocation of the suspended sentence.

Summary of 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.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: The bill would provide community corrections officers with more tools to handle sex offenders being supervised in the community. Increasing the conditions of supervision and the sanctions for violating conditions will allow for better community protection and at the same time can assist sex offenders with readjusting into their communities.

Testimony Against: None.

Testified (Human Services & Corrections): Dave Savage, Director, Division of Community Corrections, Department of Corrections (pro); Helen Harlow, Tennis Shoe Brigade (pro); Brian Lavesk, citizen (pro).

Testified (Ways & Means): Helen Harlow, Tennis Shoe Brigade (pro); Brian Lavesk, citizen (pro).

House Amendment(s): The House striking amendment, as amended, makes one change to the underlying Senate bill and then adds several other provisions related to sex offenders from a number of other House bills.

The change made to the underlying Senate bill includes the following: When the Department of Corrections imposes an administrative sanction on a SSOSA sex offender for violating a condition of community custody imposed as part of a suspended sentence, the department must notify the court and the prosecuting attorney within 72 hours. The report must outline the nature of violation(s) and the sanction(s) imposed.

The provisions of SHB 2903 are added as sections 6, 7, and 8. They require juvenile courts to provide local law enforcement with all relevant information about juvenile sex offenders who are sentenced under the special sex offender disposition alternative (SSODA) and allowed to remain in the community. The notice is to be provided at the earliest possible date and in no event later than five days after imposition of the SSODA disposition. Local law enforcement agencies are authorized to release relevant information about SSODA offenders when doing so is necessary for public protection. These sections have an emergency clause and would take effect immediately.

The provisions of SHB 2207 are also added as sections 9 and 10. These sections require that a defendant who is convicted of one of several offenses must be detained following conviction while pending sentencing. In addition, if the defendant files an appeal of one of those convictions, the court may not stay execution of the judgment. The offenses include the following:

- rape in the first or second degree;
- rape of a child in the first, second, or third degree;
- child molestation in the first, second, or third degree;
- sexual misconduct with a minor in the first or second degree;
- indecent liberties;
- incest;
- luring;
- any class A or B felony that is a sexually motivated offense;
- a felony conviction for communication with a minor for immoral purposes; and
- any offense that is an attempt to commit one of the above listed offenses.

Some of the provisions of SHB 2281 are also added as section 11. This section requires that sex offenders who are subject to registration must give local law enforcement 14 days' advance notice of moving (rather than notifying law enforcement within ten days after a move as provided in current law). An affirmative defense is established for offenders who can prove they did not know their new address 14 days prior to moving, provided they re-register with law enforcement no later than one day after establishing the new residence.

The amendment also adds the provisions of SHB 2507 as section 12. This section adds the crime of sexual misconduct with a minor in the second degree to the list of sex offenses for which offenders are required to register upon release from incarceration.

The amendment adds a null and void clause to the entire bill.