

HOUSE BILL ANALYSIS

SSB 5919

Title: An act relating to the special sex offender sentencing alternative.

Brief Description: Authorizing a study of the special sex offender sentencing alternative.

Sponsors: Senators Roach, Winsley, Stevens, Zarelli, Wood, Schow and Oke.

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

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Background: The Special Sex Offender Sentencing Alternative (SSOSA) was created by the Legislature in 1986 as a treatment-oriented sanction available under limited circumstances.

Before the court may impose SSOSA, the offender must be evaluated and found amenable to treatment. The court is required to consider the victim's opinion on whether the treatment alternative is appropriate and must also find that the offender and the community will benefit from it.

A number of reviews and studies have been conducted on SSOSA since its creation.

In June, 1991, Harborview Medical Center and Urban Policy Research did a study of decision-making and recidivism for early SSOSA cases. The decision-making focused on points of view from community corrections officers, judges, and treatment providers.

Victim attitudes toward SSOSA have not been studied in any systematic way. Similarly, there has not been any national research done to study the consequences of family reunification efforts in cases of incest and child sexual abuse.

The 1991 survey of professionals included questions about how much they were influenced by victim factors. All three groups considered the level of force as the most important variable, and also paid close attention to the degree of harm caused to the victim. The study also found that offenders whose victims were older than 14 were the least likely to get SSOSA.

In February 1995, the Washington State Institute for Public Policy published a report that updated the recidivism activity of the same group of SSOSA recipients and compared it to sex offenders who did not receive SSOSA. The reoffense rates for SSOSA offenders were found to be 11 percent as measured by rearrest rates over a seven year follow-up. The report also identified that selection criteria appeared to have a greater impact on recidivism than the type of treatment provided.

Summary: Legislative findings and intent are specified relating to the lack of any systematic

evaluation of impact on victims of the special sex offender sentencing alternative (SSOSA). The intent section declares a need for such an analysis to assist the Legislature in determining the extent to which SSOSA continues to serve the purposes for which it was enacted.

The Department of Community, Trade, and Economic Development is directed to contract with the Harborview Medical Center Sexual Assault Center to conduct a study of SSOSA's impact on victims, with money appropriated by the Legislature.

The scope of the study is specified to include a geographically diverse sample of at least 200 victims whose offenders received SSOSA at least four years prior to commencement of the study. The issues to be researched and analyzed include the following: (1) victims' attitudes and perceptions about SSOSA before sentencing and after their offenders' participation in the program; (2) if victims' attitudes had changed over time, the variables influencing the changes; and (3) the relationship, if any, between victims' attitudes about SSOSA and their current psychological and social functioning.

The due date for the study is December 1, 1998. The report must include a description of the methodology, findings and conclusions, and recommendations, if any, on ways to improve SSOSA to better serve its purposes.

Require the Exercise of Rule- Making Powers: No.

Fiscal Note: Received on April 1, 1997.

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