

HOUSE BILL REPORT

SSB 5014

As Reported by House Committee On:

Criminal Justice & Corrections

Title: An act relating to harmonizing the definitions of sex and kidnapping offenders under the criminal and registration statutes.

Brief Description: Harmonizing the definitions of sex and kidnapping offenders under the criminal and registration statutes.

Sponsors: By Senate Committee on Human Services & Corrections (originally sponsored by Senators Costa, Long, Fraser, Carlson and Gardner).

Brief History:

Committee Activity:

Criminal Justice & Corrections: 3/21/01, 3/28/01 [DP].

Brief Summary of Substitute Bill

- Makes the definition of sex offense in the criminal code and the definition of sex offense in the registration statute coincide.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 8 members: Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes, Kagi, Kirby and Morell.

Staff: Yvonne Walker (786-7841).

Background:

The definition of sex offense in the Sentencing Reform Act (SRA) and the definition of sex offense in the sex offender registration statute of the Washington Criminal Code vary.

Sex offense as defined in the SRA includes:

- Any felony that is a violation of the Sex Offenses statute (Chapter 9A.44 of the Revised Code of Washington (RCW)) which includes the following sex offenses: first degree rape of a child or adult, second degree rape of a child or adult, and third

degree rape of a child or adult; first degree child molestation, second degree child molestation, and third degree child molestation; first degree sexual misconduct with a minor, indecent liberties, sexually violating human remains, voyeurism; first degree custodial sexual misconduct; and the failure to register as a sex offender;

- First degree and second degree incest;
- Communicating with a minor for immoral purposes;
- Any felony attempt to commit any of the offenses listed above;
- Certain felonies with a finding of sexual motivation; or
- Any federal or out-of-state conviction for an offense that, under the laws of Washington, would be a felony sex offense.

A person convicted of a sex offense under the SRA generally receives a sentence based upon his or her prior criminal history and the seriousness of the offense. However, in the case of multiple prior convictions for the purpose of computing an offender's score, if the present conviction is for a sex offense, an offender receives three points for each prior adult and juvenile sex offense conviction.

Sex offense as defined in the Sex Offender Registration statute of the criminal code includes any felony that is defined as a sex offense in the Sentencing Reform Act (as listed above) as well as the following offenses:

- second degree sexual misconduct with a minor (a gross misdemeanor offense);
- Sexual exploitation of a minor;
- Dealing with depictions of a minor engaged in sexually explicit conduct;
- Sending or bringing into the state depictions of a minor engaged in sexually explicit conduct; and
- Patronizing a juvenile prostitute.

Summary of Bill:

The definition of sex offense in the SRA and the definition of sex offense in the sex offender registration statute of the Washington Criminal Code are redefined to coincide with each other with regard to felonies.

Sex offense as defined in the SRA is expanded to include:

- Sexual exploitation of a minor;
- Dealing with depictions of a minor engaged in sexually explicit conduct;
- Sending or bringing into the state depictions of a minor engaged in sexually explicit conduct; and
- Patronizing a juvenile prostitute.

Sex offense as defined in the sex offender registration statute of the Washington Criminal Code is expanded to include any federal or out-of-state conviction for an offense that, under the laws of Washington, would be a sex offense.

The definition for kidnapping in the registration statute is also expanded to include any attempt to commit a kidnapping offense as well as any federal or out-of-state offense that, under the laws of Washington, would be a kidnapping offense.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect on July 1, 2001.

Testimony For: This is a technical clean-up bill. When the sex offender registration first began the definition for sex offense in the criminal code and the definition of sex offense in the sex offender registration statute were identical. However, over the years both statutes have been amended without reference to each other. This bill harmonizes the definitions in both sections of the statute.

Testimony Against: None.

Testified: Senator Costa, prime sponsor.