

# HOUSE BILL REPORT

## HB 1412

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### As Reported by House Committee On:

Criminal Justice & Corrections

**Title:** An act relating to increasing penalties for sexually motivated crimes.

**Brief Description:** Increasing penalties for certain sexually motivated crimes.

**Sponsors:** Representatives Ahern (co-prime sponsor), Gombosky (co-prime sponsor), Dunn, Mielke, Cairnes, Lovick, Mulliken, Roach, Woods, Morell, Esser, Armstrong, Schoesler, Barlean, Benson, Schindler, Crouse, B. Chandler, Bush, O'Brien, Pflug, Cox, Pearson, Anderson, McMorris, G. Chandler, Lisk, Clements, Alexander and Conway.

### Brief History:

#### Committee Activity:

Criminal Justice & Corrections: 2/7/01, 2/14/01 [DPS].

#### Brief Summary of Substitute Bill

- Adds a two year sentencing enhancement for murder, kidnaping, assault, and burglary when the crimes are committed with sexual motivation.

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## HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill 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 Sentencing Reform Act (SRA) governs the sentencing of adult felons. The act bases sentencing on the determination of an offender's standard sentencing range which is calculated using the seriousness level of the current offense and the extent of the offender's criminal history.

#### Sentence Enhancements

The Washington statute provides for sentencing enhancements under certain circumstances such as when controlled substances are sold or possessed in or near public areas (e.g., schools or playgrounds) or when felony crimes are committed with a firearm or a deadly weapon. A sentence enhancement adds an additional incarceration period onto the standard sentence range that an offender found guilty would receive.

Generally, crimes committed with a finding of sexual motivation such as murder in the first and second degree, kidnaping in the first and second degree, assault in the first and second degree, or burglary in the first degree do not receive a sentencing enhancement.

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**Summary of Substitute Bill:**

This act is known as the Sex Offender Safety Act.

*Sentence Enhancements*

Any offender found guilty of committing first or second degree murder, first or second degree kidnaping, first or second degree assault, or first degree burglary, with a finding of sexual motivation, will have a two year sentencing enhancement added on to his or her standard sentencing range.

**Substitute Bill Compared to Original Bill:**

The provision that increased rape of a child and an adult in the first degree from a seriousness level XII to a level XIII is deleted.

The provision that increased rape of a child and an adult in the second degree from a seriousness level XI to a level XII is deleted.

The provision that increased first degree child molestation and indecent liberties (with forcible compulsion) from a seriousness level X to a level XI is deleted.

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**Appropriation:** None.

**Fiscal Note:** Requested on February 2, 2001.

**Effective Date of Substitute Bill:** This bill contains an emergency clause and takes effect on July 1, 2001.

**Testimony For:** Spokane has a prison located nearby that releases a number of sex offenders into its county each year and those offenders that are released usually end up taking up residence within that county. These sex offenders usually reoffend again, end

up creating havoc and becoming a nuisance and financial burden to the county. This bill increases the sentencing range for those committing a sex offense as well as enhances the penalties for those crimes committed with sexual motivation. This bill is one solution to ensure adequate sentences are imposed in order to keep sex offenders behind bars longer.

**Testimony Against:** None.

**Testified:** Representative Ahern, co-prime sponsor; Representative Gombosky, co-prime sponsor; Bob Higley, Washington Evangelicals for Responsible Government; and Suzanne Brown, Washington Coalition of Sexual Assault Programs.