

***Criminal Justice & Corrections
Committee***

SSB 5014

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 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.*

Hearing Date: *3/21/01*

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.

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.*