

# SENATE BILL REPORT

## SB 6465

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As Reported By Senate Committee On:  
Human Services & Corrections, February 1, 2006

**Title:** An act relating to designating the crime of possessing depictions of a minor engaged in sexually explicit conduct as a sex offense.

**Brief Description:** Changing provisions relating to sex offenders.

**Sponsors:** Senators McAuliffe, Berkey, Haugen, Fairley, Shin, Rockefeller, Hargrove, Rasmussen, Franklin, Thibaudeau and Regala.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 1/19/06, 2/1/06 [DPS].

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** That Substitute Senate Bill No. 6465 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell, McAuliffe and Thibaudeau.

**Staff:** Kiki Keizer (786-7430)

**Background:** Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct

A person is guilty of Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct if he or she knowingly possesses visual or printed matter depicting a minor engaged in sexually explicit conduct. The crime is an "unranked" class C felony, punishable by zero to 12 months in jail.

The Consequences of Classifying a Crime as a "Sex Offense" for Sentencing Purposes

Washington law identifies certain crimes as sex offenses for purposes of sentencing. The Legislature has established a whole series of consequences that are associated with being sentenced as a sex offender. For example, a person sentenced as a sex offender is not eligible for certain sentencing alternatives, such as the First Time Offender Waiver or the Drug Offender Sentencing Alternative. Once incarcerated, he or she is not eligible for as much earned early release time as other offenders. After release, he or she must comply with the state's registration requirements and is subject to a mandatory term of community custody and mandatory Department of Corrections supervision in the community. If sentenced for a subsequent offense, the seriousness level of his or her prior sex offense will be tripled for purposes of sentencing.

**Summary of Substitute Bill:** A new class C felony is created, applying to persons who knowingly providing false information about another person's noncompliance with to

registration requirements. Provisions related to possession of depictions of a minor engaged in sexually explicit conduct are eliminated. The title is amended.

**Substitute Bill Compared to Original Bill:** A new class C felony is created, applying to persons who knowingly provide false information about another person's noncompliance to registration requirements. Provisions related to possession of depictions of a minor engaged in sexually explicit conduct are eliminated. The title is amended.

**Appropriation:** None.

**Fiscal Note:** Available on companion bill HB 2410.

**Committee/Commission/Task Force Created:** No.

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

**Testimony For:** None.

**Testimony Against:** None.

**Who Testified:** No one.