

FINAL BILL REPORT

SHB 2320

PARTIAL VETO

C 289 L 96

Synopsis as Enacted

Brief Description: Making certain sex offenders subject to life imprisonment without parole after two offenses.

Sponsors: By House Committee on Corrections (originally sponsored by Representatives Ballasiotes, Blanton, Radcliff, Backlund, Robertson, Hatfield, Mulliken, Sheldon, Hymes, Kessler, Carlson, Johnson, Thompson, Costa and Boldt).

House Committee on Corrections

House Committee on Appropriations

Senate Committee on Law & Justice

Senate Committee on Ways & Means

Background: Under Washington's "Three Strikes and You're Out" law, an offender who commits three offenses that qualify as "strikes," as long as each strike represents a separate trip through the judicial system, is sentenced as a "persistent offender."

The offenses, including attempts, that qualify as "strikes" are as follows:

- (1) all class A felonies;
- (2) assault in the second degree;
- (3) assault of a child in the second degree;
- (4) child molestation in the second degree;
- (5) controlled substance homicide;
- (6) extortion in the first degree;
- (7) incest when committed against a child under 14;
- (8) indecent liberties;
- (9) kidnapping in the second degree;
- (10) leading organized crime;
- (11) manslaughter in the first degree;
- (12) manslaughter in the second degree;
- (13) promoting prostitution in the first degree;
- (14) rape in the third degree;
- (15) robbery in the second degree;
- (16) sexual exploitation;
- (17) vehicular assault;
- (18) vehicular homicide, when caused by a DWI or recklessness;
- (19) any Class B felonies that were sexually motivated;
- (20) any felony committed with a deadly weapon; or

- (21) any federal or out-of-state convictions for offenses similar to those contained in this list.

The sentence for a persistent offender is life imprisonment without possibility of release. A persistent offender is not eligible for community custody, earned early release time, furlough, home detention, partial confinement, work crew, work release or any other form of early release.

The Department of Corrections provides treatment and counseling services to some sex offenders who are confined in the state prison system.

Summary: A person will be sentenced as a persistent offender to life imprisonment without possibility of release if the person has been twice convicted, on separate trips through the judicial system, of any of the following qualifying offenses, including attempts:

- (1) rape in the first degree;
- (2) rape in the second degree;
- (3) indecent liberties by forcible compulsion; or
- (4) any of the following offenses if they were specifically found to have been sexually motivated:
 - (a) murder in the first or second degree;
 - (b) kidnapping in the first or second degree;
 - (c) assault in the first or second degree; or
 - (d) burglary in the first degree.

The first qualifying conviction may have occurred in a jurisdiction other than Washington.

The "Three Strikes and You're Out" law is not supplanted. Accordingly a person may qualify as a persistent offender either (1) by committing three strikes under current law, or (2) by committing two of the offenses covered in this bill.

The Department of Corrections is prohibited from providing sex offender treatment or sex offender counseling services to a sex offender sentenced to life imprisonment as a persistent offender.

Partial Veto Summary: The Governor vetoed a provision prohibiting the Department of Corrections from providing sex offender counseling and sex offender treatment services to sex offenders sentenced to life imprisonment.

Votes on Final Passage:

House	97	0
Senate	45	3

Effective: June 6, 1996