

SENATE BILL REPORT

SB 5063

As Reported By Senate Committee On:
Law & Justice, February 21, 1995

Title: An act relating to persistent offenders.

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

Sponsors: Senators Fairley, Haugen, McCaslin, Quigley, Hochstatter and Oke.

Brief History:

Committee Activity: Law & Justice: 1/19/95, 2/21/95 [DPS-WM].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5063 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, Roach and Schow.

Staff: Susan Carlson (786-7418)

Background: Sentencing laws define a "persistent offender" as an offender who has three separate felony convictions for a most serious offense. In general, the term "most serious offense" includes convictions for a violent crime, a crime committed with a deadly weapon, or a crime committed with a sexual motivation. The sentence for a persistent offender is mandatory life imprisonment without the possibility of parole.

It has been suggested that offenders convicted of a sex offense involving a victim who is a minor should be classified as persistent offenders after two separate convictions for such an offense. The concern is that victims of these offenses are particularly vulnerable, and it is disputed whether the behavior of such offenders can be modified to make it safe for them to be released back into the community.

Summary of Substitute Bill: The definition of "persistent offender" is amended to include a person who has been convicted of a sex offense involving a minor victim, and has one prior conviction for a sex offense involving a minor victim. The sex offense must be one that is classified as a most serious offense.

Substitute Bill Compared to Original Bill: The original bill applied to all sex offenses.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Subjecting these offenders to a life sentence after two convictions is appropriate because many offenders have multiple victims, the effectiveness of treatment is questionable, and the trauma suffered by the victims and their families is experienced life long.

Testimony Against: None.

Testified: PRO: Senator Fairley, prime sponsor; Det. Bob Schilling, Seattle Policy Dept., Council of Police Officers; Lonnie Johns-Brown, WA Assoc. of Sexual Assault Victims.