

SENATE BILL REPORT

SB 6328

As Reported By Senate Committee On:
Law & Justice, January 31, 1996

Title: An act relating to life imprisonment for sex offenders convicted of multiple offenses with child victims.

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

Sponsors: Senators Fairley, Smith, Goings, Long, McCaslin, Johnson, Haugen, Quigley, Loveland, Hargrove, Kohl, Heavey, Owen, Bauer, McAuliffe, Rasmussen, Oke, Sheldon and Roach.

Brief History:

Committee Activity: Law & Justice: 1/15/96, 1/31/96 [DP-WM].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, 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 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 Bill: The definition of "persistent offender" is amended to include an offender who has two separate convictions for a most serious offense that is also a sex offense involving a victim who is a minor. Class B felonies that are not sex offenses but were committed with sexual motivation are excluded from this provision.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Sex offenders who prey on children are especially dangerous because they are highly likely to reoffend, often have a large number of victims, and continue to molest children through old age. A life sentence will ensure the safety of children.

Testimony Against: Current sentencing laws provide courts with sufficient tools to address public safety concerns about sex offenders and allow courts to make decisions on a case-by-case basis. Also, the threat of a life sentence may result in less cooperation from victims where the perpetrator is a family member.

Testified: Senator Fairley, prime sponsor (pro); Norm Maleng, King Co. prosecuting attorney (pro); Joe and Kari Hardy (pro); Debbie Ruggles, WA Coalition of Sexual Assault Programs (pro); Mike Patrick, WA Council of Police Officers (pro); Robert Vincent (pro); Hubert Locke, Sentencing Guidelines Commission (con).