

# SENATE BILL REPORT

## SB 5509

---

As Reported By Senate Committee On:  
Law & Justice, February 17, 1997  
Ways & Means, March 10, 1997

**Title:** An act relating to definitions regarding offenders.

**Brief Description:** Changing definitions regarding offenders.

**Sponsors:** Senators Rossi, Roach, Zarelli, Winsley, Long, Morton, Goings, Finkbeiner, Oke, Hochstatter, Benton, Johnson, Stevens, McCaslin and Rasmussen.

**Brief History:**

**Committee Activity:** Law & Justice: 2/17/97, 2/17/97 [DP-WM].  
Ways & Means: 3/5/97, 3/10/97 [DPS, DNP].

---

### SENATE COMMITTEE ON LAW & JUSTICE

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

Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Haugen, Kline, Long, McCaslin, Stevens and Zarelli.

**Staff:** Mychal Schwartz (786-7444)

---

### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** That Substitute Senate Bill No. 5509 be substituted therefor, and the substitute bill do pass.

Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Hochstatter, Long, McDonald, Roach, Rossi, Schow, Swecker, Winsley and Zarelli.

**Minority Report:** Do not pass.

Signed by Senators Loveland and Thibaudeau.

**Staff:** Bryon Moore (786-7726)

**Background:** Sentencing laws define a "persistent offender" as an offender who has three separate felony convictions for a most serious offense (three strikes), or who has two separate felony convictions for several of the most violent sex offenses or for several violent offenses if committed with a sexual motivation (two strikes).

It has been suggested that offenders who prey on children should be classified as persistent offenders after two separate convictions for such offenses. The concern is that children 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 "two strikes" portion of the definition of "persistent offender" is amended to include the crimes of rape of a child in the first degree, child molestation in the first degree, and homicide by abuse and assault of a child in the first degree, with a finding of sexual motivation.

The definition of "offender" is amended to include a juvenile who has come under the superior court's jurisdiction as a result of RCW 12.04.030 (automatic decline).

**Substitute Bill Compared to Original Bill:** A technical correction is made deleting a reference to an offense that is already included in the child molestation in the first degree offense, which is one of the specified two strike– offenses under the provisions of the bill.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For (Law & Justice):** This bill picks up several sex offenses against children. This is needed because there are many cases where adults prey on kids time and time again. Kids should have the same protection as adults. The bill is narrowly tailored and is not too broad. The costs associated with the bill are not too large when balanced against the harm to children and families. Kids suffer, both physically and mentally, for a long time; the pain never stops. Kids are valuable. The offenders are essentially incurable and they should be sent to prison forever.

**Testimony Against (Law & Justice):** None.

**Testified (Law & Justice):** Senator Dino Rossi, prime sponsor; Michael Patrick, Washington Council of Police Officers; Bernadean Broadous, Thurston County Prosecuting Attorney; Jim Powers, Thurston County Deputy Prosecuting Attorney; Helen Harlow, Tennis Shoe Brigade; Terry Cistern; Officer Steve Eckert, King County Police; Chris Clifford.

**Testimony For (Ways & Means):** This corrects a deficiency in the two strikes– law. This will help break the cycle of sexual abuse. The bill is targeted at those most likely to reoffend and will help protect vulnerable children. The money involved is irrelevant considering the impact of these crimes on the children.

**Testimony Against (Ways & Means):** The legislation expands the two strikes– law too far. It will likely result in victimized children being less likely to come forward, especially when the perpetrator is a family member. Longer sentences are not the answer for this problem.

**Testified (Ways & Means):** Senator Dino Rossi, prime sponsor (pro); Mike Patrick, Washington Council of Police Chiefs (pro); Theresa Spurr, Tennis Shoe Brigade (pro); Jim Powers, Thurston County Deputy Prosecuting Attorney (pro); Sherry Appleton, Washington Defender Association, Washington Association of Criminal Defense Lawyers (con).