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**Criminal Justice & Corrections  
Committee**

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**HB 3252**

**Brief Description:** Prohibiting offenders who enter Alford pleas from receiving a special sex offender sentencing alternative.

**Sponsors:** Representatives O'Brien, Rodne, Santos and Strow.

**Brief Summary of Bill**

- Prohibits an offender entering a plea of guilty from receiving a Special Sex Offender Sentencing Alternative unless the offender admits to the underlying offense.

**Hearing Date:** 1/31/06

**Staff:** Jim Morishima (786-7191).

**Background:**

I. The Special Sex Offender Sentencing Alternative

In 1984, the Legislature created the Special Sex Offender Sentencing Alternative (SSOSA). A SSOSA sentence consists of a suspended standard range sentence, incarceration for up to 12 months, treatment for up to five years, and a term of community custody. An offender is eligible for a SSOSA sentence if: (1) he or she is convicted of a sex offense that is not a serious violent offense or rape in the second degree, (2) he or she has no prior felony sex offenses, (3) he or she has no prior adult violent offenses within five years of the current offense, (4) the current offense did not cause substantial bodily harm to the victim, (5) he or she has an established relationship or connection to the victim, and (6) his or her standard sentence range includes the possibility of incarceration for less than 11 years.

II. Alford Pleas

In *North Carolina v. Alford*, 400 U.S. 25 (1970), the United States Supreme Court ruled that the constitution allows an offender to enter a plea of guilty without admitting guilt for the underlying crime. This type of plea has been come to be known as an "Alford plea."

**Summary of Bill:**

In order to be eligible for a SSOSA, an offender who receives the alternative or disposition pursuant to a guilty plea must admit he or she committed the underlying offense. A SSOSA is not available to an offender who enters an Alford plea.

**Appropriation:** None.

**Fiscal Note:** Requested on January 28, 2006.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.