

SENATE BILL REPORT

SB 6321

As Reported By Senate Committee On:
Judiciary, January 31, 2006

Title: An act relating to eligibility for the special sex offender sentencing alternative.

Brief Description: Changing the eligibility requirement for the special sex offender sentencing alternative.

Sponsors: Senators Regala, Brandland, Stevens, Carrell, Kline, Keiser, Rockefeller, Berkey, Haugen, Fairley, Spanel, Pflug, Sheldon, Rasmussen, McAuliffe, Shin and Roach.

Brief History:

Committee Activity: Judiciary: 1/18/2006, 1/31/06 [DP]

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; Weinstein, Vice Chair; Johnson, Ranking Minority Member; Carrell, Esser, Hargrove, McCaslin, Rasmussen and Thibaudeau.

Staff: Aldo Melchiori (786-7439)

Background: The special sex offender sentencing alternative (SSOSA) is a special sentencing option which allows community treatment of sex offenders. SSOSA provides for a suspended sentence that may include a jail term of up to 12 months and required outpatient or inpatient treatment. To be eligible for the SSOSA option, offenders must: (1) not be convicted of a serious violent offense with a sexual motivation finding, rape in the first degree, attempted rape in the first degree, or rape in the second degree; (2) be convicted of a sex offense, incest, communication with a minor for immoral purposes, or an offense with a finding of sexual motivation; (3) have had no prior convictions for sex offenses in this or any other state; (4) have a current offense and criminal history that permits the court to impose a sentence within the standard range of less than 11 years of confinement; and (5) have had an established relationship with, or connection to, the victim such that the sole connection to the victim was not the crime.

A defendant may be found guilty at trial or may plead guilty. An *Alford* plea is a conditional guilty plea named after a 1970 United States Supreme Court case. In this type of guilty plea, the defendant denies guilt, or refuses to make an admission of guilt, but the factual basis for the plea is provided by other reliable evidence and the plea constitutes the defendant's voluntary, understanding, and competent choice among the alternatives available. Offenders convicted as a result of an *Alford* plea may currently be eligible for SSOSA.

Summary of Bill: An additional qualification is provided for SSOSA eligibility. If the defendant is convicted based upon a guilty plea, the plea must include admitting to the crime and accepting personal responsibility for his or her behavior.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Testimony For: The SOSSA is about protecting communities. The program encourages victims to come forward and helps us identify sex offenders and get them effective treatment. To be amenable to treatment, you must first acknowledge your actions.

Testimony Against: The amenability evaluation is the time when this decision is made now and that is appropriate. This bill could eliminate people from eligibility when the only reason they cannot plead guilty is their inability to admit to some peripheral facts that they dispute.

Who Testified: PRO: Senator Regala, prime sponsor; Suzanne Brown-McBride, Washington Coalition of Sexual Assault Programs.

CON: Amy Muth, WACDL and WDA.