

SENATE BILL REPORT

SB 6409

As Reported By Senate Committee On:
Human Services & Corrections, February 1, 2006

Title: An act relating to sex offender sentencing and disposition alternatives.

Brief Description: Revising provisions relating to sex offender sentencing and disposition alternatives.

Sponsors: Senators Hargrove, Stevens, Doumit, McAuliffe, Regala, Rasmussen and Oke; by request of Attorney General.

Brief History:

Committee Activity: Human Services & Corrections: 1/19/06, 2/1/06 [DPS].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 6409 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell, McAuliffe and Thibaudeau.

Staff: Kiki Keizer (786-7430)

Background: *The Special Sex Offender Sentencing Alternative (SSOSA)*

In 1984, the Legislature passed SHB 1247, which established 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. In 2004, the Legislature made a number of changes to the SSOSA statute, including narrowing the eligibility criteria, adding to the factors a court must consider when granting a SSOSA, adding requirements for a SSOSA sentence, and changing the manner in which SSOSA offenders are supervised. The 2004 changes became effective on July 1, 2005.

An offender is eligible for a SSOSA sentence if:

- He or she is convicted of a sex offense that is not a serious violent offense or Rape in the 2nd degree;
- He or she has no prior adult violent offenses within five years of the current offense and no prior felony offenses;
- The current offense did not cause substantial bodily harm to the victim;
- He or she has an established relationship or connection to the victim; and
- His or her standard range sentence includes the possibility of incarceration for less than 11 years.

Before granting a SSOSA sentence, the court must consider:

- An examination provided by a treatment provider;
- The opinion of the victim;
- Whether the offender and the community will benefit from the SSOSA sentence;
- Whether the offender had more than one victim;
- Whether the offender is amenable to treatment;
- The risk posed by the offender; and
- Whether the SSOSA is too lenient in light of the circumstances.

The Department of Corrections (DOC) must supervise an offender who has been granted a SSOSA sentence. The DOC may sanction some violations of a SSOSA sentence, but it must send certain types of violations back to the sentencing court with a recommendation that the sentence be revoked.

The court must conduct annual hearings on the offender's progress in treatment and must also conduct a treatment termination hearing, as the offender nears completion of the sentence. The victim must be granted an opportunity to be heard at both of these hearings.

The Special Sex Offender Disposition Alternative (SSODA)

The Special Sex Offender Disposition Alternative (SSODA) is treatment-oriented sanction, similar to SSOSA, that applies to juvenile offenders. Like SSOSA, SSODA requires that the offender be evaluated and found amenable to treatment. To determine whether the SSODA is appropriate in a particular case, the court must consider other factors, too, such as the victim's opinion and whether the offender and the community would benefit from the use of the SSODA.

Summary of Substitute Bill: In order to be eligible for the SSOSA or the SSODA, a defendant must accept responsibility for the commission of the crime with which he or she is charged.

Substitute Bill Compared to Original Bill: The term "Alford plea" is defined. Case citations to North Carolina v. Alford and its Washington analogue from proposed amendment to statutory language are removed.

Appropriation: None.

Fiscal Note: Requested for companion bill HB 2703 on January 12, 2006.

Committee/Commission/Task Force Created: No.

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

Testimony For: The first step of effective treatment is admitting one has a problem. The availability of the SSOSA or the SSODA should be restricted to those who affirmatively admit that they have committed the offense.

Testimony Against: There was a need to tighten eligibility for SSOSA two years ago, which the legislature did. The number of SSOSA suspended sentences has decreased. The focus is on cases where SSOSA is the appropriate disposition of a case.

Some believe that SSOSA should be eradicated or restricted further.

Who Testified: PRO: Tom McBride, Washington Association of Prosecutors; Todd Bowers, Assistant Attorney General.

CON: Jim Hines, Preserve Childhood Innocence; Patricia Gibbs; Shana Burke.