

HOUSE BILL REPORT

SSB 5243

As Passed House - Amended:

April 3, 2007

Title: An act relating to increasing the length of confinement for a parole violation committed by certain juvenile sex offenders under the jurisdiction of the department of social and health services, juvenile rehabilitation administration.

Brief Description: Increasing the length of confinement for a parole violation committed by certain juvenile sex offenders.

Sponsors: By Senate Committee on Human Services & Corrections (originally sponsored by Senators Brandland, Hargrove, McAuliffe, Stevens, Rasmussen, Shin and Roach; by request of Department of Social and Health Services).

Brief History:

Committee Activity:

Human Services: 3/26/07 [DPA].

Floor Activity:

Passed House - Amended: 4/3/07, 96-0.

Brief Summary of Substitute Bill (As Amended by House)

- Increases the sanction for a parole violation committed by a juvenile who is required to register as a sex offender to permit confinement of the offender for a period of up to 24 weeks.

HOUSE COMMITTEE ON HUMAN SERVICES

Majority Report: Do pass as amended. Signed by 7 members: Representatives Dickerson, Chair; Roberts, Vice Chair; Walsh, Assistant Ranking Minority Member; Bailey, Darneille, McCoy and O'Brien.

Staff: Sonja Hallum (786-7092).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

If a juvenile is committed to a sentence at a Juvenile Rehabilitation Administration (JRA) facility, he or she may be under parole supervision upon release from the facility.

There are three types of parole in Washington: Intensive, Enhanced, and Sex Offender Parole. Juveniles who have the highest risk of re-offending receive a mandatory six months of supervision through Intensive Parole. Enhanced Parole is for youth who are not eligible for Intensive Parole. Juveniles on Enhanced Parole receive 20 weeks of supervision. Juveniles who commit specific sex offenses receive a mandatory 24 to 36 months of Sex Offender Parole.

If a juvenile violates his or her conditions of parole, the Department of Social and Health Services (Department) may request sanctions including intensified supervision, additional conditions of supervision, up to 30 days confinement in the local detention facility, or request the juvenile to be returned to a JRA facility to complete the remainder of his or her sentence if the sentence included the basic training camp or was one of the following sex offenses:

- Rape in the First or Second Degree;
- Rape of a Child in the First or Second Degree;
- Child Molestation in the First Degree;
- Indecent Liberties with Forcible Compulsion; or
- a sex offense that is also a serious violent offense.

Summary of Amended Bill:

An offender who is required to register as a sex offender who violates the terms of parole may have his or her parole modified to impose any conditions of parole, or be confined in a JRA facility for a period of up to 24 weeks. The total number of days of confinement may not exceed the number of days provided by the maximum sentence imposed by the disposition for the underlying offense.

Confinement beyond 30 days is intended to only be used for a small and limited number of sex offenders. It is to be used only when other graduated sanctions or interventions have not been effective, or the behavior is so egregious it warrants the use of the higher level intervention, and the violation:

- is a known pattern of behavior consistent with a previous sex offense that puts the youth at high risk for re-offending sexually;
- consists of sexual behavior that is determined to be predatory as defined in RCW 71.09.020; or
- requires a review under chapter 71.09 RCW, due to a recent overt act.

The Department may not aggregate multiple parole violations that occur prior to the parole revocation hearing and impose consecutive 24-week periods of confinement for each parole violation.

The Department is authorized to develop rules to implement this subsection, including narrowly defining the behaviors that could lead to the need for a higher level of intervention.

The sanctions may only be imposed on juvenile offenders who have been adjudicated on or before the effective date of the act, which is October 1, 2007.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect on October 1, 2007.

Staff Summary of Public Testimony:

(In support of original bill) The intent of the bill is to provide additional treatment intervention. It addresses a very small group of youth, all of whom are sex offenders. It extends the period of revocation from 30 days up to a possible 24 weeks. We won't give every youth 24 weeks. Right now we use graduated sanctions and we will continue to do so. We will define the behaviors that will lead to the violations very narrowly. We are working on the potential constitutional issues. The bill provides for public safety, additional interventions, and it is sound public policy.

(Opposed) None.

Persons Testifying: Sekou Shabaka, Department of Health and Social Services, Juvenile Rehabilitation Administration.

Persons Signed In To Testify But Not Testifying: None.