VETO MESSAGE ON SB 6274-S

March 29, 1996

To the Honorable President and Members,
The Senate of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 6, 7, 8, and 13, Substitute Senate Bill No. 6274 entitled:

"AN ACT Relating to supervision of sex offenders;"

Substitute Senate Bill No. 6274 enhances public protection against sex offenders by making a number of changes. It extends the supervision period following an offender's release from incarceration and facilitates the Department of Corrections' imposition of sanctions for violations of supervision conditions. It also tightens the registration requirements for sex offenders so that law enforcement can better track their movements from community to community. In general, this legislation fine-tunes the laws enacted as part of the Community Protection Act of 1990.

The Community Protection Act of 1990 established a comprehensive approach for dealing with sex offenders. It authorized public officials to notify communities about potentially dangerous sex offenders when they are released from incarceration after serving their sentence. It also created a new sentencing alternative that permits first-time sex offenders, who have committed a non-serious offense, to remain in the community for treatment purposes. This treatment sentencing option is used only when the court -- after considering the recommendations of treatment experts, prosecutors, and the victim -- determines that the adult or juvenile offender does not pose a risk to the community and is amenable to treatment. Moreover, the offender is supervised by a probation officer during the treatment period. Because successful treatment is the best protection against recidivism, this sentencing alternative serves the interests of the community as well as the individual offender.

Sections 6, 7, and 8 of Substitute Senate Bill No. 6274 extend the public notification requirement to offenders who have been sentenced under the treatment option. Section 13 provides for immediate implementation of these provisions and has no effect on the remainder of the bill.

I wholeheartedly agree that public notification is appropriate when an offender returning to the community poses a potential public safety risk. However, I do not support extending the public notification requirement to first-time, non-serious juvenile offenders who remain in the community for treatment. Public notification serves no purpose in these cases where the courts have made a risk assessment, based on expert evaluations, and have found these juveniles to pose no threat to community safety. In addition, community notification could well jeopardize the purpose of this sentencing alternative, that is, to provide effective community-based treatment in order to prevent future reoffense. Past public notifications of juvenile sex offenders upon their release from confinement have sometimes resulted in their being prevented from attending school. Other juveniles have been harassed and even assaulted. If it results in public stigmatization, community notification will significantly undermine our efforts to

rehabilitate juvenile offenders under the treatment sentencing option. This risk should therefore be avoided. With respect to adult offenders who are sentenced under the community treatment option, law enforcement already issues public notifications on these offenders.

For these reasons, I have vetoed sections 6, 7, 8, and 13 of Substitute Senate Bill No. 6274.

With the exception of sections 6, 7, 8, and 13, Substitute Senate Bill No. 6274 is approved.

Respectfully submitted,
Mike Lowry
Governor