

SHB 2400 - H AMD TO H AMD (2400-S AMH MCMA MORI 028) **1140**
By Representative O'Brien

ADOPTED 03/04/2004

1 On page 1, beginning on line 3 of the amendment, strike all
2 material through "2004." on page 13, line 33, and insert the following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that sex offenses
4 against children are among the most heinous of crimes and that the
5 legislature has a paramount duty to protect children from victimization
6 by sex offenders. Sentencing policy in Washington state should ensure
7 that punishment of sex offenders is pursued to the extent that such
8 punishment does not jeopardize the safety of children or hinder the
9 successful prosecution of sex offenses against children. The special
10 sex offender sentencing alternative was enacted in 1984 to protect
11 victims of sexual assault. A 1991 evaluation of the effectiveness of
12 the sentencing alternative concluded that it accurately selected sex
13 offenders who, with supervision and treatment, reoffend at lower rates
14 and that the use of the sentencing alternative does not increase risk
15 to the community. Today, strong support for the special sex offender
16 sentencing alternative continues among advocates for children who are
17 victims of sexual assault and prosecutors who prosecute sex offenses
18 against children.

19 (2) The legislature further finds that several weaknesses in the
20 structure and administration of the special sex offender sentencing
21 alternative have been identified and should be addressed. In addition,
22 a comprehensive analysis and evaluation of the special sex offender
23 sentencing alternative is needed to ensure that efforts to reform the
24 sentencing alternative do not result in jeopardizing the safety of
25 children or hindering the successful prosecution of sex offenses
26 against children.

27 (3) The legislature intends to protect children from victimization
28 by sex offenders by taking immediate action to increase punishment for
29 the most serious sex offenses against children, making immediate
30 changes in the special sex offender sentencing alternative to address
31 known weaknesses in the program, and thoroughly evaluating the

1 effectiveness of the special sex offender sentencing alternative to
2 determine whether additional changes are needed to further increase the
3 protection of children from victimization by sex offenders.

4 **Sec. 2.** RCW 9.94A.515 and 2003 c 335 s 5, 2003 c 283 s 33, 2003 c
5 267 s 3, 2003 c 250 s 14, 2003 c 119 s 8, 2003 c 53 s 56, and 2003 c 52
6 s 4 are each reenacted and amended to read as follows:

7 TABLE 2

8 CRIMES INCLUDED WITHIN

9 EACH SERIOUSNESS LEVEL

- 10 XVI Aggravated Murder 1 (RCW
11 10.95.020)
- 12 XV Homicide by abuse (RCW 9A.32.055)
13 Malicious explosion 1 (RCW
14 70.74.280(1))
15 Murder 1 (RCW 9A.32.030)
- 16 XIV Murder 2 (RCW 9A.32.050)
17 Trafficking 1 (RCW 9A.40.100(1))
- 18 XIII Malicious explosion 2 (RCW
19 70.74.280(2))
20 Malicious placement of an explosive 1
21 (RCW 70.74.270(1))
22 Rape of a Child 1 when offender is at
23 least eighteen years of age when
24 charged (RCW 9A.44.073)
25 Rape of a Child 2 when offender is at
26 least eighteen years of age when
27 charged (RCW 9A.44.076)
- 28 XII Assault 1 (RCW 9A.36.011)
29 Assault of a Child 1 (RCW 9A.36.120)
30 Malicious placement of an imitation
31 device 1 (RCW 70.74.272(1)(a))
32 Rape 1 (RCW 9A.44.040)

1 Rape of a Child 1 when offender is
2 under eighteen years of age when
3 charged, but subject to adult
4 felony prosecution because the
5 juvenile court lacks jurisdiction
6 under RCW 13.04.030, or has
7 declined jurisdiction under RCW
8 13.40.110 (RCW 9A.44.073)
9 Trafficking 2 (RCW 9A.40.100(2))
10 XI Manslaughter 1 (RCW 9A.32.060)
11 Rape 2 (RCW 9A.44.050)
12 Rape of a Child 2 when offender is
13 under eighteen years of age when
14 charged, but subject to adult
15 felony prosecution because the
16 juvenile court lacks jurisdiction
17 under RCW 13.04.030, or has
18 declined jurisdiction under RCW
19 13.40.110 (RCW 9A.44.076)
20 X Child Molestation 1 (RCW 9A.44.083)
21 Indecent Liberties (with forcible
22 compulsion) (RCW
23 9A.44.100(1)(a))
24 Kidnapping 1 (RCW 9A.40.020)
25 Leading Organized Crime (RCW
26 9A.82.060(1)(a))
27 Malicious explosion 3 (RCW
28 70.74.280(3))
29 Sexually Violent Predator Escape
30 (RCW 9A.76.115)
31 IX Assault of a Child 2 (RCW 9A.36.130)
32 Explosive devices prohibited (RCW
33 70.74.180)
34 Hit and Run--Death (RCW
35 46.52.020(4)(a))

1 Homicide by Watercraft, by being
2 under the influence of intoxicating
3 liquor or any drug (RCW
4 79A.60.050)
5 Inciting Criminal Profiteering (RCW
6 9A.82.060(1)(b))
7 Malicious placement of an explosive 2
8 (RCW 70.74.270(2))
9 Robbery 1 (RCW 9A.56.200)
10 Sexual Exploitation (RCW 9.68A.040)
11 Vehicular Homicide, by being under
12 the influence of intoxicating
13 liquor or any drug (RCW
14 46.61.520)
15 VIII Arson 1 (RCW 9A.48.020)
16 Homicide by Watercraft, by the
17 operation of any vessel in a
18 reckless manner (RCW
19 79A.60.050)
20 Manslaughter 2 (RCW 9A.32.070)
21 Promoting Prostitution 1 (RCW
22 9A.88.070)
23 Theft of Ammonia (RCW 69.55.010)
24 Vehicular Homicide, by the operation
25 of any vehicle in a reckless
26 manner (RCW 46.61.520)
27 VII Burglary 1 (RCW 9A.52.020)
28 Child Molestation 2 (RCW 9A.44.086)
29 Civil Disorder Training (RCW
30 9A.48.120)
31 Dealing in depictions of minor
32 engaged in sexually explicit
33 conduct (RCW 9.68A.050)
34 Drive-by Shooting (RCW 9A.36.045)
35 Homicide by Watercraft, by disregard
36 for the safety of others (RCW
37 79A.60.050)

1 Indecent Liberties (without forcible
2 compulsion) (RCW 9A.44.100(1)
3 (b) and (c))
4 Introducing Contraband 1 (RCW
5 9A.76.140)
6 Malicious placement of an explosive 3
7 (RCW 70.74.270(3))
8 Sending, bringing into state depictions
9 of minor engaged in sexually
10 explicit conduct (RCW
11 9.68A.060)
12 Unlawful Possession of a Firearm in
13 the first degree (RCW
14 9.41.040(1))
15 Use of a Machine Gun in Commission
16 of a Felony (RCW 9.41.225)
17 Vehicular Homicide, by disregard for
18 the safety of others (RCW
19 46.61.520)
20 VI Bail Jumping with Murder 1 (RCW
21 9A.76.170(3)(a))
22 Bribery (RCW 9A.68.010)
23 Incest 1 (RCW 9A.64.020(1))
24 Intimidating a Judge (RCW
25 9A.72.160)
26 Intimidating a Juror/Witness (RCW
27 9A.72.110, 9A.72.130)
28 Malicious placement of an imitation
29 device 2 (RCW 70.74.272(1)(b))
30 Rape of a Child 3 (RCW 9A.44.079)
31 Theft of a Firearm (RCW 9A.56.300)
32 Unlawful Storage of Ammonia (RCW
33 69.55.020)
34 V Abandonment of dependent person 1
35 (RCW 9A.42.060)

1 Advancing money or property for
2 extortionate extension of credit
3 (RCW 9A.82.030)
4 Bail Jumping with class A Felony
5 (RCW 9A.76.170(3)(b))
6 Child Molestation 3 (RCW 9A.44.089)
7 Criminal Mistreatment 1 (RCW
8 9A.42.020)
9 Custodial Sexual Misconduct 1 (RCW
10 9A.44.160)
11 Domestic Violence Court Order
12 Violation (RCW 10.99.040,
13 10.99.050, 26.09.300, 26.10.220,
14 26.26.138, 26.50.110, 26.52.070,
15 or 74.34.145)
16 Extortion 1 (RCW 9A.56.120)
17 Extortionate Extension of Credit
18 (RCW 9A.82.020)
19 Extortionate Means to Collect
20 Extensions of Credit (RCW
21 9A.82.040)
22 Incest 2 (RCW 9A.64.020(2))
23 Kidnapping 2 (RCW 9A.40.030)
24 Perjury 1 (RCW 9A.72.020)
25 Persistent prison misbehavior (RCW
26 9.94.070)
27 Possession of a Stolen Firearm (RCW
28 9A.56.310)
29 Rape 3 (RCW 9A.44.060)
30 Rendering Criminal Assistance 1
31 (RCW 9A.76.070)
32 Sexual Misconduct with a Minor 1
33 (RCW 9A.44.093)
34 Sexually Violating Human Remains
35 (RCW 9A.44.105)
36 Stalking (RCW 9A.46.110)

1 Taking Motor Vehicle Without
2 Permission 1 (RCW 9A.56.070)
3 IV Arson 2 (RCW 9A.48.030)
4 Assault 2 (RCW 9A.36.021)
5 Assault by Watercraft (RCW
6 79A.60.060)
7 Bribing a Witness/Bribe Received by
8 Witness (RCW 9A.72.090,
9 9A.72.100)
10 Cheating 1 (RCW 9.46.1961)
11 Commercial Bribery (RCW
12 9A.68.060)
13 Counterfeiting (RCW 9.16.035(4))
14 Endangerment with a Controlled
15 Substance (RCW 9A.42.100)
16 Escape 1 (RCW 9A.76.110)
17 Hit and Run--Injury (RCW
18 46.52.020(4)(b))
19 Hit and Run with Vessel--Injury
20 Accident (RCW 79A.60.200(3))
21 Identity Theft 1 (RCW 9.35.020(2))
22 Indecent Exposure to Person Under
23 Age Fourteen (subsequent sex
24 offense) (RCW 9A.88.010)
25 Influencing Outcome of Sporting
26 Event (RCW 9A.82.070)
27 Malicious Harassment (RCW
28 9A.36.080)
29 Residential Burglary (RCW
30 9A.52.025)
31 Robbery 2 (RCW 9A.56.210)
32 Theft of Livestock 1 (RCW 9A.56.080)
33 Threats to Bomb (RCW 9.61.160)
34 Trafficking in Stolen Property 1 (RCW
35 9A.82.050)

1 Unlawful factoring of a credit card or
2 payment card transaction (RCW
3 9A.56.290(4)(b))
4 Unlawful transaction of health
5 coverage as a health care service
6 contractor (RCW 48.44.016(3))
7 Unlawful transaction of health
8 coverage as a health maintenance
9 organization (RCW 48.46.033(3))
10 Unlawful transaction of insurance
11 business (RCW 48.15.023(3))
12 Unlicensed practice as an insurance
13 professional (RCW 48.17.063(3))
14 Use of Proceeds of Criminal
15 Profiteering (RCW 9A.82.080 (1)
16 and (2))
17 Vehicular Assault, by being under the
18 influence of intoxicating liquor or
19 any drug, or by the operation or
20 driving of a vehicle in a reckless
21 manner (RCW 46.61.522)
22 Willful Failure to Return from
23 Furlough (RCW 72.66.060)
24 III Abandonment of dependent person 2
25 (RCW 9A.42.070)
26 Assault 3 (RCW 9A.36.031)
27 Assault of a Child 3 (RCW 9A.36.140)
28 Bail Jumping with class B or C Felony
29 (RCW 9A.76.170(3)(c))
30 Burglary 2 (RCW 9A.52.030)
31 Communication with a Minor for
32 Immoral Purposes (RCW
33 9.68A.090)
34 Criminal Gang Intimidation (RCW
35 9A.46.120)
36 Criminal Mistreatment 2 (RCW
37 9A.42.030)

1 Custodial Assault (RCW 9A.36.100)
2 Escape 2 (RCW 9A.76.120)
3 Extortion 2 (RCW 9A.56.130)
4 Harassment (RCW 9A.46.020)
5 Intimidating a Public Servant (RCW
6 9A.76.180)
7 Introducing Contraband 2 (RCW
8 9A.76.150)
9 Malicious Injury to Railroad Property
10 (RCW 81.60.070)
11 Patronizing a Juvenile Prostitute
12 (RCW 9.68A.100)
13 Perjury 2 (RCW 9A.72.030)
14 Possession of Incendiary Device (RCW
15 9.40.120)
16 Possession of Machine Gun or Short-
17 Barreled Shotgun or Rifle (RCW
18 9.41.190)
19 Promoting Prostitution 2 (RCW
20 9A.88.080)
21 Securities Act violation (RCW
22 21.20.400)
23 Tampering with a Witness (RCW
24 9A.72.120)
25 Telephone Harassment (subsequent
26 conviction or threat of death)
27 (RCW 9.61.230(2))
28 Theft of Livestock 2 (RCW 9A.56.083)
29 Trafficking in Stolen Property 2 (RCW
30 9A.82.055)
31 Unlawful Imprisonment (RCW
32 9A.40.040)
33 Unlawful possession of firearm in the
34 second degree (RCW 9.41.040(2))

1 Vehicular Assault, by the operation or
2 driving of a vehicle with disregard
3 for the safety of others (RCW
4 46.61.522)
5 Willful Failure to Return from Work
6 Release (RCW 72.65.070)
7 II Computer Trespass 1 (RCW
8 9A.52.110)
9 Counterfeiting (RCW 9.16.035(3))
10 Escape from Community Custody
11 (RCW 72.09.310)
12 Health Care False Claims (RCW
13 48.80.030)
14 Identity Theft 2 (RCW 9.35.020(3))
15 Improperly Obtaining Financial
16 Information (RCW 9.35.010)
17 Malicious Mischief 1 (RCW
18 9A.48.070)
19 Possession of Stolen Property 1 (RCW
20 9A.56.150)
21 Theft 1 (RCW 9A.56.030)
22 Theft of Rental, Leased, or Lease-
23 purchased Property (valued at one
24 thousand five hundred dollars or
25 more) (RCW 9A.56.096(5)(a))
26 Trafficking in Insurance Claims (RCW
27 48.30A.015)
28 Unlawful factoring of a credit card or
29 payment card transaction (RCW
30 9A.56.290(4)(a))
31 Unlawful Practice of Law (RCW
32 2.48.180)
33 Unlicensed Practice of a Profession or
34 Business (RCW 18.130.190(7))
35 I Attempting to Elude a Pursuing Police
36 Vehicle (RCW 46.61.024)

1 False Verification for Welfare (RCW
2 74.08.055)
3 Forgery (RCW 9A.60.020)
4 Fraudulent Creation or Revocation of a
5 Mental Health Advance Directive
6 (RCW 9A.60.060)
7 Malicious Mischief 2 (RCW
8 9A.48.080)
9 Mineral Trespass (RCW 78.44.330)
10 Possession of Stolen Property 2 (RCW
11 9A.56.160)
12 Reckless Burning 1 (RCW 9A.48.040)
13 Taking Motor Vehicle Without
14 Permission 2 (RCW 9A.56.075)
15 Theft 2 (RCW 9A.56.040)
16 Theft of Rental, Leased, or Lease-
17 purchased Property (valued at two
18 hundred fifty dollars or more but
19 less than one thousand five
20 hundred dollars) (RCW
21 9A.56.096(5)(b))
22 Transaction of insurance business
23 beyond the scope of licensure
24 (RCW 48.17.063(4))
25 Unlawful Issuance of Checks or Drafts
26 (RCW 9A.56.060)
27 Unlawful Possession of Fictitious
28 Identification (RCW 9A.56.320)
29 Unlawful Possession of Instruments of
30 Financial Fraud (RCW
31 9A.56.320)
32 Unlawful Possession of Payment
33 Instruments (RCW 9A.56.320)
34 Unlawful Possession of a Personal
35 Identification Device (RCW
36 9A.56.320)

1 Unlawful Production of Payment
2 Instruments (RCW 9A.56.320)
3 Unlawful Trafficking in Food Stamps
4 (RCW 9.91.142)
5 Unlawful Use of Food Stamps (RCW
6 9.91.144)
7 Vehicle Prowl 1 (RCW 9A.52.095)

8 **Sec. 3.** RCW 9.94A.670 and 2002 c 175 s 11 are each amended to read
9 as follows:

10 (1) This section applies exclusively to:

11 (a) Offenders who are at least eighteen years old when they are
12 charged with crimes committed prior to the effective date of this act;
13 and

14 (b) Offenders who are less than eighteen years old when they are
15 charged, but are subject to adult felony prosecution because the
16 juvenile court lacks jurisdiction under RCW 13.04.030, or has declined
17 jurisdiction under RCW 13.40.110, prior to, on, or after the effective
18 date of this act.

19 (2) Unless the context clearly requires otherwise, the definitions
20 in this subsection apply to this section only.

21 (a) "Sex offender treatment provider" or "treatment provider" means
22 a certified sex offender treatment provider as defined in RCW
23 18.155.020.

24 (b) "Victim" means any person who has sustained emotional,
25 psychological, physical, or financial injury to person or property as
26 a result of the crime charged. "Victim" also means a parent or
27 guardian of a victim who is a minor child unless the parent or guardian
28 is the perpetrator of the offense.

29 ~~((+2))~~ (3) An offender is eligible for the special sex offender
30 sentencing alternative if:

31 (a) The offender has been convicted of a sex offense other than a
32 violation of RCW 9A.44.050 or a sex offense that is also a serious
33 violent offense;

34 (b) The offender has no prior convictions for a sex offense as
35 defined in RCW 9.94A.030 or any other felony sex offenses in this or
36 any other state; and

37 (c) The offender's standard sentence range for the offense includes
38 the possibility of confinement for less than eleven years.

1 (~~(3)~~) (4) If the court finds the offender is eligible for this
2 alternative, the court, on its own motion or the motion of the state or
3 the offender, may order an examination to determine whether the
4 offender is amenable to treatment.

5 (a) The report of the examination shall include at a minimum the
6 following:

7 (i) The offender's version of the facts and the official version of
8 the facts;

9 (ii) The offender's offense history;

10 (iii) An assessment of problems in addition to alleged deviant
11 behaviors;

12 (iv) The offender's social and employment situation; and

13 (v) Other evaluation measures used.

14 The report shall set forth the sources of the examiner's information.

15 (b) The examiner shall assess and report regarding the offender's
16 amenability to treatment and relative risk to the community. A
17 proposed treatment plan shall be provided and shall include, at a
18 minimum:

19 (i) Frequency and type of contact between offender and therapist;

20 (ii) Specific issues to be addressed in the treatment and
21 description of planned treatment modalities;

22 (iii) Monitoring plans, including any requirements regarding living
23 conditions, lifestyle requirements, and monitoring by family members
24 and others;

25 (iv) Anticipated length of treatment; and

26 (v) Recommended crime-related prohibitions.

27 (c) The court on its own motion may order, or on a motion by the
28 state shall order, a second examination regarding the offender's
29 amenability to treatment. The examiner shall be selected by the party
30 making the motion. The offender shall pay the cost of any second
31 examination ordered unless the court finds the defendant to be indigent
32 in which case the state shall pay the cost.

33 (~~(4)~~) (5) After receipt of the reports, the court shall consider
34 whether the offender and the community will benefit from use of this
35 alternative and consider the victim's opinion whether the offender
36 should receive a treatment disposition under this section. If the
37 court determines that this alternative is appropriate, the court shall
38 then impose a sentence or, pursuant to RCW 9.94A.712, a minimum term of
39 sentence, within the standard sentence range. If the sentence imposed

1 is less than eleven years of confinement, the court may suspend the
2 execution of the sentence and impose the following conditions of
3 suspension:

4 (a) The court shall place the offender on community custody for the
5 length of the suspended sentence, the length of the maximum term
6 imposed pursuant to RCW 9.94A.712, or three years, whichever is
7 greater, and require the offender to comply with any conditions imposed
8 by the department under RCW 9.94A.720.

9 (b) The court shall order treatment for any period up to three
10 years in duration. The court, in its discretion, shall order
11 outpatient sex offender treatment or inpatient sex offender treatment,
12 if available. A community mental health center may not be used for
13 such treatment unless it has an appropriate program designed for sex
14 offender treatment. The offender shall not change sex offender
15 treatment providers or treatment conditions without first notifying the
16 prosecutor, the community corrections officer, and the court. If any
17 party or the court objects to a proposed change, the offender shall not
18 change providers or conditions without court approval after a hearing.

19 ~~((+5))~~ (6) As conditions of the suspended sentence, the court may
20 impose one or more of the following:

21 (a) Up to six months of confinement, not to exceed the sentence
22 range of confinement for that offense;

23 (b) Crime-related prohibitions;

24 (c) Require the offender to devote time to a specific employment or
25 occupation;

26 (d) Remain within prescribed geographical boundaries and notify the
27 court or the community corrections officer prior to any change in the
28 offender's address or employment;

29 (e) Report as directed to the court and a community corrections
30 officer;

31 (f) Pay all court-ordered legal financial obligations as provided
32 in RCW 9.94A.030;

33 (g) Perform community restitution work; or

34 (h) Reimburse the victim for the cost of any counseling required as
35 a result of the offender's crime.

36 ~~((+6))~~ (7) At the time of sentencing, the court shall set a
37 treatment termination hearing for three months prior to the anticipated
38 date for completion of treatment.

1 ~~((7))~~ (8) The sex offender treatment provider shall submit
2 quarterly reports on the offender's progress in treatment to the court
3 and the parties. The report shall reference the treatment plan and
4 include at a minimum the following: Dates of attendance, offender's
5 compliance with requirements, treatment activities, the offender's
6 relative progress in treatment, and any other material specified by the
7 court at sentencing.

8 ~~((8))~~ (9) Prior to the treatment termination hearing, the
9 treatment provider and community corrections officer shall submit
10 written reports to the court and parties regarding the offender's
11 compliance with treatment and monitoring requirements, and
12 recommendations regarding termination from treatment, including
13 proposed community custody conditions. Either party may request, and
14 the court may order, another evaluation regarding the advisability of
15 termination from treatment. The offender shall pay the cost of any
16 additional evaluation ordered unless the court finds the offender to be
17 indigent in which case the state shall pay the cost. At the treatment
18 termination hearing the court may: (a) Modify conditions of community
19 custody, and either (b) terminate treatment, or (c) extend treatment
20 for up to the remaining period of community custody.

21 ~~((9))~~ (10) If a violation of conditions occurs during community
22 custody, the department shall either impose sanctions as provided for
23 in RCW 9.94A.737(2)(a) or refer the violation to the court and
24 recommend revocation of the suspended sentence as provided for in
25 subsections ~~((6))~~ (7) and ~~((8))~~ (9) of this section.

26 ~~((10))~~ (11) The court may revoke the suspended sentence at any
27 time during the period of community custody and order execution of the
28 sentence if: (a) The offender violates the conditions of the suspended
29 sentence, or (b) the court finds that the offender is failing to make
30 satisfactory progress in treatment. All confinement time served during
31 the period of community custody shall be credited to the offender if
32 the suspended sentence is revoked.

33 ~~((11))~~ (12) The offender's sex offender treatment provider may
34 not be the same person who examined the offender under subsection (4)
35 of this section or any person who employs, is employed by, or shares
36 profits with the person who examined the offender under subsection (4)
37 of this section, unless the court has entered written findings that
38 such treatment is in the best interests of the victim and that
39 successful treatment of the offender would otherwise be impractical.

1 Examinations and treatment ordered pursuant to this subsection shall
2 only be conducted by sex offender treatment providers certified by the
3 department of health pursuant to chapter 18.155 RCW unless the court
4 finds that:

5 (a) The offender has already moved to another state or plans to
6 move to another state for reasons other than circumventing the
7 certification requirements; or

8 (b)(i) No certified providers are available for treatment within a
9 reasonable geographical distance of the offender's home; and

10 (ii) The evaluation and treatment plan comply with this section and
11 the rules adopted by the department of health.

12 ((+12+)) (13) If the offender is less than eighteen years of age
13 when the charge is filed, the state shall pay for the cost of initial
14 evaluation and treatment.

15 NEW SECTION. **Sec. 4.** A new section is added to chapter 9.94A RCW
16 to read as follows:

17 (1) This section applies exclusively to offenders who are at least
18 eighteen years old when they are charged with crimes committed on or
19 after the effective date of this act.

20 (2) Unless the context clearly requires otherwise, the definitions
21 in this subsection apply to this section only.

22 (a) "Sex offender treatment provider" or "treatment provider" means
23 a certified sex offender treatment provider as defined in RCW
24 18.155.020.

25 (b) "Substantial bodily harm" means bodily injury that involves a
26 temporary but substantial disfigurement, or that causes a temporary but
27 substantial loss or impairment of the function of any body part or
28 organ, or that causes a fracture of any body part or organ.

29 (c) "Victim" means any person who has sustained emotional,
30 psychological, physical, or financial injury to person or property as
31 a result of the crime charged. "Victim" also means a parent or
32 guardian of a victim who is a minor child unless the parent or guardian
33 is the perpetrator of the offense.

34 (3) An offender is eligible for the special sex offender sentencing
35 alternative if:

36 (a) The offender has been convicted of a sex offense other than a
37 violation of RCW 9A.44.050 or a sex offense that is also a serious
38 violent offense;

1 (b) The offender has no prior convictions for a sex offense as
2 defined in RCW 9.94A.030 or any other felony sex offenses in this or
3 any other state;

4 (c) The offender has no prior adult convictions for a violent
5 offense that was committed within five years of the date the current
6 offense was committed;

7 (d) The offense did not result in substantial bodily harm to the
8 victim;

9 (e) The offender had an established relationship with, or
10 connection to, the victim such that the sole connection with the victim
11 was not the commission of the crime; and

12 (f) The offender's standard sentence range for the offense includes
13 the possibility of confinement for less than eleven years.

14 (4) If the court finds the offender is eligible for this
15 alternative, the court, on its own motion or the motion of the state or
16 the offender, may order an examination to determine whether the
17 offender is amenable to treatment.

18 (a) The report of the examination shall include at a minimum the
19 following:

20 (i) The offender's version of the facts and the official version of
21 the facts;

22 (ii) The offender's offense history;

23 (iii) An assessment of problems in addition to alleged deviant
24 behaviors;

25 (iv) The offender's social and employment situation; and

26 (v) Other evaluation measures used.

27 The report shall set forth the sources of the examiner's
28 information.

29 (b) The examiner shall assess and report regarding the offender's
30 amenability to treatment and relative risk to the community. A
31 proposed treatment plan shall be provided and shall include, at a
32 minimum:

33 (i) Frequency and type of contact between offender and therapist;

34 (ii) Specific issues to be addressed in the treatment and
35 description of planned treatment modalities;

36 (iii) Monitoring plans, including any requirements regarding living
37 conditions, lifestyle requirements, and monitoring by family members
38 and others;

39 (iv) Anticipated length of treatment; and

1 (v) Recommended crime-related prohibitions, which must include an
2 identification of specific activities or behaviors that are precursors
3 to the offender's offense cycle, including, but not limited to,
4 activities or behaviors such as viewing or listening to pornography or
5 use of alcohol or controlled substances.

6 (c) The court on its own motion may order, or on a motion by the
7 state shall order, a second examination regarding the offender's
8 amenability to treatment. The examiner shall be selected by the party
9 making the motion. The offender shall pay the cost of any second
10 examination ordered unless the court finds the defendant to be indigent
11 in which case the state shall pay the cost.

12 (5) After receipt of the reports, if the offender's conviction is
13 for a violation of RCW 9A.44.073, 9A.44.076, or 9A.44.083, the
14 prosecutor shall recommend to the court whether the offender should or
15 should not receive a sentencing alternative under this section. When
16 making his or her recommendation, the prosecutor shall consider whether
17 the victim's testimony is essential for successful prosecution, whether
18 the victim is willing to provide credible testimony at trial and
19 sentencing, and whether there are additional chargeable cases against
20 the offender based upon the existence of multiple victims. The court
21 may not impose a sentencing alternative under this section if the
22 prosecutor has recommended that the offender should not receive such a
23 sentencing alternative.

24 (6) After receipt of the reports, unless the imposition of a
25 sentencing alternative under this section is prohibited under
26 subsection (5) of this section, the court shall consider whether the
27 offender and the community will benefit from use of this alternative,
28 consider whether the alternative is too lenient in light of the extent
29 and circumstances of the offense, consider whether the offender has
30 victims in addition to the victim of the offense, consider whether the
31 offender is amenable to treatment, consider the risk the offender would
32 present to the community, to the victim, or to persons of similar age
33 and circumstances as the victim, and consider the victim's opinion
34 whether the offender should receive a treatment disposition under this
35 section. The court shall give great weight to the victim's opinion
36 whether the offender should receive a treatment disposition under this
37 section. If the sentence imposed is contrary to the victim's opinion,
38 the court shall enter written findings stating its reasons for imposing
39 the treatment disposition. The fact that the offender admits to his or

1 her offense does not, by itself, constitute amenability to treatment.
2 If the court determines that this alternative is appropriate, the court
3 shall then impose a sentence or, pursuant to RCW 9.94A.712, a minimum
4 term of sentence, within the standard sentence range. If the sentence
5 imposed is less than eleven years of confinement, the court may suspend
6 the execution of the sentence and impose the following conditions of
7 suspension:

8 (a) The court shall order the offender to serve a term of
9 confinement of twelve months or the maximum term within the standard
10 range, whichever is less. The court may order the offender to serve a
11 term of confinement greater than twelve months or the maximum term
12 within the standard range based on the presence of an aggravating
13 circumstance listed in RCW 9.94A.535(2). In no case shall the term of
14 confinement exceed the statutory maximum sentence for the offense. The
15 court may order the offender to serve all or part of his or her term of
16 confinement in partial confinement. An offender sentenced to a term of
17 confinement under this subsection is not eligible for earned release
18 under RCW 9.92.151 or 9.94A.728.

19 (b) The court shall place the offender on community custody for the
20 length of the suspended sentence, the length of the maximum term
21 imposed pursuant to RCW 9.94A.712, or three years, whichever is
22 greater, and require the offender to comply with any conditions imposed
23 by the department under RCW 9.94A.720.

24 (c) The court shall order treatment for any period up to five years
25 in duration. A community mental health center may not be used for such
26 treatment unless it has an appropriate program designed for sex
27 offender treatment. The offender shall not change sex offender
28 treatment providers or treatment conditions without first notifying the
29 prosecutor, the community corrections officer, and the court. If any
30 party or the court objects to a proposed change, the offender shall not
31 change providers or conditions without court approval after a hearing.

32 (d) As conditions of the suspended sentence, the court shall impose
33 specific prohibitions relating to the precursor activities or behaviors
34 identified in the proposed treatment plan under subsection (4)(b)(v) of
35 this section.

36 (7) As conditions of the suspended sentence, the court may impose
37 one or more of the following:

38 (a) Crime-related prohibitions;

- 1 (b) Require the offender to devote time to a specific employment or
2 occupation;
- 3 (c) Require the offender to remain within prescribed geographical
4 boundaries and notify the court or the community corrections officer
5 prior to any change in the offender's address or employment;
- 6 (d) Require the offender to report as directed to the court and a
7 community corrections officer;
- 8 (e) Require the offender to pay all court-ordered legal financial
9 obligations as provided in RCW 9.94A.030;
- 10 (f) Require the offender to perform community restitution work; or
11 (g) Require the offender to reimburse the victim for the cost of
12 any counseling required as a result of the offender's crime.
- 13 (8) At the time of sentencing, the court shall set a treatment
14 termination hearing for three months prior to the anticipated date for
15 completion of treatment.
- 16 (9)(a) The sex offender treatment provider shall submit quarterly
17 reports on the offender's progress in treatment to the court and the
18 parties. The report shall reference the treatment plan and include at
19 a minimum the following: Dates of attendance, offender's compliance
20 with requirements, treatment activities, the offender's relative
21 progress in treatment, and any other material specified by the court at
22 sentencing.
- 23 (b) The court shall conduct a hearing on the offender's progress in
24 treatment at least once a year. At least fourteen days prior to the
25 hearing, notice of the hearing shall be given to the victim. The
26 victim shall be given the opportunity to make statements to the court
27 regarding the offender's supervision and treatment. At the hearing,
28 the court may modify conditions of community custody or revoke the
29 suspended sentence.
- 30 (10) At least fourteen days prior to the treatment termination
31 hearing, notice of the hearing shall be given to the victim. The
32 victim shall be given the opportunity to make statements to the court
33 regarding the offender's supervision and treatment. Prior to the
34 treatment termination hearing, the treatment provider and community
35 corrections officer shall submit written reports to the court and
36 parties regarding the offender's compliance with treatment and
37 monitoring requirements, and recommendations regarding termination from
38 treatment, including proposed community custody conditions. The court
39 shall order an evaluation regarding the advisability of termination

1 from treatment by a sex offender treatment provider who may not be the
2 same person who treated the offender under subsection (6) of this
3 section or any person who employs, is employed by, or shares profits
4 with the person who treated the offender under subsection (6) of this
5 section. The offender shall pay the cost of the evaluation. At the
6 treatment termination hearing the court may: (a) Modify conditions of
7 community custody, and either (b) terminate treatment, or (c) extend
8 treatment in two-year increments for up to the remaining period of
9 community custody.

10 (11)(a) If a violation of conditions other than a second violation
11 of the prohibitions relating to precursor behaviors or activities
12 imposed under subsection (6)(d) of this section occurs during community
13 custody, the department shall either impose sanctions as provided for
14 in RCW 9.94A.737(2)(a) or refer the violation to the court and
15 recommend revocation of the suspended sentence as provided for in
16 subsections (8) and (10) of this section.

17 (b) If a second violation of the prohibitions relating to precursor
18 behaviors or activities imposed under subsection (6)(d) of this section
19 occurs during community custody, the department shall refer the
20 violation to the court and recommend revocation of the suspended
21 sentence as provided in subsection (12) of this section.

22 (12) The court may revoke the suspended sentence at any time during
23 the period of community custody and order execution of the sentence if:
24 (a) The offender violates the conditions of the suspended sentence, or
25 (b) the court finds that the offender is failing to make satisfactory
26 progress in treatment. All confinement time served during the period
27 of community custody shall be credited to the offender if the suspended
28 sentence is revoked.

29 (13) The offender's sex offender treatment provider may not be the
30 same person who examined the offender under subsection (4) of this
31 section or any person who employs, is employed by, or shares profits
32 with the person who examined the offender under subsection (4) of this
33 section, unless the court has entered written findings that such
34 treatment is in the best interests of the victim and that successful
35 treatment of the offender would otherwise be impractical. Examinations
36 and treatment ordered pursuant to this subsection shall only be
37 conducted by sex offender treatment providers certified by the
38 department of health pursuant to chapter 18.155 RCW unless the court
39 finds that:

1 (a) The offender has already moved to another state or plans to
2 move to another state for reasons other than circumventing the
3 certification requirements; or

4 (b)(i) No certified providers are available for treatment within a
5 reasonable geographical distance of the offender's home; and

6 (ii) The evaluation and treatment plan comply with this section and
7 the rules adopted by the department of health.

8 **Sec. 5.** RCW 9.92.151 and 1990 c 3 s 201 are each amended to read
9 as follows:

10 (1) Except as provided in subsection (2) of this section, the
11 sentence of a prisoner confined in a county jail facility for a felony,
12 gross misdemeanor, or misdemeanor conviction may be reduced by earned
13 release credits in accordance with procedures that shall be developed
14 and promulgated by the correctional agency having jurisdiction. The
15 earned early release time shall be for good behavior and good
16 performance as determined by the correctional agency having
17 jurisdiction. Any program established pursuant to this section shall
18 allow an offender to earn early release credits for presentence
19 incarceration. The correctional agency shall not credit the offender
20 with earned early release credits in advance of the offender actually
21 earning the credits. In the case of an offender convicted of a serious
22 violent offense or a sex offense that is a class A felony committed on
23 or after July 1, 1990, the aggregate earned early release time may not
24 exceed fifteen percent of the sentence. In no other case may the
25 aggregate earned early release time exceed one-third of the total
26 sentence.

27 (2) An offender serving a term of confinement imposed under section
28 4(6)(a) of this act is not eligible for earned release credits under
29 this section.

30 **Sec. 6.** RCW 9.94A.728 and 2003 c 379 s 1 are each amended to read
31 as follows:

32 No person serving a sentence imposed pursuant to this chapter and
33 committed to the custody of the department shall leave the confines of
34 the correctional facility or be released prior to the expiration of the
35 sentence except as follows:

36 (1) Except as otherwise provided for in subsection (2) of this
37 section, the term of the sentence of an offender committed to a

1 correctional facility operated by the department may be reduced by
2 earned release time in accordance with procedures that shall be
3 developed and promulgated by the correctional agency having
4 jurisdiction in which the offender is confined. The earned release
5 time shall be for good behavior and good performance, as determined by
6 the correctional agency having jurisdiction. The correctional agency
7 shall not credit the offender with earned release credits in advance of
8 the offender actually earning the credits. Any program established
9 pursuant to this section shall allow an offender to earn early release
10 credits for presentence incarceration. If an offender is transferred
11 from a county jail to the department, the administrator of a county
12 jail facility shall certify to the department the amount of time spent
13 in custody at the facility and the amount of earned release time. An
14 offender who has been convicted of a felony committed after July 23,
15 1995, that involves any applicable deadly weapon enhancements under RCW
16 9.94A.533 (3) or (4), or both, shall not receive any good time credits
17 or earned release time for that portion of his or her sentence that
18 results from any deadly weapon enhancements.

19 (a) In the case of an offender convicted of a serious violent
20 offense, or a sex offense that is a class A felony, committed on or
21 after July 1, 1990, and before July 1, 2003, the aggregate earned
22 release time may not exceed fifteen percent of the sentence. In the
23 case of an offender convicted of a serious violent offense, or a sex
24 offense that is a class A felony, committed on or after July 1, 2003,
25 the aggregate earned release time may not exceed ten percent of the
26 sentence.

27 (b)(i) In the case of an offender who qualifies under (b)(ii) of
28 this subsection, the aggregate earned release time may not exceed fifty
29 percent of the sentence.

30 (ii) An offender is qualified to earn up to fifty percent of
31 aggregate earned release time under this subsection (1)(b) if he or
32 she:

33 (A) Is classified in one of the two lowest risk categories under
34 (b)(iii) of this subsection;

35 (B) Is not confined pursuant to a sentence for:

36 (I) A sex offense;

37 (II) A violent offense;

38 (III) A crime against persons as defined in RCW 9.94A.411;

1 (IV) A felony that is domestic violence as defined in RCW
2 10.99.020;

3 (V) A violation of RCW 9A.52.025 (residential burglary);

4 (VI) A violation of, or an attempt, solicitation, or conspiracy to
5 violate, RCW 69.50.401 by manufacture or delivery or possession with
6 intent to deliver methamphetamine; or

7 (VII) A violation of, or an attempt, solicitation, or conspiracy to
8 violate, RCW 69.50.406 (delivery of a controlled substance to a minor);
9 and

10 (C) Has no prior conviction for:

11 (I) A sex offense;

12 (II) A violent offense;

13 (III) A crime against persons as defined in RCW 9.94A.411;

14 (IV) A felony that is domestic violence as defined in RCW
15 10.99.020;

16 (V) A violation of RCW 9A.52.025 (residential burglary);

17 (VI) A violation of, or an attempt, solicitation, or conspiracy to
18 violate, RCW 69.50.401 by manufacture or delivery or possession with
19 intent to deliver methamphetamine; or

20 (VII) A violation of, or an attempt, solicitation, or conspiracy to
21 violate, RCW 69.50.406 (delivery of a controlled substance to a minor).

22 (iii) For purposes of determining an offender's eligibility under
23 this subsection (1)(b), the department shall perform a risk assessment
24 of every offender committed to a correctional facility operated by the
25 department who has no current or prior conviction for a sex offense, a
26 violent offense, a crime against persons as defined in RCW 9.94A.411,
27 a felony that is domestic violence as defined in RCW 10.99.020, a
28 violation of RCW 9A.52.025 (residential burglary), a violation of, or
29 an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by
30 manufacture or delivery or possession with intent to deliver
31 methamphetamine, or a violation of, or an attempt, solicitation, or
32 conspiracy to violate, RCW 69.50.406 (delivery of a controlled
33 substance to a minor). The department must classify each assessed
34 offender in one of four risk categories between highest and lowest
35 risk.

36 (iv) The department shall recalculate the earned release time and
37 reschedule the expected release dates for each qualified offender under
38 this subsection (1)(b).

1 (v) This subsection (1)(b) applies retroactively to eligible
2 offenders serving terms of total confinement in a state correctional
3 facility as of July 1, 2003.

4 (vi) This subsection (1)(b) does not apply to offenders convicted
5 after July 1, 2010.

6 (c) In no other case shall the aggregate earned release time exceed
7 one-third of the total sentence;

8 (2)(a) A person convicted of a sex offense or an offense
9 categorized as a serious violent offense, assault in the second degree,
10 vehicular homicide, vehicular assault, assault of a child in the second
11 degree, any crime against persons where it is determined in accordance
12 with RCW 9.94A.602 that the offender or an accomplice was armed with a
13 deadly weapon at the time of commission, or any felony offense under
14 chapter 69.50 or 69.52 RCW, committed before July 1, 2000, may become
15 eligible, in accordance with a program developed by the department, for
16 transfer to community custody status in lieu of earned release time
17 pursuant to subsection (1) of this section;

18 (b) A person convicted of a sex offense, a violent offense, any
19 crime against persons under RCW 9.94A.411(2), or a felony offense under
20 chapter 69.50 or 69.52 RCW, committed on or after July 1, 2000, may
21 become eligible, in accordance with a program developed by the
22 department, for transfer to community custody status in lieu of earned
23 release time pursuant to subsection (1) of this section;

24 (c) The department shall, as a part of its program for release to
25 the community in lieu of earned release, require the offender to
26 propose a release plan that includes an approved residence and living
27 arrangement. All offenders with community placement or community
28 custody terms eligible for release to community custody status in lieu
29 of earned release shall provide an approved residence and living
30 arrangement prior to release to the community;

31 (d) The department may deny transfer to community custody status in
32 lieu of earned release time pursuant to subsection (1) of this section
33 if the department determines an offender's release plan, including
34 proposed residence location and living arrangements, may violate the
35 conditions of the sentence or conditions of supervision, place the
36 offender at risk to violate the conditions of the sentence, place the
37 offender at risk to reoffend, or present a risk to victim safety or
38 community safety. The department's authority under this section is

1 independent of any court-ordered condition of sentence or statutory
2 provision regarding conditions for community custody or community
3 placement;

4 (e) An offender serving a term of confinement imposed under section
5 4(6)(a) of this act is not eligible for earned release credits under
6 this section;

7 (3) An offender may leave a correctional facility pursuant to an
8 authorized furlough or leave of absence. In addition, offenders may
9 leave a correctional facility when in the custody of a corrections
10 officer or officers;

11 (4)(a) The secretary may authorize an extraordinary medical
12 placement for an offender when all of the following conditions exist:

13 (i) The offender has a medical condition that is serious enough to
14 require costly care or treatment;

15 (ii) The offender poses a low risk to the community because he or
16 she is physically incapacitated due to age or the medical condition;
17 and

18 (iii) Granting the extraordinary medical placement will result in
19 a cost savings to the state.

20 (b) An offender sentenced to death or to life imprisonment without
21 the possibility of release or parole is not eligible for an
22 extraordinary medical placement.

23 (c) The secretary shall require electronic monitoring for all
24 offenders in extraordinary medical placement unless the electronic
25 monitoring equipment interferes with the function of the offender's
26 medical equipment or results in the loss of funding for the offender's
27 medical care. The secretary shall specify who shall provide the
28 monitoring services and the terms under which the monitoring shall be
29 performed.

30 (d) The secretary may revoke an extraordinary medical placement
31 under this subsection at any time;

32 (5) The governor, upon recommendation from the clemency and pardons
33 board, may grant an extraordinary release for reasons of serious health
34 problems, senility, advanced age, extraordinary meritorious acts, or
35 other extraordinary circumstances;

36 (6) No more than the final six months of the sentence may be served
37 in partial confinement designed to aid the offender in finding work and
38 reestablishing himself or herself in the community;

39 (7) The governor may pardon any offender;

1 (8) The department may release an offender from confinement any
2 time within ten days before a release date calculated under this
3 section; and

4 (9) An offender may leave a correctional facility prior to
5 completion of his or her sentence if the sentence has been reduced as
6 provided in RCW 9.94A.870.

7 Notwithstanding any other provisions of this section, an offender
8 sentenced for a felony crime listed in RCW 9.94A.540 as subject to a
9 mandatory minimum sentence of total confinement shall not be released
10 from total confinement before the completion of the listed mandatory
11 minimum sentence for that felony crime of conviction unless allowed
12 under RCW 9.94A.540, however persistent offenders are not eligible for
13 extraordinary medical placement.

14 NEW SECTION. **Sec. 7.** (1) The Washington state institute for
15 public policy shall conduct a comprehensive analysis and evaluation of
16 the impact and effectiveness of current sex offender sentencing
17 policies. The institute shall analyze and evaluate the effectiveness
18 of sex offender policies and programs, including the special sex
19 offender sentencing alternative, the department of corrections'
20 treatment program for offenders in prison, and the validity of the risk
21 assessment conducted by the end of sentence review committee prior to
22 release from prison. Using detailed information from offender files
23 and court records, and research conducted in Washington state and other
24 states and nations, the analysis shall examine whether changes to
25 sentencing policies and sex offender programming can increase public
26 safety.

27 (2) The analysis of the special sex offender sentencing alternative
28 shall specifically evaluate the impact of the sentencing alternative on
29 protection of children from sexual victimization, reporting of sex
30 offenses against children, prosecution of sex offenses against
31 children, appropriate punishment of perpetrators of sex offenses
32 against children, and child sex offense recidivism rates. At a
33 minimum, the institute shall review the following issues to determine
34 whether modifications in the sentencing alternative will increase its
35 effectiveness with respect to protecting children from sexual
36 victimization, successfully prosecuting sex offenses against children,
37 and appropriately punishing perpetrators of sex offenses against
38 children:

1 (a) Eligibility for the sentencing alternative, including whether
2 the commission of certain types of offenses should render an offender
3 ineligible, whether the disclosure of multiple victims in the course of
4 evaluating an offender should render an offender ineligible, and
5 whether the sentencing alternative should be limited to offenses within
6 families;

7 (b) Minimum terms of incarceration, including imprisonment at a
8 state facility;

9 (c) Appropriate conditions or restrictions that should be placed on
10 offenders who receive a sentence alternative; and

11 (d) Standards for revocation of a sentencing alternative suspended
12 sentence.

13 (3) The institute shall report its results and recommendations to
14 the appropriate standing committees of the legislature no later than
15 December 31, 2004.

16 NEW SECTION. **Sec. 8.** The sum of one million two hundred forty
17 thousand dollars, or as much thereof as may be necessary, is
18 appropriated for the fiscal year ending June 30, 2005, from the general
19 fund--state to the department of corrections solely for the purposes
20 of:

21 (1) Providing specialized training to community corrections
22 officers regarding the supervision of sex offenders in the community;
23 and

24 (2) Reducing the caseloads of community corrections officers who
25 supervise sex offenders in the community.

26 NEW SECTION. **Sec. 9.** The sum of three hundred fifty thousand
27 dollars, or as much thereof as may be necessary, is appropriated for
28 the fiscal year ending June 30, 2005, from the general fund--state to
29 the department of community, trade, and economic development solely for
30 the purposes of distribution to sexual assault victims programs.

31 NEW SECTION. **Sec. 10.** The sum of two hundred sixty thousand
32 dollars, or as much thereof as may be necessary, is appropriated for
33 the fiscal year ending June 30, 2005, from the general fund--state to
34 the department of community, trade, and economic development solely to
35 reimburse counties for costs associated with the implementation of this
36 act and shall be distributed in accordance with RCW 82.14.310.

1 NEW SECTION. **Sec. 11.** If specific funding for the purposes of
2 this act, referencing this act by bill or chapter number, is not
3 provided by June 30, 2004, in the omnibus appropriations act, this act
4 is null and void.

5 NEW SECTION. **Sec. 12.** If any provision of this act or its
6 application to any person or circumstance is held invalid, the
7 remainder of the act or the application of the provision to other
8 persons or circumstances is not affected.

9 NEW SECTION. **Sec. 13.** This act takes effect July 1, 2004."

10 Correct the title.

EFFECT: Inserts intent language. Increases the seriousness levels of rape of a child in the first degree and rape of a child in the second degree. Maintains SSOSA eligibility for offenders convicted of rape of a child in the first degree, rape of a child in the second degree, and child molestation in the first degree. Removes the new eligibility criteria for SSOSA, except for the prohibition against a person with an adult conviction for a violent offense within five years of the current offense receiving a SSOSA sentence, and the prohibition against a person who causes substantial bodily harm receiving a SSOSA sentence. Adds a new eligibility requirement - an offender is ineligible if his or her only connection to the victim is the crime itself. Removes the provision requiring a second pre-SSOSA evaluation upon motion of the victim. Requires the prosecutor to agree to a SSOSA sentence imposed for rape of a child in the first and second degrees and child molestation in the first degree. Specifies factors the prosecutor must consider when deciding whether to agree to the SSOSA sentence. Requires the court to consider whether the offender had multiple victims. Requires the court to give great weight to the victim's opinion. Removes the provision requiring the victim to be allowed to testify. Decreases the mandatory term of incarceration to 12 months, which may be served in partial confinement. Allows this term to be increased in aggravating circumstances. Reduces the increase in the initial treatment term to five years, instead of seven years. Removes the mandatory conditions of the suspended sentence. Imposes, as mandatory conditions of the suspended sentence, prohibitions against precursor behaviors or activities as recommended by the proposed treatment plan. Removes the provisions requiring mandatory revocation of the suspended sentence upon violation of a mandatory condition. Requires a second violation of a prohibition against precursor behaviors or activities to be sent to the court with a recommendation for revocation. Allows the treatment provider that provided the initial SSOSA evaluation to be the same provider that provides treatment during the SSOSA sentence if the court has entered written

findings that such treatment is in the best interests of the victim and that successful treatment of the offender would otherwise be impractical. Allows the court to modify community custody conditions or revoke the suspended sentence at the annual review hearings. Allows the court to extend treatment in two year increments, instead of three year increments. Applies the changes to SSOSA to all adult offenders convicted of offenses that are SSOSA eligible under the current law. Exempts juveniles tried as adults from the changes to SSOSA except for the prohibition against the same treatment provider providing both the pre-SSOSA examination and treatment in the community. Removes the provisions requiring the Sexual Offender Treatment Providers Advisory Committee to review SSOSA every six months. Removes the changes made to the membership of the committee. Requires the Washington Institute for Public Policy to evaluate and analyze sex offender sentencing policies. Changes the amounts of the appropriations. Adds an appropriation to the department of community, trade, and economic development for reimbursement to local governments. Adds a null and void clause.

--- END ---