

FINAL BILL REPORT

SHB 2407

C 130 L 06

Synopsis as Enacted

Brief Description: Revising provisions relating to electronic monitoring of sex offenders.

Sponsors: By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Lovick, Strow, O'Brien, Ericks, Dunshee, Linville, Grant, Lantz, Kessler, Williams, Blake, Morrell, Rodne, Hunt, Conway, P. Sullivan, Springer, Takko, Kilmer, Fromhold, B. Sullivan, Hunter, Simpson, Green, Miloscia, Sells, Upthegrove, Campbell and Ormsby).

House Committee on Criminal Justice & Corrections

House Committee on Appropriations

Senate Committee on Human Services & Corrections

Senate Committee on Ways & Means

Background:

Sex offenders who commit a first "two-strikes" offense after September 2001, and those who committed one "two-strikes" offense prior to September 2001 and subsequently commit any non-strike sex offense, are subject to determinate-plus sentencing. Rather than a definitive number of days, a determinate-plus sentence consists of a minimum and maximum term of confinement. The minimum term is generally set within the standard sentencing range, which takes into account the seriousness of the offense and the offender score. The maximum term is equal to the statutory maximum for the offense. Statutory maximums are life in prison for a Class A felony, 10 years for a Class B felony, and five years for a class C felony. After serving the minimum term, the offender is subject to the jurisdiction of the Indeterminate Sentence Review Board (ISRB) through the end of the maximum term.

An offender will be released from custody after serving the minimum term unless the ISRB finds the offender more likely than not to commit a future predatory sex offense. When the offender is released, he or she will be in community custody until the expiration of the maximum term. The obligations of community custody must include certain conditions, such as reporting to a community corrections officer and obtaining residence approval from the Department of Corrections (Department).

The term "community custody" refers to the period following release from total confinement in which an offender is supervised by the Department. Community custody is that portion of an offender's sentence served in the community, subject to conditions imposed by the sentencing court and the Department. An offender may be sanctioned administratively by the Department for violating his or her conditions of release.

Certain crimes, including sex offenses not qualifying for determinate-plus sentencing, serious violent offenses, crimes against a person, and some drug offenses carry a mandatory term of community custody. Unless waived by the court, certain mandatory conditions are required to be included in the term of community custody. Special conditions, such as crime-related prohibitions, may also be included. The Department assesses an offender's risk of re-offense, and may modify or impose conditions of community custody in addition to those imposed by the court, provided they do not contravene or decrease the court's order. For example, the Department may require an offender to participate in rehabilitative programs or perform affirmative conduct according to the offender's risk of re-offense.

An offender accused of violating a condition of community custody is entitled to a hearing before the Department before sanctions are imposed. If an offender is found to be in violation of a condition of community custody, the Department may transfer the offender to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any time actually spent in community custody.

Summary:

Upon recommendation by the Department, the ISRB may impose electronic monitoring as a condition of community custody for determinate-plus sex offenders. The Department may impose electronic monitoring for offenders serving a term of community custody pursuant to conviction for a sex offense not qualifying for determinate-plus sentencing. Electronic monitoring is defined as the monitoring of an offender using an electronic tracking system using radio frequency or active or passive global positioning technology. The Department is required to carry out any electronic monitoring condition using the most appropriate monitoring technology given the individual circumstances of the offender, within resources made available by the Department for this purpose.

Votes on Final Passage:

House	95	1	
Senate	49	0	(Senate amended)
House	98	0	(House concurred)

Effective: June 7, 2006