

HOUSE BILL REPORT

SSB 6596

As Passed House:

March 6, 2008

Title: An act relating to the creation of a sex offender policy board.

Brief Description: Providing for the creation of a sex offender policy board.

Sponsors: By Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Carrell, Regala, Stevens, Marr, Shin, McAuliffe, Brandland and Kilmer).

Brief History:

Committee Activity:

Public Safety & Emergency Preparedness: 2/25/08 [DP];

Appropriations: 2/27/08, 2/28/08 [DP].

Floor Activity:

Passed House: 3/6/08, 64-30.

Brief Summary of Substitute Bill

- Requires the Sentencing Guidelines Commission to establish a Sex Offender Policy Board to research, review, and discuss issues relating to the assessment, treatment, and supervision of sex offenders.

HOUSE COMMITTEE ON PUBLIC SAFETY & EMERGENCY PREPAREDNESS

Majority Report: Do pass. Signed by 6 members: Representatives O'Brien, Chair; Hurst, Vice Chair; Pearson, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Goodman and Kirby.

Staff: Yvonne Walker (786-7841).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass. Signed by 24 members: Representatives Sommers, Chair; Dunshee, Vice Chair; Cody, Conway, Ericks, Fromhold, Grant, Haigh, Hinkle, Hunt, Hunter,

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Kagi, Kenney, Kessler, Linville, McIntire, Morrell, Pettigrew, Priest, Ross, Schmick, Schual-Berke, Seaquist and Sullivan.

Minority Report: Do not pass. Signed by 9 members: Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Anderson, Chandler, Darneille, Green, Kretz and McDonald.

Staff: Alex MacBain (786-7288).

Background:

The Sentencing Guidelines Commission (Commission) is a state agency created by the Legislature in 1981 as part of the Sentencing Reform Act. The Commission serves as an independent body to develop criminal sentencing guidelines and standards for recommendation to the Legislature. The Commission's responsibilities include:

- serving as a clearinghouse and information center on adult and juvenile sentencing;
- conducting ongoing research on sentencing and related issues; and
- evaluating state sentencing policies with the goal of achieving consistencies between sentencing ranges and standards for the multitude of offenses defined in state law.

The Commission consists of 20 voting members, 16 of whom are appointed by the Governor. The appointed members include: four superior court judges, two defense attorneys, two prosecutors, four citizens, the chief of a local law enforcement agency, one county elected official, one city elected official, and one administrator of juvenile court services. There are four ex officio voting members: the Secretary of the Department of Corrections, the Director of the Office of Financial Management, the chair of the Indeterminate Sentence Review Board, and the head of the state agency (or his or her designee) having responsibility for juvenile corrections programs. Four legislators are appointed by the leadership of the House of Representatives and the Senate and serve as nonvoting members.

Summary of Bill:

The Commission must establish a 13-member Sex Offender Policy Board (Board).

Duties. Although the Board is established by the Commission, it is an independent entity whose duties are as follows:

- staying apprised of research and best practices relating to risk assessment, treatment, and supervision of sex offenders; community education regarding sex offenses and offenders; prevention of sex offenses; and sex offender management;
- conducting case reviews on sex offenses as needed to understand the performance of sex offender prevention and response systems and conducting such reviews that are in a manner that protects the right to a fair trial;
- developing and reporting on benchmarks that measure performance across the state's sex offender response system;

- assessing best practices or trends in other jurisdictions to determine their applicability and viability in Washington; and
- providing a forum for discussion of issues that require interagency collaboration, including community education about the sex offender management system, community-based prevention programs, and sex offender registration and monitoring.

The Board must develop an initial work plan detailing the method for achieving its duties and submit it to the Governor and the Legislature by December 1, 2008. The Board must annually update the work plan and include reasonable performance measures to indicate whether its duties are being met.

Board Membership. Members of the Board must include representatives from the following organizations: the Washington Association of Sheriffs and Police Chiefs (WASPC), the Washington Association of Prosecuting Attorneys (WAPA), the Washington Association of Criminal Defense Lawyers (WACDL), the Indeterminate Sentence Review Board (ISRB), the Washington Association for the Treatment of Sex Abusers (WATSA), the Department of Corrections (DOC), the Washington State Superior Court Judge's Association (SCJA), the Juvenile Rehabilitation Administration (JRA), the Office of Crime Victims Advocacy in the Department of Community, Trade and Economic Development (DCTED), the Washington State Association of Counties (WSAC), the Association of Washington Cities (AWC), the Washington Association of Sexual Assault Programs (WASAP); and the Director of the Department of Social and Health Services, Special Commitment Center. The nonvoting membership must consist of two members of the Commission and a representative of the Criminal Justice Division in the Office of the Attorney General. Members of the Board are eligible for limited reimbursement.

The members representing the WASPC, the WAPA, the WACDL, the WATSA, the SCJA, the WSAC, the AWC, and the WASAP must be appointed for staggering three-year terms. Each must serve until his or her successor is selected by the agency they represent. Any vacancy before the expiration of a term must be filled by the appointing agency for the unexpired portion of the term in which the vacancy occurs.

The chair of the Commission must convene the first meeting. However, the Board must choose its chair by majority vote from among its voting membership. The chair's term must be two years.

Member Replacement. Any member of the Board who misses three consecutive meetings must have that fact called to that member's attention by the chair of the Board. If the chair believes the member is not able to continue as a Board member, the chair must request that the appointing agency replace the member for the remainder of the unexpired term.

Authority. The Board may create subcommittees or, within available funding, contract with outside experts to assist the Board in performing its duties. The Board must develop bylaws to govern its operation, using the bylaws created by the Commission as a guide.

The Washington State Institute for Public Policy must act as an advisor to the Board.

Annual Report. The Board must report annually to the Governor and the Legislature with its findings on: current research and best practices related to risk assessment, treatment, and supervision of sex offenders; community education regarding sex offenses and offenders; prevention of sex offenses; sex offender management; the performance of sex offender prevention and response systems; and any other activities performed by the Board in the prior 12 months.

Board Termination. The Board terminates on June 30, 2013.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed. However, the bill is null and void unless funded in the budget.

Staff Summary of Public Testimony: (Public Safety & Emergency Preparedness)

(In support) Of the more than 2,400 children seen at the Children's Advocacy Centers last year, 83 percent of the cases were related to sexual abuse. This bill is a result of the work from the Governor's work group on sex offender issues that met during this past interim. The Board created in this bill will be a standing committee of experts, professionals, and constituencies. This new body is an independent body which will be housed in the Commission for staffing and administrative purposes only. In addition, the creation of this Board, which is consistent with other states, would be devoted to staying current on issues and programs for the treatment of sex offenders.

The ISRB currently has over 1,200 sex offenders under their jurisdiction with 95 percent of them having lifetime jurisdiction under the ISRB. If they are found releaseable in the future then they will be supervised for the rest of their lives.

This new policy Board is a group that can apply evidenced based solutions to sex offender management. This Board will also help victims, hold perpetrators accountability, and will serve as a role in preventing sexual violence. This will result in better informed decision making, best practices, and a comprehensive and cooperative approach to dealing with sex offenders.

(Opposed) None.

Staff Summary of Public Testimony: (Appropriations)

(In support) This bill is the result of the work from the Governor's work group on sex offender issues from this past interim. Having an ongoing forum where experts in the field examine these issues on an ongoing basis would be a useful tool for the deliberations of the Legislature. There are a number of policy issues that are coming up in this area such as risk assessment tools specifically targeting sex offenders that could benefit from expert review.

(Opposed) None.

Persons Testifying: (Public Safety & Emergency Preparedness) Russ Hauge, Sentencing Guidelines Commission and Washington Association of Prosecuting Attorneys; David Boerner, Sentencing Guidelines Commission; Evelyn Larsen, Washington Coalition of Sexual Assault Programs; Maureen Fitzgerald, Washington State Association of Children's Advocacy Centers; and Jeri Costa, Indeterminate Sentence Review Board.

Persons Testifying: (Appropriations) Lonnie Johns-Brown, Washington Coalition of Sexual Assault Programs; and Jean Soliz-Conklin, Sentencing Guidelines Commission.

Persons Signed In To Testify But Not Testifying: (Public Safety & Emergency Preparedness) None.

Persons Signed In To Testify But Not Testifying: (Appropriations) None.