

HOUSE BILL REPORT

SSB 6184

As Passed House:

March 4, 2008

Title: An act relating to most serious offenses.

Brief Description: Addressing most serious offenses.

Sponsors: By Senate Committee on Judiciary (originally sponsored by Senators Benton, Eide, Weinstein, McCaslin, Hargrove, Regala, Hatfield, Carrell, Tom, Franklin, Zarelli, Kline, Haugen, Keiser, Fairley, Hobbs, Marr, Kastama, Berkey, Delvin, Brandland, Spanel, Murray, Prentice, Holmquist, Hewitt, Rasmussen, Jacobsen, Sheldon, Oemig, Morton, Pflug, Roach, Pridemore, McAuliffe, Rockefeller, Parlette, Kauffman, Shin, Kohl-Welles, Stevens, Kilmer, Swecker, Honeyford, Schoesler, King and McDermott).

Brief History:

Committee Activity:

Public Safety & Emergency Preparedness: 2/20/08 [DP].

Floor Activity:

Passed House: 3/4/08, 92-2.

Brief Summary of Substitute Bill

- Adds an out-of-state felony conviction to the list of "most serious offenses" if the offense has a minimum sentence of 10 years or more and was committed with sexual motivation.

HOUSE COMMITTEE ON PUBLIC SAFETY & EMERGENCY PREPAREDNESS

Majority Report: Do pass. Signed by 7 members: Representatives O'Brien, Chair; Hurst, Vice Chair; Pearson, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Ahern, Goodman and Kirby.

Staff: Jim Morishima (786-7191).

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.

In 1993, the voters approved Initiative 593, otherwise known as the "three strikes" law, which imposes a life sentence upon an offender who commits a third "most serious offense" (otherwise known as a "strike"). The list of most serious offenses includes:

- Any class A felony or conspiracy or solicitation to commit a class A felony;
- Any class B felony with a finding of sexual motivation;
- Assault in the second degree;
- Assault of a Child in the second degree;
- Child Molestation in the second degree;
- Controlled Substance Homicide;
- Extortion in the first degree;
- Incest in the first degree;
- Incest in the second degree;
- Indecent Liberties;
- Kidnaping in the second degree;
- Manslaughter in the second degree;
- Promoting Prostitution in the first degree;
- Rape in the third degree;
- Robbery in the second degree;
- Sexual Exploitation of a Minor;
- Vehicular Assault (by intoxicating liquor or drugs or by driving in a reckless manner);
- Any attempt to commit a most serious offense; and
- Any felony with a deadly weapon special verdict.

In addition, any federal or out-of-state conviction that is equivalent to an offense listed above is considered a most serious offense.

Summary of Bill:

The following type of offense is added to the list of most serious offenses: any out-of-state conviction for a felony offense with a finding of sexual motivation if the minimum sentence imposed was 10 years or more. The out-of-state felony must be comparable to a felony offense in Title 9 or Title 9A RCW and the out-of-state definition of sexual motivation must be comparable to Washington's definition of sexual motivation.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) This bill makes sure that offenders do not get out of prison early on a technicality. The bill does not expand the three strikes law, but applies the three strikes criteria to out-of-state offenses. The three strikes law focuses on serious sex offenses and violent offenses. This bill is focused on crimes committed with sexual motivation, which will prevent property offenders from being included. This bill increases public safety and holds offenders accountable for their actions.

(Opposed) None.

Persons Testifying: Senator Benton, prime sponsor; Tom McBride, Washington Association of Prosecuting Attorneys; and Evelyn Larsen, Washington Coalition of Sexual Assault Programs.

Persons Signed In To Testify But Not Testifying: None.