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## Human Services & Early Learning Committee

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### HB 2796

**Brief Description:** Concerning juvenile sex offense registration waivers under the special sexual offender disposition alternative.

**Sponsors:** Representatives Frame, Peterson, Pollet and Santos.

#### Brief Summary of Bill

- Expands eligibility for a juvenile Special Sex Offender Disposition Alternative (SSODA) to include offenders who were found to have committed Assault in the fourth degree with sexual motivation when the offender has no history of a prior sex offense.
- Allows the court to suspend the duty for a juvenile to register as a sex offender upon entry of a SSODA and terminate the requirement to register following completion of a SSODA.

**Hearing Date:** 2/4/20

**Staff:** Luke Wickham (786-7146).

#### Background:

##### *Juvenile Special Sex Offender Disposition Alternative.*

A juvenile Special Sex Offender Disposition Alternative (SSODA) is an alternative to a standard juvenile disposition where the court orders conditions, which may include sex offender treatment, for two years. The court suspends any confinement that would be ordered as part of the SSODA while the juvenile is subject to the conditions of the SSODA, and may revoke the SSODA and impose the suspended disposition if the juvenile fails to comply with the terms of the SSODA.

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*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.*

A juvenile is eligible for a SSODA when he or she is found to have committed a sex offense, other than a serious violent offense, and the offender has no history of a prior sex offense.

If a juvenile is eligible for a SSODA, the court may order an examination to determine whether her or she is amenable to treatment. The report of the examination must set for the evaluator's sources and include:

- the respondent's version of the facts and the official version of the facts;
- the respondent's offense history;
- an assessment of problems in addition to alleged deviant behaviors;
- the respondent's social, educational, and employment situation; and
- other evaluation measures used.

The examiner must assess and report regarding the respondent's amenability to treatment and relative risk to the community. The examiner must also provide a proposed treatment plan.

After receiving this information, the court must consider whether the offender and the community will benefit from the use of this SSODA and consider the victim's opinion whether the juvenile should receive a SSODA. If the court determines that the SSODA is appropriate, the court must impose a determinate disposition and the court may suspend the disposition and place the offender on community supervision for at least two years. As a condition of the suspended disposition, the court may impose conditions including up to 30 days of confinement and requirements to undergo available sex offender treatment.

The juvenile's sex offender treatment provider must submit quarterly reports on the juvenile's progress in treatment to the court and the parties.

If the offender violates any condition of the disposition, or the court finds that the juvenile is failing to make satisfactory progress in treatment, the court may revoke the suspension and order execution of the disposition or order up to 30 days of confinement for the violation.

#### *Sex Offender Registry.*

Any adult or juvenile who is residing, is a student, or is employed in Washington who has been found to have committed or has been convicted of a sex or kidnapping offense (or who has been found not guilty by reason of insanity of committing a sex or kidnapping offense) must register with his or her local county sheriff. The length of time an offender must register depends on the underlying offense and prior offenses.

Sheriffs must assign risk level classifications to all registered offenders. Registered offenders are classified according to risk levels I, II, and III based on risk to reoffend in the community (low, moderate, and high risk, respectively).

The Washington State Patrol (WSP) maintains Washington's central registry of sex and kidnapping offenders. A person who has been convicted of a sex or kidnapping offense must register with the sheriff in the county in which he or she resides and must provide the sheriff with a variety of location and identification information. The sheriff must forward registration information, including the offender's risk level and notice of any address changes, to the WSP for inclusion in the registry. Information on registered sex and kidnapping offenders is available to the public.

*Relief from Duty to Register for Juveniles.*

Individuals who committed a sex offense or kidnapping offense when under age 18 may petition the superior court to be relieved of the duty to register if he or she has not been determined to be a sexually violent predator as follows:

- For Class A offenses committed at ages 15 to 18 if:
  - at least five years have passed and he or she has not been adjudicated or convicted of another sex or kidnapping offense;
  - he or she has not been adjudicated or convicted of failing to register as a sex offender; and
  - he or she shows by a preponderance of the evidence that he or she is sufficiently rehabilitated to warrant removal from the registry.
- For all other sex or kidnapping offenses:
  - at least two years have passed and he or she has not been adjudicated or convicted of another sex or kidnapping offense;
  - he or she has not been adjudicated or convicted of failing to register as a sex offender; and
  - he or she shows by a preponderance of the evidence that he or she is sufficiently rehabilitated to warrant removal from the registry.

In determining whether a petitioner is sufficiently rehabilitated, statutory guiding factors are provided to assist the court in making its determination.

Juveniles convicted in adult court of a sex or kidnapping offense must follow the procedures for adults seeking relief from the duty to register.

**Summary of Bill:**

Eligibility for a SSODA is expanded to include offenders who were found to have committed Assault in the fourth degree with sexual motivation when the offender has no history of a prior sex offense.

The court may suspend the duty for a juvenile to register as a sex offender upon entry of a SSODA if:

- the juvenile is not charged with a violent offense;
- the juvenile is at low risk to reoffend based on the examination ordered through the SSODA; and
- the interests of the juvenile and the community weigh in favor of suspending the duty to register.

If the court suspends the duty to register as a sex offender upon entry of a SSODA and the court revokes the suspended disposition, the court shall order the juvenile to register as a sex offender.

At the end of the supervision ordered under a SSODA, if the juvenile has registered as a sex offender, the court may terminate sex offender registration if:

- the juvenile met the requirements and completed all terms of supervision;
- the SSODA was not revoked;

- the juvenile is at low risk to reoffend based on the examination ordered through the SSODA; and
- by a preponderance of the evidence, sufficient reason exists to remove the juvenile from the sex offender registry after considering the circumstances of the case.

Qualified professionals may conduct examinations and treatment ordered through a SSODA, instead of only certified sex offender treatment providers or certified affiliate sex offender treatment providers.

Specifies that a sex offender therapist who examines or treats a juvenile sex offender does not have to be certified by the Department of Health (DOH) if the therapist is a professional licensed by the DOH and the treatment is evidence-based.

**Appropriation:** None.

**Fiscal Note:** Requested on January 27, 2020.

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