

# FINAL BILL REPORT

## ESB 6180

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C 249 L 20  
Synopsis as Enacted

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

**Sponsors:** Senators Darneille, Nguyen, Das and Wilson, C.

**Senate Committee on Human Services, Reentry & Rehabilitation**  
**House Committee on Human Services & Early Learning**

**Background:** A special sex offender disposition alternative (SSODA) is a disposition alternative available to a juvenile when the juvenile is found to have committed a sex offense other than a serious violent offense and has no history of a prior sex offense. The court on its own motion or the motion of any party may order an examination to determine whether an eligible juvenile is amenable to sex offender treatment, to determine the relative risk posed to the community by the juvenile, and to propose a specific plan of treatment. A second examination may be ordered on the motion of any party. The court may order a SSODA if it determines the juvenile and community will benefit from the use of the SSODA after consideration of the victim's opinion.

To impose a SSODA, the court must order a determinate disposition within the standard range, or if it determines such a disposition would cause a manifest injustice, it may impose a disposition under Option D and suspend the execution of the disposition and place the juvenile on community supervision for at least two years. The court may impose conditions including up to 30 days of confinement, community supervision, and payment of legal financial obligations and restitution. The court must order the juvenile to not attend the school of the victim or the victim's siblings. The sex offender treatment provider must provide quarterly reports as to the juvenile's progress in treatment. The court may hold a revocation hearing if the juvenile violates the conditions of the SSODA or fails to make satisfactory progress in treatment.

Sex offender registration is a collateral consequence of conviction of a sex offense, requiring registration with the county sheriff, of the county of the offender's residence, for a specified period of time. For a juvenile adjudicated for a class A felony, the court may relieve the offender of the duty to register after 60 months following adjudication and completion of any term of confinement if the offender has not been adjudicated or convicted of any sex offenses, kidnaping offenses, or for failure to register, and the court finds there has been sufficient rehabilitation to remove the registration requirement. For a juvenile adjudicated

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for any other registration offense, the court may remove the registration requirement after 24 months if the other conditions apply.

The Washington State Institute for Public Policy (WSIPP) is a non-partisan public research group which researches public policy interventions and provides cost-benefit analyses of their effectiveness. WSIPP has evaluated Multisystemic Therapy-Problem Sexual Behavior for court-involved youth and found the intervention to be cost effective, returning net benefits of \$8,084 per application.

Licensed therapists under chapter 18.225 or 18.83 RCW include advanced social workers, independent clinical social workers, mental health counselors, marriage and family therapists, and psychologists. Washington licenses certified sex offender treatment providers under chapter 18.155 RCW. Only certified sex offender treatment providers are allowed to provide treatment to a juvenile under a SSODA, unless the juvenile has moved out of state or no such providers are available within a reasonable geographic distance from the juvenile's home.

Assault in the fourth degree is a gross misdemeanor. A sexual motivation means that one of the purposes for which the defendant committed the crime was for the purpose of sexual gratification. Assault 4 with a sexual motivation is not classified as a sex offense and does not trigger a requirement for sex offender registration.

**Summary:** A juvenile found to have committed assault in the fourth degree with a sexual motivation and who has no history of a prior sex offense may participate in a SSODA.

If a juvenile is required to register as a sex offender and remains required to register at the end of the SSODA, there is a presumption the juvenile is sufficiently rehabilitated to warrant removal from the central registry of sex offenders. The court must terminate the sex offender registration requirement unless it finds that the juvenile is not sufficiently rehabilitated to warrant removal. The court may consider:

- the nature of the offense;
- compliance with supervision requirements;
- the length of time since the offense;
- input from community corrections officers, juvenile parole or probation officers, law enforcement, treatment providers, or victims;
- participation in sex offender treatment or other treatment or rehabilitative programs;
- stability in employment and housing;
- the juvenile's community and personal support system;
- risk assessments or evaluations and polygraph examination results; and
- any other factors the court deems relevant.

A qualified professional who is an advanced social worker, independent clinical social worker, mental health counselor, marriage and family therapist, or psychologist may provide a SSODA examination and provide sex offender treatment pursuant to a SSODA if the treatment employed is evidence-based for sex offenders. This professional may not be a certified sex offender treatment provider.

**Votes on Final Passage:**

Senate	47	0	
House	79	18	(House amended)
Senate	48	0	(Senate concurred)

**Effective:** June 11, 2020