

HOUSE BILL REPORT

HB 2708

As Reported By House Committee On:
Corrections

Title: An act relating to community supervision of sex offenders.

Brief Description: Revising provisions relating to community supervision of sex offenders.

Sponsors: Representatives Long, Johanson, Morris, Forner, Van Luven, Dyer, Sheahan, Ballasiotes, Schoesler and Foreman.

Brief History:

Reported by House Committee on:
Corrections, February 3, 1994, DPS.

HOUSE COMMITTEE ON CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Morris, Chair; Mastin, Vice Chair; Long, Ranking Minority Member; Edmondson, Assistant Ranking Minority Member; G. Cole; L. Johnson; Moak; Ogden and Padden.

Staff: Rick Neidhardt (786-7841).

Background: Under the Sentencing Reform Act, a sex offender is sentenced in either of two manners. First, the sentencing court may impose a determinate sentence under the provisions that generally apply to all crimes. Second, the court may impose an alternative suspended sentence under the special sex offender sentencing alternative (SSOSA).

The two sentencing methods have different provisions relating to supervision. Under SSOSA, a sex offender is placed on community supervision for the length of the suspended sentence or three years, whichever is longer. By comparison, a non-SSOSA sex offender receives community placement for two years or the amount of earned early release time, whichever period is longer.

For non-SSOSA sex offenders, the sentencing court may impose a number of conditions on community placement, but the court

is not required to order a sex offender to participate in treatment during community placement.

Also, for non-SSOSA sex offenders, the sentencing court has authority, either prior to or during the period of community placement, to eliminate or reduce the restrictions imposed as part of the community placement. The sentencing court, however, lacks authority to increase the restrictions imposed on the community placement. The Department of Corrections has no authority to alter the terms of community placement on its own.

Concerns exist regarding the adequacy of these provisions on community placement for sex offenders.

Summary of Substitute Bill: A sentencing court shall impose community placement for sex offenders for a period of five years or the period of earned early release, whichever is longer. The court may subsequently shorten this duration if the offender satisfies the terms of community placement prior to the termination date.

The sentencing court shall also require the sex offender to participate in treatment during the period of community placement. This requirement may be subsequently removed or reduced by either the Department of Corrections or the sentencing court.

Conditions of community placement may be removed, or modified to be less restrictive, at any time prior to the termination of community placement. Except as to shortening the duration, which can only be done by the sentencing court, this removal or modification of conditions may be made by the sentencing court or the Department of Corrections.

Additional and more restrictive conditions of community placement may be imposed by the sentencing court or the Department of Corrections if the sex offender violates the terms of community placement.

The substitute bill does not apply to sex offenses committed before July 1, 1994, nor does it apply to sex offenders who are sentenced under SSOSA.

Substitute Bill Compared to Original Bill: A portion of the original bill related not only to sex offenses but also to serious violent offenses. The substitute bill applies only to sex offenses.

The original bill specified a minimum and a maximum term of community placement. The substitute bill establishes the

duration as five years or the period of earned early release, whichever is longer.

The original bill allowed the sentencing court to order treatment of the sex offender during community placement. The substitute bill requires this treatment to be ordered.

The original bill allowed the sentencing court, at any time prior to or during the term of community placement, to reduce or lengthen the duration of community placement and to impose additional or more restrictive conditions. The substitute bill allows the sentencing court to reduce the duration of community placement, allows the sentencing court or the department of corrections to make conditions less restrictive, and allows the sentencing court or the Department of Corrections to impose additional and more restrictive conditions if the offender violates the terms of community placement.

Fiscal Note: Available.

Effective Date of Substitute Bill: July 1, 1994.

Testimony For: Current law regarding community placement for sex offenders does not adequately provide for the continuation of treatment. The current duration of community placement is not sufficiently long for some sex offenders. The bill allows for better control over sex offenders. Greater flexibility is needed in the modification of terms of community placement. The Department of Corrections should have some authority to alter the terms of community placement without further court involvement.

Testimony Against: None.

Witnesses: Representative Jeanine Long, prime sponsor (pro); Mike Gray, Department of Corrections (pro); and Tom McBride, Washington Association of Prosecuting Attorneys (pro, with concerns). NOTE: The substitute bill addressed the concerns raised in the testimony.