

# HOUSE BILL REPORT

## SSB 5509

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**As Passed House**

April 14, 1997

**Title:** An act relating to definitions regarding offenders.

**Brief Description:** Changing definitions regarding offenders.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators Rossi, Roach, Zarelli, Winsley, Long, Morton, Goings, Finkbeiner, Oke, Hochstatter, Benton, Johnson, Stevens, McCaslin and Rasmussen).

**Brief History:**

**Committee Activity:**

Criminal Justice & Corrections: 4/1/97, 4/4/97 [DP].

**Floor Activity:**

Passed House: 4/14/97, 87-4.

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### HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

**Majority Report:** Do pass. Signed by 9 members: Representatives Ballasiotes, Chairman; Benson, Vice Chairman; Koster, Vice Chairman; Cairnes; Delvin; Hickel; Mitchell; Robertson and Sullivan.

**Minority Report:** Do not pass. Signed by 4 members: Representatives Quall, Ranking Minority Member; O'Brien, Assistant Ranking Minority Member; Blalock and Dickerson.

**Staff:** Yvonne Walker (786-7841).

**Background:** Sentencing laws define a "persistent offender" as an offender who has three separate felony convictions for a most serious offense (three strikes), or who has two separate felony convictions for several of the most violent sex offenses or for several violent offenses if committed with a sexual motivation (two strikes).

It has been suggested that offenders who prey on children should be classified as persistent offenders after two separate convictions for such offenses. The concern is that children are particularly vulnerable, and it is disputed whether the behavior of such offenders can be modified to make it safe for them to be released back into the community.

**Summary of Bill:** The "two strikes" portion of the definition of "persistent offender" is amended to include the crimes of rape of a child in the first degree, child molestation in the first degree, and homicide by abuse and assault of a child in the first degree, with a finding of sexual motivation.

The definition of "offender" is amended to include a juvenile who has come under the superior court's jurisdiction as a result of RCW 13.04.030 (automatic decline).

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Over the last several years there has been a rise in sex crimes against children, crimes that are often committed by repeat offenders. Many of the victimized children are scared to report these crimes due to threats against themselves or other family members. As a result, some of these children become withdrawn, lose their trust in adults, and express psychological problems. This bill is an attempt to punish adult offenders who prey on vulnerable children.

**Testimony Against:** The two strikes– sentencing law for the persistent offenders was just recently implemented and it should be given a chance. The Legislature should not begin adding adult offenders, as well as juvenile offenders, who sexually victimize children to the list of persistent offender offenses until the current two strikes law has been fully implemented and evaluated.

**Testified:** Senator Rossi, prime sponsor; Bernardean Broadous, Thurston County Prosecuting Attorneys Office (pro); James Powers, Thurston County Prosecuting Attorneys Office (pro); Theresa Spurr (pro); Wanda Staha (pro); Karen Klein, Washington Association of Criminal Defense Lawyers (con); Robert Shilling, Seattle Police Department (pro); and Tom McBride, Washington Association of Prosecuting Attorneys (pro).