

SENATE BILL REPORT

SB 6189

As of January 28, 1998

Title: An act relating to crimes with sexual motivation.

Brief Description: Creating a special allegation of sexual motivation in misdemeanor and gross misdemeanor cases.

Sponsors: Senators Oke and Haugen.

Brief History:

Committee Activity: Law & Justice: 1/28/98.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Lidia Mori (786-7755)

Background: Under current law, the prosecuting attorney must file a special allegation of sexual motivation for any felony other than sex offenses as defined in statute when sufficient evidence exists which when considered with the most plausible, reasonably foreseeable defense that could be raised would justify a finding of sexual motivation. Sexual motivation means that one of the purposes the person committed the crime was for his or her sexual gratification.

The definition of a sex offense includes a felony with a finding of sexual motivation. Any adult or juvenile residing in this state who has been found to have committed or has been convicted of any sex offense is required to register with the county sheriff for the county of the person's residence. Registration includes providing the county sheriff with the following information: name, address, date and place of birth, place of employment, crime for which convicted, date and place of conviction, aliases used, and Social Security number.

Summary of Bill: The prosecuting attorney may file a special allegation of sexual motivation in any misdemeanor or gross misdemeanor case. If a special allegation of sexual motivation is filed, the state must prove beyond a reasonable doubt that the accused person committed the crime with sexual motivation.

The offender score is measured on the horizontal axis of the sentencing guidelines grid. Prior convictions for misdemeanors or gross misdemeanors with a finding of sexual motivation are always included in the offender score. A prior adult or juvenile misdemeanor or gross misdemeanor with a finding of sexual motivation is counted as one point.

Any adult or juvenile residing in this state who has been found to have committed or has been convicted of any misdemeanor or gross misdemeanor with a finding of sexual motivation must register with the county sheriff for the county of the person's residence. The duty to register ends ten years after the last date of release from confinement pursuant to the conviction, or entry of judgement and sentence, if the person has spent ten consecutive

years in the community without being convicted of any new offenses. A person who knowingly fails to register or who moves without notifying the county sheriff as required is guilty of a gross misdemeanor.

Appropriation: None.

Fiscal Note: Requested on January 27, 1998.

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