

# SENATE BILL REPORT

## SB 6610

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As Reported By Senate Committee On:  
Law & Justice, February 4, 1998

**Title:** An act relating to sex offender sentencing.

**Brief Description:** Eliminating the special sex offender sentencing alternative.

**Sponsors:** Senators Roach, T. Sheldon, Stevens, Goings, Bauer and Oke.

**Brief History:**

**Committee Activity:** Law & Justice: 1/26/98, 2/4/98 [DPS-WM, DNPS].

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** That Substitute Senate Bill No. 6610 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Hargrove, McCaslin, Stevens and Zarelli.

**Minority Report:** Do not pass substitute.

Signed by Senator Thibaudeau.

**Staff:** Aldo Melchiori (786-7439)

**Background:** Before a court may impose Special Sex Offender Sentencing Alternative (SSOSA) instead of a standard sentence, the offender must be evaluated and found amenable to treatment. The court is required to consider the victim's opinion on whether the treatment alternative is appropriate and must also find that the offender and community will benefit. If the court determines that SSOSA is appropriate, a standard range sentence is imposed and suspended. The conditions of sentence suspension include: (1) community custody for the length of the suspended sentence or three years, whichever is greater, under conditions imposed by the Department of Corrections; (2) inpatient or outpatient treatment for any period up to three years; (3) up to six months of confinement; and (4) compliance with other conditions of release. If a violation occurs during community custody, a variety of sanctions may be imposed including revocation of the suspended sentence.

SSOSA was created by the Legislature in 1984 as a treatment oriented sanction available under limited circumstances. The 1990 Legislature revised several aspects of SSOSA to increase the accountability of treatment providers to the court, change the maximum sentence allowed from six years to eight years, increase the length of community supervision and treatment, and direct that examinations and treatment be conducted by certified sex offender treatment providers. The 1996 Legislature converted the status of offenders sentenced under SSOSA from community supervision to community custody and authorized the Department of Corrections to impose sanctions administratively.

The 1997 Legislature increased from less than eight years to less than eleven years the length of a standard range sentence that may be suspended under SSOSA. This compensated for increases in the seriousness levels of certain offenses. The Legislature also provided that offenders sentenced under SSOSA were not eligible to accrue earned early release time while serving a suspended sentence.

A 1995 study by the Washington State Institute for Public Policy compared the recidivism rates of sex offenders who received standard punishment and those in SSOSA. Recidivism rates for the two groups were equivalent for sex offenses. The report noted, however, that official recidivism data may not accurately reflect actual rates of reoffense. A 1988 study surveying unofficial records revealed 2.4 reoffenses for each one officially noted. Rapists reoffend more frequently than child molesters and extra-familial child molesters reoffend more frequently than intra-familial offenders.

It has been suggested that sex offenders should not escape the standard range sentence merely because they are amenable to treatment. Sex offenders can receive treatment while in confinement and, upon completion, the court may convert remaining confinement to community supervision. SSOSA opponents also point out that the public deserves greater protection from sex offenders, especially victims who are often intimidated and fearful when sex offenders are returned to the community after short periods of confinement. SSOSA proponents consider sexual misbehavior a psychological disorder requiring treatment and that the prospect of confinement deters victims from reporting and cooperating with prosecution. Proponents also assert that SSOSA increases the total capacity of the state's correctional resources.

**Summary of Substitute Bill:** Offenders who have a prior conviction for any sex or violent offense in any state are not eligible for SSOSA. If the sentence is more than 48 months of total confinement, the offender is not eligible for SSOSA. If either of the examination reports regarding the amenability of the offender to treatment conclude that the offender is not amenable, the offender is not eligible for SSOSA. The victim must be asked for an opinion and given at least 48 hours to consider their opinion. After receiving the victim's opinion, the court gives it "great weight" in the consideration regarding whether to grant SSOSA. If SSOSA is ordered by the court, the offender cannot reside within a one mile radius of the victim's residence.

**Substitute Bill Compared to Original Bill:** The original bill eliminated the Special Sex Offender Sentencing Alternative completely.

**Appropriation:** None.

**Fiscal Note:** Requested on January 9, 1998.

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

**Testimony For:** It is time to concentrate on the victims. An injustice is done when sex offenders are treated rather than punished, as other criminals are. These crimes alter the victims lives, and those of their families, forever. Victims opinions are not considered seriously enough. There are often multiple victims before the offenders are caught.

**Testimony Against:** This bill will have a large fiscal impact. Offenders now paying for their own treatment will get treatment in prison at the state's expense. SSOSA is appropriate for intra-family offenders.

**Testified:** PRO: Stephanie Huber, Lynne Gross, Suzanne Brown (concerns), Washington Coalition of Sexual Assault Programs; Patti Gorman, Helen Harlow, Tennis Shoe Brigade; CON: Sverre Staurset, Washington Association of Criminal Defense Attorneys; Aniba Brennen.