

HOUSE BILL REPORT

HB 1178

As Reported By House Committee On:
Criminal Justice & Corrections
Appropriations

Title: An act relating to sex offender examinations and treatment.

Brief Description: Prescribing requirements for sex offender examinations and treatment.

Sponsors: Representatives O'Brien, Koster, Lovick and Ballasiotes; by request of Department of Corrections.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 1/29/99, 2/3/99 [DPS];
Appropriations: 2/16/99, 2/22/99 [DPS(CJC)].

Brief Summary of Substitute Bill

- Requires a sex offender, ordered to participate in treatment as part of his community placement or community custody sentence, to receive treatment from a provider certified by the Department of Health.
- Authorizes the Department of Corrections to determine what is a reasonable distance for an offender to travel to receive certified sex offender treatment.
- Requires a non-certified treatment provider to consult with a certified provider regarding a sex offender's evaluation and treatment.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; Chandler; Constantine; Kagi and Koster.

Staff: Yvonne Walker (786-7841).

Background:

Courts often sentence offenders, who have committed a sex offense, to a term of community placement for approximately one to three years following their sentence of total confinement. As a condition of their community placement sentence, the court may also require offenders to participate in crime-related sex offender treatment or counseling services.

Sex offenders may choose their own sex offender treatment provider, however, many treatment providers that they select are not certified with the Department of Health.

Summary of Substitute Bill:

A sex offender who is ordered to participate in treatment as part of his community placement or community custody sentence is required to receive treatment from a provider certified by the Department of Health.

A sex offender is not required to receive evaluations and treatment from a certified treatment provider if:

- The offender has moved or plans to reside in another state and he is not trying to circumvent the treatment provider certification requirements; or
- There are no certified treatment providers available within a reasonable distance of the sex offender's residence as determined by the Department of Corrections. If a non-certified treatment provider is selected then that provider must consult with a certified provider to ensure the offender's period of treatment complies with the rules adopted by Department of Health.

No sex offender required to participate in treatment is exempt from that treatment.

Substitute Bill Compared to Original Bill:

The court, as part of a sex offender's community placement or community custody sentence, must request the Department of Corrections to determine if there is a certified sex offender treatment provider within a reasonable distance of the offender's residence. A "reasonable distance" will be defined by an employee of the Department of Corrections who is either staffed in or familiar with the offender's residential area and where the certified providers are located. A "reasonable distance" will not be defined by the offender.

In addition, no sex offender required to participate in treatment is exempt from that treatment regardless of where they live.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: (Original bill) Washington has the most stringent criteria for certifying sex offender providers in the United States. Other states have been known to model their sex offender provider certification after Washington's model. Since 1990, the Department of Health has been required to certify all the doctors working within the Department of Corrections' Sex Offender Units. However, this certification process does not extend to sex offender treatment providers on the outside in the communities. Sex offenders released from prison take advantage of this and have been known to conspire to shop around for a provider that may be somewhat a little more relaxed with the rules and required treatment. Over 500 sex offenders are released from Department of Corrections each year and they should not be monitored and treated by people who are not certified professionals.

Testimony Against: None.

Testified: (In support) Victoria Roberts, Department of Corrections; Brian Barney, Department of Corrections; and Lang Taylor, Washington Association of Treatment for Sexual Abusers.

(In support with concerns) Ron Weaver, Department of Health.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill by Committee on Criminal Justice & Corrections be substituted therefor and the substitute bill do pass. Signed by 32 members: Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Staff: Dave Johnson (786-7154).

Summary of Recommendation of Committee on Appropriations Compared to Recommendation of Committee on Criminal Justice & Corrections: No new changes were recommended.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: (Substitute bill) Offenders have been known to shop around for a provider that has relaxed standards and treatment. This requires offenders to be treated by certified providers rather than just some guy they run into. This bill helps enhance public safety.

Testimony Against: None.

Testified: Representative Al O'Brien, prime sponsor; Victoria Roberts, Department of Corrections; and Suzanne Brown, Washington Coalition of Sexual Assault Programs.