

# HOUSE BILL REPORT

## SSB 5123

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### As Passed House:

April 11, 2001

**Title:** An act relating to the crime of escape when committed by persons committed to the department of social and health services.

**Brief Description:** Revising the crime of escape as it relates to persons committed to the department of social and health services.

**Sponsors:** By Senate Committee on Human Services & Corrections (originally sponsored by Senators Costa, Long and Hargrove).

### Brief History:

#### Committee Activity:

Criminal Justice & Corrections: 3/21/01, 3/28/01 [DP].

#### Floor Activity:

Passed House: 4/11/01, 93-0.

### Brief Summary of Substitute Bill

- Creates a class B felony offense called escape by a sexually violent predator.–

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## HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

**Majority Report:** Do pass. Signed by 8 members: Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes, Kagi, Kirby and Morell.

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

### Background:

Generally, escape in the second degree is committed when a person escapes from a detention facility or having been charged with a felony or an equivalent juvenile offense, he or she escapes from custody. The crime of escape can also be committed when a person, found to be a sexually violent predator and is under an order of conditional release, leaves Washington without prior authorization. The crime of escape does not include sexually violent predators who leave the state with authorization, but fail to return

to the state at a required specified time.

Furthermore, the crime of escape does not include persons civilly committed under the Criminal Insanity statute for a sex, violent, or felony harassment offense who have been conditionally released on less restrictive alternatives and who leave or remain absent from the state without authorization.

Escape in the second degree is a seriousness level III, class C felony. A first time offender would receive a presumptive sentence of one to three months in jail.

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**Summary of Bill:**

A sexually violent predator who escapes from custody or a commitment facility is guilty of the crime of escape by a sexually violent predator.— In addition, a sexually violent predator on conditional release who resides in a location other than at a commitment center or less restrictive alternative facility and who leaves or remains absent from the state without prior court authorization is also guilty of the crime of escape by a sexually violent predator.

Escape by a sexually violent predator is a seriousness level X, class B felony.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** This bill addresses a current hole that is in Washington's statute in regards to escape. It clarifies that sexually violent predators and persons who are civilly committed under a plea of insanity for a sex, violent, or felony harassment offense, who have been conditionally released under a less restrictive alternative, if they leave and remain absent from the state without authorization, then they are guilty of escape in the second degree.

**Testimony Against:** None.

**Testified:** Senator Costa, prime sponsor.