

***Criminal Justice & Corrections
Committee***

ESSB 5013

Brief Description: *Clarifying the definition of "persistent offender."*

Sponsors: *By Senate Committee on Judiciary (originally sponsored by Senators McCaslin, Haugen and Long).*

Brief Summary of Engrossed Substitute Bill

- *Clarifies that certain prior offenses, despite where the offense and conviction took place, will be used to determine whether an offender meets the definition of a persistent offender.*

Hearing Date: *3/19/01*

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

Background:

Under what is commonly referred to as the "Two Strikes and You're Out" law, a person is considered a "persistent offender" if the person has been convicted of any one of the following sex offenses on at least one prior separate and distinct occasion:

- *rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; or*
- *murder in the first or second degree, homicide by abuse, kidnaping in the first or second degree, assault in the first or second degree, assault of a child in the first degree, or burglary in the first degree, when one of these offenses is committed with sexual motivation; or*
- *an attempt to commit any of the offenses listed above.*

"Persistent offenders" are sentenced to life imprisonment without possibility of parole.

"Persistent offenders" are not eligible for community custody, earned early release time,

furlough, home detentions, partial confinement, work crew, work release, or any other form of early release.

Summary of Bill:

The act is intended to clarify the Legislature's intent that out-of-state convictions for comparable sex offenses and prior Washington convictions for comparable sex offenses are to be used to determine whether an offender meets the definition of a persistent offender.

Under what is referred to as the "Two Strikes and You're Out" Law, a person is considered a persistent offender if the offender is convicted of two or more offenses, whether in Washington, any other state, or in any federal court, that under the laws of Washington would be classified as a felony offense under the persistent offender statute. In addition, all felony convictions under prior Washington law, that are comparable to an offense currently listed under the persistent offender statute, are considered a "strike" under the "Two Strikes and You're Out" Law.

Appropriation: *None.*

Fiscal Note: *Requested on March 13, 2001.*

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