

FINAL BILL REPORT

SSB 6286

C 174 L 02
Synopsis as Enacted

Brief Description: Revising provisions relating to the time permitted for review by the indeterminate sentence review board of sex offenders who are sentenced to short sentences under RCW 9.94A.712.

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

Senate Committee on Human Services & Corrections
House Committee on Criminal Justice & Corrections

Background: Under 3ESSB 6151, enacted in 2001, sex offenders who commit a first "two-strikes" offense and offenders who have a prior conviction for a two-strikes offense and commit a new sex offense receive a "determinate plus" sentence upon conviction. The determinate plus sentence consists of a minimum term equal to the normal sentence under the Sentencing Reform Act PLUS a maximum term equal to the statutory maximum term of confinement. The Indeterminate Sentence Review Board (ISRB) must review offenders sentenced to a determinate plus sentence not later than 90 days before the end of the offender's minimum term of confinement.

Following passage of the legislation, concerns were raised that a small number of offenders, primarily convicted of assault in the second degree with sexual motivation, are sentenced to time served or to a sentence that has less than 90 days remaining at the time of sentencing and in this situation, the ISRB cannot meet the statutory requirement to review the offender not later than 90 days prior to the end of the offender's minimum term.

Summary: When an offender is sentenced to a determinate plus sentence and at the time of sentencing the offender's minimum term has expired or will expire within 120 days, the Department of Corrections (DOC) conducts an examination of sexual dangerousness within 90 days of the offender's arrival at DOC. The ISRB conducts the required hearing to determine if the person is more likely than not to commit a new sex offense after the examination by the department, but within 120 days after the offender's arrival at DOC.

Votes on Final Passage:

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| Senate | 49 | 0 | |
| House | 96 | 0 | (House amended) |
| Senate | 45 | 0 | (Senate concurred) |

Effective: March 27, 2002