

SENATE BILL REPORT

SB 6286

As Reported By Senate Committee On:
Human Services & Corrections, February 1, 2002

Title: An act 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.

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: Senators Long and Hargrove.

Brief History:

Committee Activity: Human Services & Corrections: 1/17/02, 2/1/02 [DPS].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 6286 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Staff: Fara Daun (786-7459)

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 of Substitute Bill: 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.

Substitute Bill Compared to Original Bill: The timelines in the substitute bill are 90 days for the evaluation and 120 days for the hearing, a period 30 days longer than the original.

Appropriation: None.

Fiscal Note: Requested on January 14, 2002.

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

Testimony For: This is a necessary correction to address a situation in which it is impossible for the ISRB to comply with the requirements of 6151, as enacted. It will not affect many cases. It is not expected to have a fiscal impact in the near future. DOC does not receive the outside information from which to conduct the examination and evaluation for 30 to 60 days following request; consequently, DOC needs 90 days to do the examination.

Testimony Against: None.

Testified: Tom McBride, Washington Association of Prosecuting Attorneys (pro); John Austin, ISRB (pro); Lynn Delano, DOC (pro); Victoria Roberts, DOC, End of Sentence Review Committee (pro).