

2400-S

Sponsor(s): House Committee on Appropriations (originally sponsored by Representatives McMahan, Carrell, Mielke, Talcott, Crouse, Bush, Ahern, Newhouse, G. Simpson, Woods and Orcutt)

Brief Description: Providing enhanced penalties for sex crimes against children. Revised for 1st Substitute: Strengthening sentences for sex offenders.

HB 2400-S.E - DIGEST

(DIGEST AS ENACTED)

Requires the Washington state institute for public policy to conduct a comprehensive analysis and evaluation of the impact and effectiveness of current sex offender sentencing policies. The institute shall analyze and evaluate the effectiveness of sex offender policies and programs, including the special sex offender sentencing alternative, the department of corrections' treatment program for offenders in prison, and the validity of the risk assessment conducted by the end of sentence review committee prior to release from prison. Using detailed information from offender files and court records, and research conducted in Washington state and other states and nations, the analysis shall examine whether changes to sentencing policies and sex offender programming can increase public safety.

Provides that, using the research results and other available data, the analysis of the special sex offender sentencing alternative shall specifically evaluate the impact of the sentencing alternative on protection of children from sexual victimization, reporting of sex offenses against children, prosecution of sex offenses against children, and child sex offense recidivism rates.

Requires that, as part of its study, the institute shall also investigate the views of victims whose cases resulted in a special sex offender sentencing alternative sentence. This study shall include victims whose cases have been prosecuted recently, as well as those whose cases were prosecuted in the past. The victims shall be asked whether they considered the special sex offender sentencing alternative sentence to be a just and appropriate sanction, whether it influenced their healing process, and, if so, whether the influence was negative or positive.

Requires the sentencing guidelines commission to review the following issues to determine whether modifications in the special sex offender sentencing alternative will increase its effectiveness with respect to protecting children from sexual victimization, successfully prosecuting sex offenses against children, and appropriately punishing perpetrators of sex offenses against children: (1) Eligibility for the sentencing alternative, including whether the commission of certain types of offenses should render an offender ineligible, whether the disclosure of multiple victims in the course of evaluating an offender should render an offender ineligible, and whether the sentencing alternative should be limited to offenses within families;

(2) Minimum terms of incarceration, including imprisonment at a state facility;

(3) Appropriate conditions or restrictions that should be placed on offenders who receive a sentence alternative; and

(4) Standards for revocation of a sentencing alternative suspended sentence.

Directs the institute and the sentencing guidelines commission to report their results and recommendations to the appropriate standing committees of the legislature no later than December 31, 2004.

VETO MESSAGE ON HB 2400-S

March 26, 2004

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1, Engrossed Substitute House Bill No. 2400 entitled:

"AN ACT Relating to sentence enhancement for sex crimes against minors;"

This bill makes improvements in the Special Sex Offender Sentencing Alternative, which is often needed to get convictions, hold sex offenders accountable, and protect child victims.

I have vetoed section 1, the intent section, because it includes rhetorical language that could inadvertently be misused to increase taxpayers' liability for harm that should be the responsibility of sex offenders themselves. Section 1 discusses a paramount duty of the Legislature to protect children from victimization by sex offenders. Although I agree that the state has the responsibility to take action within its powers and authority, this language could be misunderstood to create a new duty, which would be a higher duty than many equally important government actions and protections. In addition, the section discusses structure and administrative weaknesses in the Special Sex Offender Sentencing Alternative. Taken out of context, this language could be misunderstood and used to indicate an admission of liability when none exists.

For these reasons, I have vetoed section 1 of Engrossed Substitute House Bill No. 2400.

With the exception of section 1, Engrossed Substitute House Bill No. 2400 is approved.

Respectfully submitted,
Gary Locke
Governor