
**Criminal Justice & Corrections
Committee**

HB 2407

Brief Description: Revising provisions relating to electronic monitoring of sex offenders.

Sponsors: Representatives Lovick, Strow, O'Brien, Ericks, Dunshee, Linville, Grant, Lantz, Kessler, Williams, Blake, Morrell, Rodne, Hunt, Conway, P. Sullivan, Springer, Takko, Kilmer, Fromhold, B. Sullivan, Hunter, Simpson, Green, Miloscia, Sells, Upthegrove, Campbell and Ormsby.

Brief Summary of Bill

- Imposes active electronic monitoring based on global positioning system (GPS) technology as a mandatory condition of community custody for certain sex offenders.
- Requires the Department of Corrections to use GPS-based technology whenever it electronically monitors sex offenders.

Hearing Date: 1/13/06

Staff: Lara Zarowsky (786-7119) and Jim Morishima (786-7191).

Background:

An offender convicted of more than one "two strikes" sex offenses is considered a "persistent offender" and will be sentenced to life in prison without the possibility of parole.

An offender convicted of a first "two strikes" sex offense will be sentenced to a "determinate plus" term; rather than a definitive number of days, a determinate plus sentence consists of a minimum and maximum term of confinement. The minimum term is generally set within the standard sentencing range, which takes into account the seriousness of the offense and the offender score. The maximum term is equal to the statutory maximum for the offense. After serving the minimum term, the offender is subject to the jurisdiction of the Indeterminate Sentence Review Board (ISRB) through the end of the maximum term. For all "two strikes" offenses, the maximum term is life imprisonment.

"Two strikes" offenses include:

- Rape in the first and second degree;
- Rape of a child in the first and second degree;

- Child molestation in the first degree; and
- Indecent liberties by forcible compulsion.

The following crimes are "two strikes" sex offenses when committed with sexual motivation:

- Murder in the first and second degrees;
- Homicide by abuse;
- Kidnapping in the first and second degrees;
- Assault in the first and second degrees;
- Assault of a child in the first degree; and
- Burglary in the first degree.

An offender will be released from custody after serving the minimum term unless the ISRB finds the offender more likely than not to commit a future predatory sex offense. When the offender is released, he or she will be in community custody until the expiration of the maximum term. The obligations of community custody must include certain conditions, such as reporting to a community corrections officer and obtaining residence approval from the Department of Corrections (DOC).

The term "electronic monitoring" refers to all electronic offender tracking systems. Such systems may provide passive or active offender tracking, and may employ radio frequency or GPS technology. "Passive" monitoring systems record information about an offender's whereabouts for later download and examination, while "active" systems relay real-time reports as to the offender's location. All forms of electronic monitoring require an offender to wear an electronic device (such as an ankle bracelet) on his or her body.

Electronic monitoring is not a mandatory condition of release for sex offenders. While electronic monitoring of offenders may be ordered under some circumstances (e.g. as partial confinement for sentences of one year or less for non-violent offenders), there is no requirement that the equipment used for such monitoring be GPS-based.

Summary of Bill:

A mandatory monitoring requirement is added as a condition of community custody for sex offenders who commit a first "two strikes" sex offense on or after the effective date of the act. While on community placement, the offender must submit to active GPS-based electronic monitoring. The court may not waive this condition of community custody. Whether imposed administratively or by court order, and without regard to the date of offense, the DOC is required to use an active GPS-based system when electronically monitoring sex offenders.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

Effective Date: The bill contains an emergency clause and takes effect immediately, except for Sections 2 and 4, which, because of prior double amendments, takes effect on July 1, 2006.