

# FINAL BILL REPORT

## HB 3252

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Synopsis as Enacted

**Brief Description:** Prohibiting offenders who enter Alford pleas from receiving a special sex offender sentencing alternative.

**Sponsors:** By Representatives O'Brien, Rodne, Santos, Strow, Green, Simpson, McDonald, Morrell, Ericks, Kilmer, Williams and Hasegawa.

**House Committee on Criminal Justice & Corrections**

**Senate Committee on Judiciary**

### **Background:**

#### I. The Special Sex Offender Sentencing Alternative

In 1984, the Legislature created the Special Sex Offender Sentencing Alternative (SSOSA). A SSOSA sentence consists of a suspended standard range sentence, incarceration for up to 12 months, treatment for up to five years, and a term of community custody. An offender is eligible for a SSOSA sentence if: (1) he or she is convicted of a sex offense that is not a serious violent offense or rape in the second degree; (2) he or she has no prior felony sex offenses; (3) he or she has no prior adult violent offenses within five years of the current offense; (4) the current offense did not cause substantial bodily harm to the victim; (5) he or she has an established relationship or connection to the victim; and (6) his or her standard sentence range includes the possibility of incarceration for less than 11 years.

#### II. Alford Pleas

In *North Carolina v. Alford*, 400 U.S. 25 (1970), the United States Supreme Court ruled that the Constitution allows an offender to enter a plea of guilty without admitting guilt for the underlying crime. This type of plea has been come to be known as an "Alford plea."

### **Summary:**

In order to be eligible for a SSOSA, an offender who receives the alternative pursuant to a guilty plea must admit he or she committed the underlying offense. A SSOSA is not available to an offender who enters an Alford plea.

### **Votes on Final Passage:**

House	97	0
Senate	41	0

**Effective:** June 7, 2006