

FINAL BILL REPORT

2SSB 6172

C 139 L 06

Synopsis as Enacted

Brief Description: Increasing penalties for specified sex offenses.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators McAuliffe, Hargrove, Thibaudeau, Shin, Weinstein, Rockefeller, Keiser, Regala, Eide, Rasmussen and Benton).

Senate Committee on Human Services & Corrections
Senate Committee on Ways & Means
House Committee on Criminal Justice & Corrections
House Committee on Appropriations

Background: Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct. A person is guilty of Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct if he or she knowingly possesses visual or printed matter depicting a minor engaged in sexually explicit conduct. The crime is an "unranked" class C felony, punishable by zero to 12 months in jail. Persons convicted of knowingly possessing visual or printed matter depicting a minor engaged in sexually explicit conduct are not eligible for the Special Sex Offender Sentencing Alternative (SSOSA). A sentence under the SSOSA 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.

The Consequences of Classifying a Crime as a "Sex Offense" for Sentencing Purposes. Washington law identifies certain crimes as sex offenses for purposes of sentencing. The Legislature has established a whole series of consequences that are associated with being sentenced as a sex offender. For example, a person sentenced as a sex offender is not eligible for certain sentencing alternatives, such as the First Time Offender Waiver or the Drug Offender Sentencing Alternative. Once incarcerated, he or she is not eligible for as much earned early release time as other offenders. After release, he or she must comply with the state's registration requirements and is subject to a mandatory term of community custody and mandatory Department of Corrections supervision in the community. If sentenced for a subsequent offense, the seriousness level of his or her prior sex offense will be tripled for purposes of sentencing.

In 1990, the Legislature enacted the Community Protection Act, which created one of the first sex offender registration laws in the country. A person convicted of a sex or kidnapping offense must register with the county sheriff of the county in which he or she lives. The person subject to the registration requirements must provide such information as his or her name, address, date and place of birth, place of employment, crime of conviction, date and place of conviction, aliases, Social Security number, photograph, and fingerprints. He or she must also notify the county sheriff if he or she is enrolled in public or private school or in an institution of higher education.

Summary: Possession of depictions of a minor engaged in sexually explicit conduct is raised from a class C to a class B felony. It is defined as a "sex offense" for sentencing purposes and ranked at a seriousness level VI for sentencing purposes. Voyeurism is ranked at a seriousness level II for sentencing purposes. Communication with a minor for immoral purposes includes electronic communications.

Votes on Final Passage:

Senate	45	3	
House	96	2	(House amended)
Senate	46	2	(Senate concurred)

Effective: June 7, 2006
July 1, 2006 (Section 5)