

SENATE BILL REPORT

SB 6406

As Reported By Senate Committee On:
Human Services & Corrections, February 1, 2006

Title: An act relating to assault of a child in the second degree.

Brief Description: Including assault of a child in the second degree in the list of two-strike offenses.

Sponsors: Senators Hargrove, Stevens, Doumit, McAuliffe, Regala, Rasmussen, Benton and Oke; by request of Attorney General.

Brief History:

Committee Activity: Human Services & Corrections: 1/19/06, 2/1/06 [DPS].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 6406 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell, McAuliffe and Thibaudeau.

Staff: Kiki Keizer (786-7430)

Background: Assault of a child in the second degree

Assault of a child in the second degree, a class B felony, occurs when a person 18 years old or older either (1) commits the crime of assault in the second degree, as defined elsewhere in statute, against a child under the age of 13 or (2) intentionally assaults the child and causes serious bodily harm and the person has previously engaged in a pattern or practice either of (a) assaulting the child, causing serious bodily harm, or (b) causing physical pain equivalent to that produced by torture.

Persistent offenders: Washington's two-strikes law

A person convicted of two of the crimes listed in the two-strikes law must be sentenced to life in prison without the possibility of release.

Summary of Substitute Bill: Assault of a child in the second degree with sexual motivation is added to the list of two-strikes crimes and to the list of crimes subject to determinate-plus sentencing.

Substitute Bill Compared to Original Bill: In addition to adding Assault of a Child in the Second Degree with Sexual Motivation to the list of "two-strikes" offenses, that crime is added to the list of crimes subject to determinate-plus sentencing.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Testimony For: It doesn't make sense that assault of an adult in the second degree with sexual motivation is a two-strikes offense, but that the analogous crime against a child is not.

Testimony Against: None.

Who Testified: PRO: Todd Bowers, Assistant Attorney General.