

SENATE BILL REPORT

SSB 6596

As Amended by House, March 6, 2008

Title: An act relating to the creation of a sex offender policy board.

Brief Description: Providing for the creation of a sex offender policy board.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Carrell, Regala, Stevens, Marr, Shin, McAuliffe, Brandland and Kilmer).

Brief History:

Committee Activity: Human Services & Corrections: 1/25/08, 2/05/08 [DPS-WM].
Ways & Means: 2/11/08, 2/12/08 [DPS(HSC)].
Passed Senate: 2/15/08, 48-0.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 6596 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

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

Staff: Jennifer Strus (786-7316)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 6596 as recommended by Committee on Human Services & Corrections be substituted therefor, and the substitute bill do pass.

Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli, Ranking Minority Member; Brandland, Carrell, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Tom.

Staff: Richard Ramsey (786-7412)

Background: The Washington State Institute for Public Policy has published many papers over the years on sex offender issues at the behest of the Legislature. The Department of Corrections has been asked by the Legislature to perform various tasks related to sex offenders. This summer the Governor convened an ad hoc task force to address the sex offender issues raised in the Zina Linnick homicide. Although various organizations and institutions have dealt with issues related to sex offenders, there has been no single established

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

group to address emerging issues. Other states have instituted sex offender policy boards whose responsibility it is to stay apprised of the best practices, research, and risk management of sex offenders. These boards have been instrumental in those states informing policy makers about various issues relating to sex offenders.

Summary of Substitute Bill: The Sentencing Guidelines Commission (SGC) must establish, staff, and maintain a sex offender policy board (board). The board consists of 13 voting members and three non-voting members. The voting members are as follows:

- a representative of the Washington Association of Sheriffs and Police Chiefs;
- a representative of the Washington Association of Prosecuting Attorneys;
- a representative of the Washington Association of Criminal Defense Lawyers;
- the Chair of the Indeterminate Sentencing Review Board or the Chair's designee;
- a representative of the Washington Association for the Treatment of Sex Offenders;
- the Secretary of the Department of Corrections or the Secretary's designee;
- a representative of the Washington State Superior Court Judge's Association;
- the Assistant Secretary of the Juvenile Rehabilitation Administration or the Assistant Secretary's designee;
- a representative of the Office of Crime Victims Advocacy;
- a representative of the Association of Washington Cities;
- a representative of the Washington State Association of Counties;
- a representative of the Washington Coalition of Sexual Assault Programs; and
- the Director of the Special Commitment Center or the Director's designee.

The non-voting members consist of two members of the SGC chosen by the SGC chair and a representative of the Criminal Justice Division in the Attorney General's Office. The Washington State Institute for Public Policy will act as advisor to the board.

The board must choose its chair by majority vote from among its voting membership. The chair's term is two years. The SGC chair will convene the first meeting of the board.

The members of the board selected by statewide organizations are appointed for three year terms and serve until their successor is appointed by the organization they represent. The terms of the initial members are to be staggered so that their terms expire after one, two, and three years.

The board has the following duties:

- to stay apprised of research and best practices related to risk assessment, treatment, and supervision of sex offenders, community education regarding sex offenses and offenders, prevention of sex offenses, and sex offender management in general;
- to conduct case reviews on sex offenses as needed to understand the performance of sex offender prevention to response systems or are requested by the Governor, the Legislature, or law enforcement;
- to develop and report on benchmarks that measure performance across the state's sex offender response system;
- to assess and communicate best practices or upcoming trends in other jurisdictions to assess their applicability in Washington; and
- to provide a forum for discussion of issues that requires interagency communication, coordination, and collaboration.

The board is to develop an initial work plan detailing how it will achieve its duties and submit it to the Governor and the Legislature no later than December 1, 2008. The board must annually update the work plan and include reasonable performance measures which indicate whether it is meeting its responsibilities.

The Joint Legislative Audit & Review Committee (JLARC) is to conduct a sunset review in 2013.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill (Human Services & Corrections):

PRO: There is a need for an ongoing group to keep up on continuing and cutting edge research, techniques, and management tools for sex offenders across the country and bring that information back to Washington. It is important that policymakers have an independent, non-political body to turn to for information on sex offenders. The board would not develop the research but would gather the research that exists and might, within available funding, contract with an outside group for some research. It is important to have a group to look at the failures, similar to child fatality reviews, to see what should have been done in the case and what could be done differently in the future to prevent a reoccurrence. The board should be able to conduct an investigation at its own behest rather than waiting for a request from an outside entity.

The Governor's task force on the Zina Linnick matter was hurriedly pulled together this summer and if this board had existed, it could have taken up the issue rather than scrambling to put together a task force. Many states have sex offender policy boards and this state can capitalize on what those boards have already done and learned and build on it. The board would be a continuing advisory board to the Legislature on sex offender matters. This board would serve the best interests of the victims in these issues.

Persons Testifying (Human Services & Corrections): PRO: Jeri Costa, Indeterminate Sentencing Review Board; Evelyn Larsen, Washington Coalition of Sexual Assault Programs; David Boerner, SGC; Russ Hauge, Washington Association of Prosecuting Attorneys; Don Pierce, Washington Association of Sheriffs and Police Chiefs.

Staff Summary of Public Testimony (Ways & Means): None.

Persons Testifying (Ways & Means): No one.

House Amendment(s): Directs the sex offender policy board to report annually to the Governor and the Legislature regarding the board's activities.