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**Human Services Committee**

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**HB 2725**

**Brief Description:** Modifying community custody conditions for persons convicted of assaulting a child in the first degree.

**Sponsors:** Representatives Dunshee, Hope, Ericks, Pearson, Haler, Taylor, Hurst, O'Brien, Ross, Roach, Simpson, Kelley, Campbell, Morrell, Kessler, Warnick and Chase.

**Brief Summary of Bill**

- Modifies a mandatory condition of community custody for the offense of Assault of a Child in the first degree to prohibit contact with children under the age of 13 unless an adult knowledgeable about the offender's conviction is present or the offender has prior approval from his or her community corrections officer.

**Hearing Date:** 1/25/10

**Staff:** Linda Merelle (786-7092).

**Background:**

The Department of Corrections must supervise any offender who has been sentenced to a term of community custody. Only certain offenders convicted of felony offenses are sentenced to a term of community custody. The terms of community custody are fixed based upon the type of offense. For those convicted of sex offenses, serious violent offenses, and failure to register, the term of community custody is 36 months. For those convicted of a violent offense that is not a serious violent offense, the term is 18 months. For offenders convicted of a crime against a person, a drug offense, or an offense involving the unlawful possession of a firearm by a gang member, the term of community custody is 12 months. The term of community custody varies for certain sentencing alternatives such as the Drug Offender Sentencing Alternative, the Special Sex Offender Sentencing Alternative, and the First Time Offender Waiver.

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*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.*

At sentencing, the court must impose conditions of community custody. Some conditions are mandatory and may be specific to a particular criminal offense; others are discretionary; and others may be expressly waived by the court.

#### Assault of a Child in the First Degree.

A person commits the offense of Assault of a Child in the first degree if the person: (1) is 18 years of age or older; and (2) commits the offense of Assault in the First Degree against a child who is under the age of 13; or (3) intentionally assaults the child and either (i) recklessly inflicts great bodily harm or (ii) causes substantial bodily harm and the person has previously engaged in a pattern of practice either of assaulting the child which has resulted in bodily harm that is greater than transient physical pain or minor temporary marks or causing the child physical pain or agony that is equivalent to that produced by torture.

Assault of a Child in the first degree is a class A felony and is classified as a serious violent offense. The term of community custody is 36 months for a conviction of this offense

As a mandatory condition of community custody for an offender convicted of Assault of a Child in the first degree, the offender is prohibited from serving in any paid or volunteer capacity where he or she has control over the supervision of minors under the age of 13.

#### **Summary of Bill:**

One of the mandatory conditions of community custody for the offense of Assault of a Child in the first degree is modified. Instead of being prohibited from serving in a paid or volunteer capacity in control of or supervision of minors, a convicted offender is prohibited from having contact with an unsupervised child or children under the age of 13 unless: (1) an adult knowledgeable of the offender's conviction is present; or (2) the offender has prior approval from his or her community corrections officer.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.