



General Background: Washington has enacted some of the strongest registration and notification laws in the nation and we were the first state in the nation to implement involuntary civil commitment for the most dangerous sexual predators. Despite this, our expert attorneys in the AGO Sexually Violent Predator unit, in their work with prosecutors across the state, have discovered some inadequacies in Washington's sex offender laws—particularly in the area of protecting children.

Crimes committed with “sexual motivation:” Some non-sexual crimes may be charged as having been committed with “sexual motivation” if the defendant committed the crime for the purpose of sexual gratification. For example, a kidnapping where the defendant intends to molest a child but the child is recovered before the defendant attacks.

Two strike offenses: Crimes that count as “strikes” in Washington's “Two Strikes” law for sex offenses include second degree assault with sexual motivation and first degree assault of a child with sexual motivation but not second degree assault of a child with sexual motivation. Second degree assault includes assault with a deadly weapon or assault with substantial bodily harm.

Sex offender registration: Washington had one of the first sex offender registration statutes in the country. It is one of the most powerful tools law enforcement has to prevent convicted offenders from reoffending.

- More than 670 Washington sex offenders are registered as homeless. Many of these offenders are deemed the most dangerous and most likely to reoffend, yet law-enforcement officials have no way of tracking them, and residents are often unaware of potential threats.
- Authorities report that out of every 10 sex offenders who report they are homeless, two or three actually are living at a specific address. (Source: *Seattle Times*, 12.29.05)

Possession of child pornography: Possession of child pornography is currently an unranked felony with a maximum term of only one year—and most offenders get much less than that.

- In a 2000 study issued by the Federal Bureau of Prisons, 76 percent of offenders convicted of internet-related crimes against children admitted to contact sex crimes with children previously undetected by law enforcement and had an average of 30.5 child sex victims each.

(Source: *American Prosecutors Research Institute*, 2004)

Statute of limitations on DNA cases: The current statute of limitations for various sex crimes runs between three and 10 years, yet sometimes in cases where the victim doesn't know his or her attacker, but the attacker leaves biological evidence, it can be many years before law enforcement finds a match.

Legislative Proposals

- [SB 6460](#) creates mandatory prison terms for crimes committed with sexual motivation, including a minimum one year sentence for class C felonies, double enhancements for second-time offenders and a clarification that enhancements can be added to misdemeanors as well.
- [SB 6406](#) makes second degree assault of child with sexual motivation a “strike” under the state's “Two Strikes, You're Out” law for sex offenses.
- SB 6407, requested by McKenna to increase the penalty for possession of child pornography from an unranked felony to a Level VI with a minimum one year of prison time, was incorporated into [SB 6172](#).
- SB 6405, requested by McKenna to strengthen the sex offender registration statute, was incorporated into [SB 6519](#), which requires level III sex offenders to register every 90 days.
- SB 6408, requested by McKenna to extend the statute of limitations in cases where a suspect is identified through DNA testing, was amended onto [SB 5042](#).
- [SB 6410](#), requested by McKenna to make permanent statewide residency restrictions approved by the Legislature in 2005, which prohibit sex offenders from living within 880 feet of a public or private school, was incorporated into [SB 6325](#).
- [SB 6775](#) allows personnel at places where children congregate (e.g. community centers and schools) to bar level 2 and 3 child sex offenders from coming onto the property. Any violation will result in prosecution for the new felony crime of Criminal Trespass Against Children.
- [SB 6409](#) makes the SSOSA/SSODA sentencing alternatives for otherwise qualifying sex offenders only available if the offender affirmatively admits he or she committed the crime charged. SSOSA/SSODA is not available if the offender enters an *Alford* plea, which has the same effect as a guilty plea, but all the offender admits is that the state has sufficient evidence to convict him or her with no admission of guilt.