



National Conference of State Legislatures
7700 East First Place Denver, CO 80230 303/364-7700

Significant State Legislation 1996-2004 on Sex Offender Sentencing
January 2006

2005 Legislation

Florida H 1877

Imposes a mandatory sentence of 25 years to life for many offenders who commit crimes against children.

Iowa H 619

Requires life term for repeat sex offenders of child victims

Minnesota H1/SF 609 (Omnibus Crime Bill Chapter 136 of 2005)

Provides for life in prison without possibility of parole for first and second degree sex offenses that involve force, violence or a dangerous weapon. Creates new crime of "criminal sexual predatory conduct" that applies as a result of a pattern of conduct. Enhances statutory maximum sentence by 25 percent of the underlying crime. Places other sex offenders on supervised release in the community only after the minimum sentence served and upon assessment of their risk to the community, treatment progress and other relevant conduct.

Nevada S 341

Prohibits probation or parole for repeat offenders of sex crimes against a child committed within seven years of the first offense. Increases the maximum sentence for battery with intent to commit sexual assault, crimes associated with child pornography, and certain incest crimes to 14 years to life in prison.

2004 Legislation

California A 3042

Provides that a person convicted for any of rape, unlawful sexual intercourse with a person under 18, sodomy, lewd and lascivious acts, continuous sexual abuse of a child, forcible acts of sexual penetration, and oral copulation, where the offense was committed with a minor for money or other consideration, shall be punished with an additional enhancement of 2 years imprisonment in state prison, or where the offense was committed while voluntarily acting in concert with another, shall be punished by an additional term of 3 years imprisonment in the state prison.

Connecticut H 5603

Increases punishment for an adult to have sexual intercourse or sexual contact with a person under age 18 if the adult's professional, legal, occupational, or volunteer status places him in a position of trust, authority, or supervision over the minor.

Georgia H 1093

Eliminates lighter penalties for child molesters convicted as a "first offender." Also subjects defendants to registration requirements pending adjudication.

Maine H 1409B

Implements the recommendations of the Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners and the recommendations of the Commission To Improve Community Safety and Sex Offender Accountability. Gives courts broader range of penalties by raising by one class various sex crimes against children. Also increases periods of probation for persons who commit sex crimes against children, including possible lifetime supervision.

New York S 7488

"Joan's Law," provides a mandatory sentence of life imprisonment without parole for conviction of murder committed in the course of a sex crime where the victim is less than 14 years old.

Washington H 2400

Imposes a sentence enhancements certain sex offenses against children. For rape of a child in the 1st and 2nd degrees and child molestation in the 1st degree, the enhancement is 10 years. For child molestation in the 2nd degree, the enhancement is five years. For rape of a child in the 3rd degree, child molestation in the 3rd degree, and sexual misconduct with a minor in the 1st degree, the enhancement is three years.

2003 Legislation

Alaska SB 85

Provides penalties and sentencing guidelines for sexual assault offenses and provides guidelines for the violent crimes compensation board when considering a compensation award. Eliminates good time deductions for repeat sexual offenders.

Florida SB 2172

Defines a dangerous sexual felony offender, generally, as a violent or repeat sexual offender and provides a mandatory minimum of 25 years to life for such offenders.

Montana HB 733

Increases the minimum imprisonment term for sexual assault if the victim is less than 16 years of age and the offender is 3 or more years older or if the offender inflicted bodily injury on anyone in the course of committing the sexual assault. Authorizes the court to impose a term of less than 4 years if good cause is found.

Nevada AB 78

Increases the maximum sentence for persons who commit sexual offenses against children.

New Mexico HJCS for H 2,3,4 & 8

Creates a sex offender management board to develop and prescribe standard procedure of identification and evaluation of convicted sex offenders, including monitoring, management and treatment. The board also is to create a risk-assessment screening tool and study various policy approaches to containing and supervising sex offenders. Also creates minimum three-year and up to 15 year sentence for certain sex crimes against a child. Allows an up to 20- year probation

or parole period for felony sex offenders; provides factors for district courts to consider in placing offenders in the community, and allows conditions that may include outpatient or inpatient sex offender treatment, polygraph and other testing.

Washington S 5990

Reduces earned time to 10 percent of sentence for violent offenses and class A sex offenses.

2002 Legislation

California AB 2539

Extends parole from 3 to 5 years for inmates convicted of an act of sexual penetration accomplished against the victim's will and for inmates who've received a life sentence as a habitual sex offender.

Colorado HB 1223

Requires a period of mandatory parole for persons who are not subject to life supervision and are convicted of offenses involving unlawful sexual behavior on or after July 1, 2002.

Connecticut HB 5680

Increases the classification and maximum penalty for certain risk or injury and sexual assault crimes against minors under age 16. Establishes advisory committee to assess and evaluate sex offenders who are in state custody or receiving services from a state contractor, to determine risk level and supervision needs. Extends the statute of limitations in sexual assault cases, increases penalties for sexual assault of a minor, and expands the list of persons required to report child abuse and neglect. Mandates a child abuse telephone hotline and creates a child abuse and neglect unit within the State Police Division. Allows for unlimited time on the enforcement of a judgment for personal injury caused by sexual assault. Does not allow a court to prohibit disclosure of information regarding sexual abuse of a minor in a civil case to the Commissioner of Children and Families or a law enforcement agency and establishes a sexual offender risk assessment board.

Florida HB 1399

Defines the terms "prison releasee re-offender" and "repeat sexual batterer". Provides a minimum mandatory sentence for repeat sexual offenders and for persons committing crimes while in prison or having escaped from prison. Requires a public service announcement from the Governor explaining the penalties in this act.

Maryland HB 1147

Provides that repeat sexual offenders are subject to imprisonment not exceeding life, under certain circumstances.

Michigan HB 5449

Increases the penalty for a person accused of accosting, enticing or soliciting a person under 16 years old to commit an immoral act and provides the procedure for a prosecuting attorney to use when seeking an enhanced sentence for such acts.

Minnesota SB 3172

Requires a ten-year conditional release period when a person has a previous sex offense conviction regardless of the state in which it occurred. Creates a felony when a person commits

certain prohibited acts when the act is committed with sexual or aggressive intent. Defines aggravated harassing conduct to include acts of criminal sexual conduct as predicate offenses for a pattern of harassing conduct.

Ohio HB 485

Eliminates the requirement of force or a threat of force for a sentence of life imprisonment for the rape of a child who is less than 10 years old. Requires life imprisonment or life without parole for the rape of a child under 13 years old, if the offender was previously convicted of the same crime or caused serious physical harm to the victim. Requires a mandatory prison term for attempted rape, when the victim is under 13 years old, if the completed rape would subject the offender to life imprisonment. Requires lifetime sex registration for a conviction of rape if the victim is less than 13 years old.

Oklahoma HB 2300

Prohibits deferred sentences for certain crimes of indecent exposure and child pornography.

Oklahoma SB 1425

Requires a sentence of life without parole for the conviction of first degree, forcible sodomy, lewd molestation or sexual abuse of a child after having been convicted of the same crime.

Washington SB 6594

Provides for the equal distribution of secure site facilities to house sexually violent predators and provides civil immunity for any county or city in which such a facility is located.

2001 Legislation

Arkansas H 2386

Creates the crime of sexual indecency with a child for any person who engages in sexual contact with any person under age 15 (to replace crime of indecent exposure).

Arkansas H 2384

Clarifies crime of rape, and in addition establishes crimes of sexual assault in 1st, 2nd, 3rd and 4th degrees. Replaces certain carnal abuse and sexual misconduct crimes.

Arkansas H 1258

Prohibits violent felony offenders and felony sex offenders from being eligible for parole.

California A 659

Requires segregation of sexually violent predators in jails, unless the offender has waived such segregation.

Colorado H 1229

Provides for intensive supervision of sex offenders sentenced to probation, and requiring treatment. Makes related appropriation.

Iowa H 327

Creates a class C felony for enticing a minor under age 13, and for sexual exploitation of a child under 13.

Illinois H 2300

Extends habitual offender status and sentencing to class 1 or 2 felony offenders who have 2 previous such convictions in any other state or federal court, as well as Illinois convictions.

Indiana H 1942

Adds people convicted of Class A or B felony sexual misconduct with a minor, to those sex offenders who are prohibited from employment in certain positions involving children.

Louisiana H 426

Makes it unlawful for a sexually violent predator to be on or near, or reside within 1000 feet, school property. Creates an exception when superintendent of the school board grants permission.

Montana H 434

Permits judges to impose residency restrictions on people convicted of sexual offenses against minors that prevent them from living near schools, day care centers, churches or parks.

Nevada S 412

Allows courts to order as a condition of probation for sex offenders that he or she not possess sexually explicit material or patronize a business offering sexually oriented entertainment, not possess equipment with Internet access.

North Dakota S 2035

Amends the definitions of sexual contact, sexual imposition and indecent exposure. Creates the crimes of luring minors by a computer and surreptitious intrusion.

Oregon S 444

Requires the Department of Corrections and the State Board of Parole and Post-Prison Supervision to adopt rules for determining an acceptable residence for predatory sex offenders and sexually violent offenders released from incarceration to probation or parole. Prohibits their residing near places where children are the primary occupants.

Oregon H 2503

Sets specific post-prison supervision requirements that must be placed on sex offenders Includes prohibiting contact with persons under 18 years old or with a victim; prohibiting viewing or listening to sexually stimulating material; completion of sex offender treatment program; agreement to random polygraph examination; maintenance of a driving log.

Utah H 181

Creates, defines felony and a misdemeanor crime of solicitation of a minor for sexual activity. Makes transporting a minor with the intent of sexual activity a felony. Includes offenders convicted of either of these to those who must register as a sex offender.

Utah H 220

Includes as a felony burglary the offense of entering a building with the intent to commit a sexual offense.

Virginia S 1259

Upgrades from felony class 6 to class 5 the crime of indecency with children. Makes second or subsequent violation a class 4 felony.

Washington S 5013

Clarifies previous law, that out-of-state convictions for comparable sex offenses are to be used to make determination of whether one is a persistent offender.

Wyoming H 80

Creates, defines misdemeanor “sexual battery” as unlawfully subjecting another person to sexual contact.

2000 Legislation**Alabama S 183**

Upgrades sexual abuse in the second degree against a person age 12 to 16 to a Class C felony upon second or subsequent offense. Provides that no adult criminal sex offender be allowed to establish residence or accept employment within 2,000 feet of a school or child care facility, or within 1,000 feet of the residence of former victims or victims' family members. Prohibits adult criminal sex offenders from establishing residence where a minor resides, unless he or she is a parent of the minor and the minor has not been a victim of the offender. Prohibits sex offender from coming within 100 feet of any former victims or making any visual or audible sexually suggestive communication to a former victim.

California A 1300

The Sex Offender Containment Act mandates a maximum parole period of five years for certain sex offenses and allows, if fiscally possible, supervised parole for certain sex offenders. Requires the Department of Corrections to study intensive treatment of paroled sex offenders and develop plan for relapse prevention, subject to appropriation.

California A 1808

Provides that an unlimited number of enhancements may be imposed for a broad range of sex offenses, while giving courts authority to strike certain enhanced punishments.

California A 1988

Prohibits certain sex offenders from residing within one-quarter mile of any school that houses kindergarten to sixth grades.

Colorado H 1238

Imposes a sentence three times the upper limit of the presumptive range for that class felony for habitual sex offenders against children, defined as a second or subsequent such felony. Also triples the maximum misdemeanor sentence for second-time offenders against children.

Colorado H 1239

Increases the penalties for habitual sex offenders and removes the requirement that local law enforcement agencies release information if necessary for public protection.

Florida H 677

Requires sentences for sexual battery and murder be imposed consecutively to other instances of sexual battery and murder arising out of separate transactions.

Iowa S 2265

Requires parole or work release supervision of offenders who have been confined for the crime of lascivious acts with a child.

Iowa SF 2015

Expands the definition of "prior conviction" as used with sexually predatory offenses to include convictions occurring before or after the effective date of the act.

Illinois H 4045

Prohibits sex offenders from knowingly residing within 500 feet of a school building, the property comprising a school or a playground; and defines sex offense as it relates to offenders who are prohibited from residing near schools and playgrounds.

Illinois H 4116

Adds to the definition of "sexually violent offense" and provides for the revocation of conditional release for sexually violent criminals under certain circumstances. Defines conditional release and lists rules that the sexually violent person must follow. Allows courts to hold probable cause hearings to determine whether the individual will engage in sexual violence upon release and gives criteria that the court must find in granting conditional release.

Kentucky S 263

Requires a "comprehensive sex offender pre-sentence evaluation," conducted by approved providers, of each defendant convicted of a sex crime to determine the risk of reoffense and amenability to treatment, in considering appropriate sentence.

New York S 8238

The "Sexual Assault Reform Act" increases penalties for repeat child sexual assault felonies and sets mandatory sentences for various crime classes from four years to life. Prohibits bail or recognizance release of those convicted of certain sexual offenses involving a child. Prohibits from school grounds or other child care facilities certain sex offenders who are on conditional release. Creates felony crimes of and establishes penalties for "persistent sexual abuse" and "aggravated sexual abuse."

Ohio Sub H 442

Renames the offense of "corruption of a minor" to "unlawful sexual conduct with a minor" and increases the penalties for the offense if the offender has previous convictions for certain offenses or is 10 or more years older than the victim.

Oklahoma H 2315

Prohibits prisoners who have been convicted of a crime involving sexual abuse or sexual exploitation from working on public works projects.

Oklahoma H 2552

Allows polygraph tests for the purpose of supervision and treatment compliance for those required to register as sex offenders.

Pennsylvania S 380

Provides procedures, criteria and a hearing to determine whether an offender is a sexually violent predator. Sets a maximum life sentence upon such finding and requires the offender to take part in counseling for the duration of the lifetime registration requirement. Establishes a mandatory life sentence for conviction of a sexually violent offense after a court determination of a person as a sexually violent predator.

Virginia S 176

Prescribes penalties for multiple violations of taking indecent liberties with children.

Virginia S 197

Defines “offense prohibiting proximity to children” and prohibits those convicted of the offense from loitering within 100 feet of a school.

1999 Legislation**Arizona S 1416**

Creates the crime of “violent sexual assault” for those involving discharge, use or threatening exhibition of a deadly weapon or dangerous instrument, or the intentional infliction of serious injury, and the person has a previous conviction for sexual assault. Sets penalty of life imprisonment without release eligibility for at least 25 years.

Florida H 121

Creates and defines “repeat sexual batterers,” establishing a procedure for determining an offender is in that category and providing a mandatory minimum sentence of 10 years.

Florida S 170

The Children’s Protection Act of 1999 creates the offenses of lewd or lascivious battery, molestation, conduct and exhibition against anyone younger than age 16. Sets second- and third-degree felony penalties.

Georgia H 249

Includes in definition of rape carnal knowledge with a female younger than age 10, and sets term of imprisonment as life without parole.

Illinois S 7

Creates a class 4 felony for child sex offenders to knowingly approach, contact or communicate with a child in a public park; or to loiter on property on which programs or services are offered to children.

Illinois S 504

Allows courts to impose an extended term sentence for predatory criminal sexual assault against a child.

Illinois S 1143

Requires electronic home detention for at least the first two years of mandatory supervised release in the community following a term of imprisonment for those who have been convicted of certain sexual assault or abuse crimes against children.

Indiana H 1592

Prohibits sexual offenders on parole from residing within 1,000 feet of school property. Also allows courts to sentence repeat sexual offender to an additional fixed term of up to 10 years.

Louisiana H 397

Allows qualified mental health professionals and medical staff to order medroxyprogesterone acetate treatment for repeat child sex offenders.

Louisiana S 511

Makes “serial sex offenders” ineligible for sentence credits, parole, probation or suspension of sentence.

Massachusetts H 4387

Provides for lifetime community parole supervision of certain child sex offenders, and for conditions that may include sex offender treatment. Includes procedures for review of continued parole supervision after 15 years, and requires the parole board to determine and report costs of such lifetime supervision.

New Jersey H 2101

Requires psychological examination of those imprisoned—but not serving life without parole terms—for specified aggravated sex crimes, to consider amenability for treatment. Eliminates good conduct credits for offenders found not amenable or unwilling to participate in treatment.

Oregon H 2302

Adds certain second-degree rape and sodomy crimes to those for which a sentence must include extended post-prison supervision.

Oregon H 2327

Provides for pre-sentence, psychological examination of defendants (upon motion of the district attorney) who commit certain forcible sex crimes, including those against children, to determine if a defendant is a “sexually violent dangerous offender.” Requires lifetime post-prison supervision of such offenders, and allows for review of the supervision requirement no sooner than 10 years after release.

Oregon H 2328

Provides for intensive parole or post-release supervision of “sexually violent dangerous offenders” who have committed certain forcible sex crimes, including those against children. Requires agencies responsible for custody and supervision of offenders to develop procedures for identifying and methods for intensive supervision of sexually violent dangerous offenders.

Oregon H 2500

Directs the Department of Corrections to establish chemical castration pilot program for selected sex offenders who are eligible for parole or post-prison supervision, and to require their participation as a condition of release.

South Dakota S 162

Defines criminal pedophilia as any act of sexual penetration accomplished with a victim younger than age 13 by a person older than age 25. Sets as a class 1 felony and provides a minimum sentence of 25 years for a first offense and life without parole for a second offense.

Texas H 1535

Eliminates parole eligibility for defendants who used or exhibited a firearm during commission of a sexual assault felony.

Texas S 660

Provides for “child safety zones,” allowing judges or the parole panel to prohibit those who have committed sex and other violent crimes against children from being in child-occupied areas such as schools, swimming pools, playgrounds and child care facilities.

1998 Legislation

Cal. Penal Code § 3003

Prohibits parole placement of any offender convicted of a lewd or lascivious act with a child under age 14, or continuous sexual abuse of a child, within one-quarter mile of a grade school.

Colo. Rev. Stat. § 18-1-105 (1) (b) (II.5)

“Sex Offender Lifetime Supervision Act” establishes natural life as the maximum sentence imposed for many sex offenders; and establishes “intensive supervision parole program” for offenders released to appropriate treatment for the balance of their maximum sentence. Provides for hearing with regard to discharge from parole after 10 or 20 years, depending on level of felony committed. Also establishes 10 years to life probation for certain felony sex offenders, and creates “intensive supervision probation” program for treatment, monitoring in the community; and review process for release from probation after 10 or 20 years, depending on the level of felony.

Ky. Rev. Stat. § 197.045

Denies good-time sentence credits to sex offenders who do not successfully complete a treatment program. Requires supervision of sex offenders for three-year period of “conditional discharge” upon expiration of sentence or completion of parole, during which law allows revocation and imprisonment for noncompliance with treatment, testing or other requirements.

Md. Crimes and Punishments Code Ann. § 338, § 462, § 464

Allows state to seek sentence of life imprisonment without possibility of parole for defendants accused of certain sex crimes if the victim was a child under age 16. Requires notice to defendant 30 days prior to trial.

Mass. Gen. Laws Ann. ch. 127, § 49 (West 1998)

Prohibits convicted sex offenders from eligibility for work release programs.

N.H. Rev. Stat. Ann. § 632-A:2 (I) (1)

Allows courts to impose special sentence of lifetime supervision, to commence after any period of probation, term of imprisonment or release on parole, for persons convicted of aggravated felony sexual assault of a victim less than 13 years old.

N.J. Rev. Stat. § 2C:47-5

Requires that sex offenders held at the correctional treatment facility make satisfactory progress in treatment in order to be eligible for parole. Subjects sex offenders in other correctional facilities who are amenable to treatment but unwilling to participate, to the same parole eligibility provisions. Also establishes procedures for revoking parole, which includes examination of sex offenders' amenability and willingness to participate in treatment.

R.I. Gen. Laws § 13-8-30-33

Requires community supervision for life upon completion of a prison sentence for persons convicted of first-degree child molestation; and 30 years for second-degree child molestation. Places those supervised under jurisdiction, provisions and control of the parole board. Establishes process for board termination of community supervision after 15 years, including psychiatric examination of offender, and law enforcement and victim input. Also establishes penalty for violating conditions of community supervision.

Utah Code Ann. § 76-5-406.5

Limits the circumstances under which probation may be granted to sex offenders convicted of certain crimes against a child. Permits probation to a residential sexual abuse treatment center only for non-violent offenses and defendants without a prior sexual misconduct offense. Also revokes probation or suspended sentence of a defendant who fails to cooperate or succeed in treatment or otherwise violates probation conditions.

Wis. Stat. § 939.62 (2M), §302.11 (1M), 939.62 (2M)

Creates a new category of persistent, repeat child sex offender, and establishes mandatory sentence of life without parole. Defined as having second or subsequent conviction for a serious child sex offense, which includes child sexual assault, sexual exploitation, incest, enticement, soliciting for prostitution, other offenses.

Wis. Stat. § 302.11 (1g), §301.03 (11), 980.12 (2)

Denies release to a person sentenced to imprisonment for a serious child sex offense, if the person refuses to participate in pharmacological treatment using an antiandrogen. Also authorizes such treatment as a condition of parole or probation. Requires in three years a report by the corrections department to Legislature on use and effectiveness of the treatment.

Wis. Stat. § 301.08 (1), § 972.13 (6), § 20.410 (1)

Allows lifetime supervision of persons found not guilty of certain sex offenses by reason of mental disease or defect, following release from mental health commitment. Establishes hearing, examination process for termination of supervision; and allows temporary corrections custody of persons who violate conditions of lifetime supervision.

1997 Legislation**Ariz. Rev. Stat. Ann. § 13-604.01**

Adds attempted first degree murder to offenses considered dangerous crimes against children and for which an offender must serve a set sentence of 20 years. Allows sentence of life imprisonment, with 35 minimum years served before possibility of release, for people convicted of sexual assault and sexual conduct against a victim less than 12 years old.

Cal. Penal Code § 208, § 209, § 290

Imposes a life sentence for kidnapping with the intent to commit rape and other sex offenses, and adds the crime to the definition of habitual sexual offender. Makes other related sentence enhancements.

Fla. Stat. Ann. § 794.0235 (West 1998)

Gives court discretion to sentence people convicted of sexual battery to chemical treatment of medroxyprogesterone acetate (MPA). Offender can opt for surgical castration as an alternative penalty under specified circumstances. Makes chemical treatment mandatory for a second conviction of sexual battery.

Fla. Stat. § 948.001

Creates “sex offender probation or community control” as intensive form of supervision for sex offenders in accordance with treatment plan. Also clarifies which inmates are subject to conditional release supervision upon expiration of their sentences, and expands conditions.

Ga. Code § 16-6-1 (h), § 16-6-2 (h)

Requires at sentencing that individuals persons convicted of aggravated child molestation undergo psychiatric evaluation to determine suitability of medroxyprogesterone acetate chemical treatment. Probationers can be required to receive such treatments, as can other sex offenders released from custody. Treatment may continue until demonstration to the court that it is no longer necessary.

Ga. Code § 16-16-1 (h), § 16-16-2 (h)

Imposes mandatory minimum terms for people convicted of rape and aggravated sodomy.

Ill. Rev. Stat. ch. 720, § 5111 - 9.3 (1998)

Makes it a Class 4 felony for a convicted child sex offender to knowingly be present in any school building, on school property or transportation, or loiter within 500 feet of a school.

Ill. Rev. Stat. ch. 38, § 12-13, § 12-14, § 12-14.1

Establishes 30- to 60-year minimum sentence for second-offense criminal sexual assault, which includes some crimes against children. Establishes natural life sentence for second offenders if current or previous offense was aggravated criminal sexual assault or predatory criminal assault of a child.

La. Rev. Stat. Ann. § 15:538cc

Requires a mental health evaluation and treatment plan for certain released sex offenders, which may include medroxyprogesterone acetate treatment. Pertains to offenders who have been convicted more than once of any of 10 sex crimes against a victim less than 12 years of age.

La. Rev. Stat. Ann. § 14:42 (C)

Requires that life imprisonment at hard labor without possibility of parole, probation or suspended sentence, is the only sentence option for a capital verdict and sentence of death for a person convicted of aggravated rape of a victim younger than age 12.

Mont. Code Ann. § 45-5-5

Requires chemical medroxyprogesterone acetate treatment for sex offenders, including but not limited to those with child victims. Treatments are to begin prior to release and continue as long

as deemed necessary. Failure to comply can result in incarceration without parole for 10 to 100 years.

Mont. Code Ann. § 45-5-503

Sentences to death a person convicted twice of sexual intercourse without consent and in which each offense inflicted serious bodily injury.

Nev. Rev. Stat. § 200.366

Makes sexual assault against a child a Class A felony and, if committed against a victim under age 14, imposes a mandatory minimum 20-year sentence. Establishes 10 year mandatory minimum for other sex crimes against children younger than 14. Also sets parole conditions for child sex offenders.

Nev. Rev. Stat. § 176-82

Allows as condition of parole for sex offenders that they not have unsupervised contact with children, that they not be in or near a playground, school, movie theater or other business or event primarily for children.

N.J. Rev. Stat. § 2C:11-3. 47-5

Establishes a life term without possibility of parole as the alternate to a death sentence for individuals convicted of murder of a victim younger than 14 years, in conjunction with a sexual offense against the child.

N.M. Stat. Ann. § 31-18-25

Imposes a life sentence without possibility of parole for people twice convicted of a violent sex offense against a victim less than 13 years old.

Tex. Criminal Procedure Code Ann. § 42.18

Makes prisoners ineligible for mandatory supervision (earned release when time served plus accrued good conduct credits equal maximum sentence term) if current or previous sentence is for felony indecency with a child.

Tex. Government Code Ann. § 501.061

Allows repeat sex offenders to elect for orchiectomy (surgical removal of the testicles) under specified conditions. Requires that a judge may not require a defendant to undergo such procedure as condition of community supervision.

Va. Code § 19.2-120

Allows denial of bail to a defendant who has previously been convicted of specified sex offenses.

Wash. Rev. Code § 12.04.030

Adds rape of a child in the first degree, child molestation in the first degree, and abuse and assault of a child in the first degree, to the state's "two strikes" measure for persistent offenders committing violent offenses with sexual motivation.

1996 Legislation

Cal. Penal Code § 645

Allows the court to require a person found guilty of specified sex offenses against a victim under age 13 to undergo medroxyprogesterone acetate treatment in addition to any other punishment prescribed by law. Requires this form of chemical castration upon a second conviction.

Del. Code Ann. tit. 11, § 771 (1998)

Increases criminal punishment for an adult who has sexual intercourse with a minor 10 years or younger as well as an adult who has sexual intercourse with a minor under age 14.

Florida H 543

Establishes second degree felony penalties for commission of sexual intercourse with a person who is age 15 or younger by a person age 18 or older. Increases penalties when victim was under influence of alcohol or any specified substance.

Ill. Rev. Stat. ch. 38, § 12-14.1

Creates Class X felony of “predatory criminal sexual assault of a child,” consisting of sexual contact with a person under 13 by a person 17 or older. Requires a mandatory sentence of 50-60 years if permanent disability or life-threatening injury results.

Iowa Code § 901A.2

Enhances sentences for persons convicted of sexually predatory offenses. Requires offenders convicted of a sexually predatory offense to serve 85 percent of their sentence. Allows a person with a sexual predatory offense conviction to be sentenced to and serve twice the maximum period of incarceration for a second offense. Requires these offenders to be sentenced to an additional term of parole or work release not to exceed two years.

N.M. Stat. Ann. § 31-18-25

Requires life imprisonment for persons with two violent sexual offense convictions. Makes exceptions for violent sexual offense convictions incurred by a defendant before the age of 18. Requires life imprisonment for persons convicted of three violent offenses while residing in New Mexico.

Ohio Rev. Code Ann. § 2929.02

Establishes sentencing, imprisonment, assessment, and monitoring procedures for persons who commit certain violent sex offenses, for sexually violent predators, and for persons who commit certain offenses with a sexual motivation.

South Dakota H 131

Makes criminal pedophilia a Class 1 felony and imposes a minimum 25 year imprisonment sentence.

Tenn. Code Ann. § 39-13-524

Requires community supervision for life for certain sex offenders upon release from imprisonment or regular parole supervision.

Utah Code Ann. § 64-13-21

Requires lifetime parole for sex offenders convicted of first degree felonies. Gives the parolee the right to petition to terminate the lifetime period of parole. Requires administrative rules to govern hearing, examinations, parole conditions, and petitions for termination.

Utah Code Ann. § 77-27-9

Prohibits parole or any early release of certain sex offenders.

Utah Code Ann. § 76-5-402.1

Defines sex offenses against a child and aggravated sexual assault and establishes penalties.

Wash. Rev. Code § 9.94A.303

Requires a life sentence without possibility of parole for offenders twice convicted of specified sex offenses. Also prohibits department of corrections from providing treatment or counseling to life-term sex offenders.

Wis. Stat. § 20.435 (2) (bj), § 51.42 (3) (aw)

Relates to treatment and services for persons who are found to be sexually violent persons and placed under supervised release, services to inmates and makes appropriations.

Wyo. Stat. § 6-10-301

Establishes sentence of life imprisonment without parole for first degree sexual assault against or taking indecent liberties with a minor in certain cases.

NCSL's Criminal Justice Program is in Denver, Colo., at 303-364-7700 or cj-info@ncsl.org