

**SENATE BILL REPORT**

**HB 2170**

**AS OF APRIL 2, 1991**

**Brief Description:** Creating a task force on sentencing of adult offenders.

**SPONSORS:** Representatives Appelwick, Brough and Betrozoff.

**HOUSE COMMITTEE ON JUDICIARY**

**SENATE COMMITTEE ON LAW & JUSTICE**

**Staff:** Jack Brummel (786-7428)

**Hearing Dates:** April 4, 1991

**BACKGROUND:**

Since the Sentencing Reform Act of 1981 was enacted, the Legislature has enacted several changes in the sentencing provisions but has not engaged in a comprehensive review of the changes enacted to determine whether they achieve the articulated purposes of the act.

Criminologists have recently advocated the development and application of a broader range of punishments between imprisonment and probation, known as "intermediate punishments." They argue that existing sentencing structures are both too lenient and too severe: too many offenders are in custody who would present no serious threat to community safety if they were under control in the community, and too many offenders are in the community who should be subject to tighter controls. The criminologists argue that if the intermediate punishment structure is implemented properly, it can increase the effectiveness and flexibility of the determinate sentencing structure without continuing to exhaust the resources of the counties and the state.

The existing sentencing structure provides for some sentences that include alternatives to total confinement. However, those alternatives are neither as broad nor as structured as a determinate sentencing structure that integrates intermediate punishments into the structure. Further, some evidence suggests that alternative sentences are not used as often as they could be under the existing scheme.

**SUMMARY:**

The Task Force on Sentencing of Adult Criminal Offenders is created. The task force will have 14 members. The Governor will appoint two members, the Speaker of the House will appoint six members, and the President of the Senate will appoint six members. The members of the task force will

select a chair or co-chairs from among the membership of the task force. Staff for the task force will be provided by the Senate, the House of Representatives, and the Office of Financial Management.

The objectives of the task force will be to:

(a) Determine whether the articulated purposes of the Sentencing Reform Act of 1981 remain valid or should be modified;

(b) Study the incarceration patterns of adult offenders;

(c) Determine the extent to which existing alternatives to total confinement are being used and make recommendations to ensure that alternatives to total confinement are being ordered when appropriate; and

(d) Determine whether expanding sentencing options would achieve the purposes of the Sentencing Reform Act.

The task force is to consult with the Sentencing Guidelines Commission and other interested parties to achieve the objectives of the task force.

The task force shall report to the Legislature and to the Governor not later than December 15, 1992, and will cease to exist on January 1, 1993.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** none requested

**Effective Date:** This bill contains an emergency clause and takes effect immediately.