

SENATE BILL REPORT

SHB 2388

AS REPORTED BY COMMITTEE ON WAY & MEANS, MARCH 2, 1992

Brief Description: Authorizing treatment options for persons convicted of vehicular homicide and vehicular assault.

SPONSORS: House Committee on Judiciary (originally sponsored by Representatives H. Myers, Padden, Belcher, Appelwick, Riley, Paris, Ludwig, Hargrove, Scott, Vance, Bowman, Carlson, Ferguson, Orr, Brough, May, Broback and Hochstatter)

HOUSE COMMITTEE ON JUDICIARY

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, M. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Staff: Lidia Mori (786-7755)

Hearing Dates: February 28, 1992

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended.

Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, M. Kreidler, Metcalf, Murray, Newhouse, Niemi, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Staff: Cindi Holmstrom (786-7715)

Hearing Dates: March 2, 1992

BACKGROUND:

Persons convicted of driving while under the influence of intoxicating liquor or drugs are required as a part of their sentences to attend an information class or to undergo a diagnostic exam or to do both. If the court finds, based on the exam, that an offender has a drug or alcohol problem, the court will order the person to attend a treatment program approved by the Department of Social and Health Services.

Under the Sentencing Reform Act of 1981 (SRA), a person convicted of a felony sex offense or a serious violent offense is sentenced to community placement in addition to the time the person serves in prison. If the person is released from prison early for good behavior and performance, the community placement extends for the length of time earned for good behavior. If less than two years of early release have been

earned, community placement is for two years. The mandatory conditions for community placement are: (1) supervision by a community placement officer, the cost for which may be paid for in part or entirely by the offender; (2) employment that is approved by the Department of Corrections; and (3) no consumption of controlled substances except for prescription medication. The court may also impose a number of other conditions.

In 1991, additional sentencing requirements were imposed for persons convicted of vehicular homicide or vehicular assault as a result of driving while under the influence of intoxicating liquor or drugs. Offenders who are sentenced for a year or less are subject to conditional community supervision that requires the offender to undergo a diagnostic test to determine if the offender has an alcohol or drug problem. If so, the offender must complete a treatment program approved by the Department of Social and Health Services.

The 1991 legislation also would have provided that vehicular homicide or assault offenders who are sentenced to more than a year's confinement are subject to community placement and have to undergo diagnosis and treatment. A partial veto by the Governor removed this portion of the bill. The veto message indicated that failure explicitly to amend the community placement statute in the 1991 act created an ambiguity as to an offender's eligibility for community placement.

SUMMARY:

Vehicular homicide and vehicular assault offenders who are sentenced to more than a year in confinement are subject to conditional community placement. Such offenders must undergo a diagnostic exam and must undergo whatever treatment may be required as a result. The community placement statute is amended to allow such offenders to be eligible for the program. Community placement for these offenders is limited to the longer of one year or their earned early release time. Conditions of placement include only: completion of treatment, abstinence from drugs and alcohol, payment of fees and legal obligations, and availability for contact with a community corrections officer.

Appropriation: none

Revenue: none

Fiscal Note: available

SUMMARY OF PROPOSED SENATE AMENDMENT:

The effective date of the bill is delayed from July 1992 to July 1993 and the act is made contingent upon funding in the budget.

TESTIMONY FOR (Law & Justice): None

TESTIMONY AGAINST (Law & Justice): None

TESTIFIED (Law & Justice): No one

TESTIMONY FOR (Ways & Means):

The bill ensures that offenders complete a treatment program. Currently, offenders sentenced to lesser offenses that are found to have a drug or alcohol problem can be ordered to attend treatment programs.

TESTIMONY AGAINST (Ways & Means): None

TESTIFIED (Ways & Means): Representative Holly Myers, original prime sponsor; Mike Redman, Washington Association of Prosecuting Attorneys