

HOUSE BILL REPORT

HB 1155

As Passed House
March 13, 1993

Title: An act relating to alcohol and drug evaluation and treatment for persons convicted of vehicular homicide or vehicular assault.

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

Sponsors: Representatives H. Myers, Appelwick, Ludwig, Chappell, Johanson, Scott, Brough, Horn, Long, Campbell, Karahalios, Wood, Foreman and Silver.

Brief History:

Reported by House Committee on:
Corrections, February 18, 1993, DP;
Passed House, March 13, 1993, 93-0.

HOUSE COMMITTEE ON CORRECTIONS

Majority Report: Do pass. Signed by 9 members: Representatives Morris, Chair; Mastin, Vice Chair; Long, Ranking Minority Member; Edmondson, Assistant Ranking Minority Member; G. Cole; L. Johnson; Ogden; Riley; and Padden.

Staff: Jim Lux (786-7841).

Background: When a person is sentenced for the following criminal offenses: assault in the second degree; assault of a child; crimes against persons where it is established that the defendant or an accomplice was armed with a deadly weapon; and any felony under the Uniformed Controlled Substances Act or the Imitation Controlled Substances Act, current law provides that at the time the court sentences a person to a term of total confinement to the Department of Corrections, the court shall also sentence the offender to a one-year term of community placement. The term of community placement begins either at the completion of confinement or at the time the offender is transferred to community custody in lieu of earned early release. In the event that the offender is sentenced to the statutory maximum time of confinement (ineligible for earned early release), the community placement portion of the sentence shall consist entirely of such community custody to which the offender may

become eligible in accordance with the sections of statute establishing earned early release and the transfer to community custody status, in lieu of earned early release. For the crimes specified above, offenders may become eligible in accordance with a program developed by the department for transfer to community custody status, in lieu of earned early release. Earned early release credit can reduce the time served by up to one-third of the total sentence. Any period of community custody served reduces the community placement portion of the sentence by a like amount.

The current statute on sentences contains references to **his** term of confinement and **his** community supervision term in confinement, while in the custody of the Department of Corrections.

Summary of Bill: After June 30, 1993, when a court sentences a person to a term of total confinement to the Department of Corrections for vehicular homicide or vehicular assault and the person meets the statutory criteria for having an alcohol or drug problem, the court shall, in addition to other terms of the sentence, sentence the offender to community placement for one year or up to the period of early release awarded for good time earned or community custody status in lieu of earned early release, whichever is longer. The court shall waive all conditions of community placement except that the offender: shall abstain from alcohol and non-prescribed controlled substances; shall complete treatment and comply with any other requirements in the vehicular homicide or assault evaluation and treatment statute; shall comply with any legal financial obligations imposed by the court; shall pay the cost of supervision as determined by the Department of Corrections; and shall report to and be available for contact with the assigned community corrections officer as directed.

Persons convicted of vehicular homicide or vehicular assault may become eligible for transfer to community custody status in lieu of earned early release. The transfer would occur only in accordance with a program developed by the Department of Corrections.

The gender references to him are broadened to include her in the section of statute regarding sentences.

Fiscal Note: Available.

Effective Date: This bill contains an emergency clause and takes effect on July 1, 1993.

Testimony For: None.

Testimony Against: None.

Witnesses: None.