

SENATE BILL REPORT

SHB 2202

AS OF FEBRUARY 15, 1994

Brief Description: Limiting the indeterminate sentence review board's power to change confinements.

SPONSORS: House Committee on Corrections (originally sponsored by Representatives Ballasiotes, Campbell, Wood, Ballard, Foreman, Kessler, Dyer, Reams, Forner, Brough, Edmondson, Cooke, Chandler, Johanson and Lisk)

HOUSE COMMITTEE ON CORRECTIONS

HOUSE COMMITTEE ON APPROPRIATIONS

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Susan Mahoney (786-7717)

Hearing Dates: February 16, 1994

BACKGROUND:

Prior to July 1, 1984 and the implementation of the Sentencing Reform Act (SRA), the duration of a defendant's sentence was determined by an Indeterminate Sentence Review Board. Under the indeterminate system, the board has the authority to review and modify the duration of a defendant's sentence. When a defendant has been sentenced on multiple counts or crimes (committed prior to July 1, 1984), the board also has the authority to review a court's determination whether the sentence should be served concurrently or consecutively.

Under the SRA the court determines whether sentences for multiple crimes or counts should be served concurrently or consecutively. After the implementation of the SRA, questions arose regarding the authority of the board over defendants still in the system and to what degree the board was bound by the intent of the SRA. One such concern is whether the board can still redetermine whether a defendant's sentences should be served concurrently or consecutively regardless of the sentencing court's order.

In 1988, the Washington Supreme Court addressed this concern and held the board should exercise its own discretion with regard to the concurrent/consecutive issue. However, the court also held the board should consider the purposes and provisions of the SRA in reviewing whether sentences should be served concurrently or consecutively.

Some people have expressed concern that the board should no longer have the authority to redetermine a court's order

regarding a concurrent or consecutive sentence on pre-SRA sentences.

SUMMARY:

The Indeterminate Sentence Review Board may not change or modify the concurrent or consecutive structure of any sentence as set by the sentencing court.

The bill contains a severability clause.

Appropriation: none

Revenue: none

Fiscal Note: requested January 14, 1994