

SENATE BILL REPORT

SB 5267

AS REPORTED BY COMMITTEE ON LAW & JUSTICE, FEBRUARY 26, 1993

Brief Description: Expanding alternative sentencing options for nonviolent offenders.

SPONSORS: Senators Niemi, A. Smith, Pelz and McAuliffe

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Niemi, and Spanel.

Staff: Susan Carlson (786-7418)

Hearing Dates: February 10, 1993; February 26, 1993

SENATE COMMITTEE ON WAYS & MEANS

Staff: Cindi Holmstrom (786-7715)

Hearing Dates: March 8, 1993

BACKGROUND:

When the Sentencing Reform Act was adopted in 1981, the goals identified by the Legislature included an intent to offer offenders an opportunity to improve themselves and to make frugal use of the state's resources. Recent studies of the act have found that the use of alternatives to total confinement has declined. Total confinement is the most costly sanction that can be imposed.

SUMMARY:

The Legislature finds that two goals of the Sentencing Reform Act have not been met. Some nonviolent offenders have not been offered full opportunities to achieve self-improvement and the frugal use of state resources has not been realized. The Legislature intends to clarify that the judiciary shall consider all options available for sentencing nonviolent offenders whose sentence range is less than one year.

When sentencing an offender who is not a violent or sex offender, and whose standard range is less than 12 months or a first time offender, the court must first determine if the sentence should be served using sentencing options. If total confinement is determined to be necessary, the court shall order the minimum time necessary to carry out the goals of the act.

Sentencing options may be imposed by converting total confinement into the options the court finds appropriate for the offender. Sentencing options are listed and defined. The court may also use any other nonincarcerative option consistent with the purposes of the act.

The offender may be placed on community supervision for up to one year. After the successful completion of sentencing options and other conditions imposed, the offender or the Department of Corrections may petition the court to terminate community supervision.

The Administrator for the Courts and the Sentencing Guidelines Commission shall develop an advisory chart for use in converting total confinement to sentencing options. The chart must be completed by September 30, 1993.

The Administrator for the Courts shall include in its education and training programs for judges a curriculum on nonincarcerative sentencing options.

Appropriation: none

Revenue: none

Fiscal Note: available

TESTIMONY FOR:

The bill allows the use of alternative sentencing options for those offenders who may benefit, without restricting the court's discretion to address public safety concerns.

TESTIMONY AGAINST:

The proposal needs more structure and should also offer alternatives to prison-bound offenders.

TESTIFIED: Norm Maleng, King County Prosecutor (pro); John Ladenburg, Pierce County Prosecutor (pro); Kurt Sharar, Washington Association of Counties (pro); Dave Savage, Department of Corrections (con)