

SENATE BILL REPORT

SB 5491

AS REPORTED BY COMMITTEE ON LAW & JUSTICE, FEBRUARY 18, 1993

Brief Description: Creating a task force on sentencing disparities.

SPONSORS: Senators Niemi and A. Smith

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5491 be substituted therefor, and the substitute bill do pass.

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

Staff: Tom McBride (786-7448)

Hearing Dates: February 10, 1993; February 18, 1993

BACKGROUND:

The 1981 Sentencing Reform Act created a formula, i.e. grid, for sentencing felons. The grid relies predominantly on the seriousness of the crime for which the person is being sentenced and the number of prior felony convictions. The grid establishes a standard range for sentencing.

In the area of misdemeanors and gross misdemeanors there does not exist a sentencing formula or grid. A district or municipal court judge has the discretion to impose a sentence up to the statutory maximum. The statutory maximum for misdemeanors is 90 days confinement and for gross misdemeanors, one year confinement.

SUMMARY:

A task force is created to study the relationship between felony sentences under 12 months and misdemeanor sentences. The task force will discover if disparities exist in those sentencings and recommend whether legislative changes need to be made in the area of misdemeanor sentences. The task force will report its findings to the Legislature before December 15, 1993.

The task force consists of two members of the House and two members of the Senate, two district court judges and two municipal court judges, two prosecuting attorneys and two defense attorneys, and two law enforcement officers.

EFFECT OF PROPOSED SUBSTITUTE:

A listing of the factors that have caused any sentencing disparities is included in the task force's report to the Legislature.

Appropriation: none

Revenue: none

Fiscal Note: requested

TESTIMONY FOR:

The study will benefit, but there are concerns that it could lead to mandatory sentence guidelines. The intent of the bill is not to go to felony scheme, merely want information on possible disparities in sentences.

TESTIMONY AGAINST: None

TESTIFIED: Senator Niemi, prime sponsor; J. Robert McBeth,
District Court Judges Association