

FINAL BILL REPORT

HB 1280

C 142 L 95

Synopsis as Enacted

Brief Description: Revising procedures for offenders who violate conditions or requirements of sentences.

Sponsors: Representatives Sherstad, Radcliff, Ballasiotes, Blanton, Cole, Tokuda and Dickerson; by request of Department of Corrections.

House Committee on Corrections
Senate Committee on Human Services & Corrections

Background: Under the Sentencing Reform Act, an offender who violates a term of his or her sentence can be given additional punishment. A court hearing is held to determine whether the violation occurred. The court may impose up to 60 days for each violation, and may also (a) convert a term of partial confinement to total confinement, (b) convert community service hours to total or partial confinement, or (c) convert certain monetary obligations to community service hours.

Because court calendars are often overcrowded, the Department of Corrections has experienced difficulty in some counties having sanctions imposed in a timely manner.

Summary: When an offender violates a sentence condition, the Department of Corrections may administratively impose sanctions by entering into a stipulated agreement with the offender.

Available sanctions under these agreements are: work release, home detention with electronic monitoring, work crew, community service, inpatient treatment, daily reporting, curfew, education or counseling, supervision through electronic monitoring, jail time, and other community sanctions.

The department must submit the agreement within three days to the judge and local prosecuting attorney. If the judge is not satisfied with the agreement, the judge has 15 days to schedule a hearing to address the violation and the proper penalty. The offender may withdraw from the agreement if a court hearing is held.

If the offender violates the stipulated agreement, the court may impose punishment both for the original violation and for the violation of the agreement.

The new sanctions are also available to the judge to punish violations that are not resolved through a stipulated agreement.

Votes on Final Passage:

House	92 0
Senate	48 0

Effective: July 23, 1995