

HOUSE BILL REPORT

HB 2657

As Passed House

January 19, 1998

Title: An act relating to sentencing requirements for nonviolent offenders who violate drug laws.

Brief Description: Creating sentencing guidelines for the sale of various amounts of controlled substances.

Sponsors: By Representatives Quall and O'Brien.

Brief History:

Floor Activity:

Passed House: 1/19/98, 95 - 0.

Staff: Yvonne Walker (786-7841).

Background: Sentencing Options for Drug Offenders. Under the Sentencing Reform Act an offender convicted of a felony has a standard sentence range based on considering the offender's prior convictions and seriousness of the offense.

Every crime is put into one of 15 levels depending on the seriousness of the offense. Manufacturing or delivery or possession with intent to deliver certain narcotics, with the exception of heroin or cocaine, is a level VI offense. Heroin and cocaine fall into the level VIII offense category.

In addition, judges have the option of sentencing offenders to the Drug Offender Sentencing Alternative (DOSA). DOSA allows a judge to waive imposition of an offender's sentence within the standard range and impose a sentence that must include confinement in a state facility for one-half of the midpoint of the standard range. While in confinement the offender must complete a substance abuse assessment and receive substance abuse treatment and counseling. The court must also impose one year of community supervision, which must include appropriate outpatient substance treatment and crime-related prohibitions.

A first-time offender convicted of a drug offense may be eligible for the DOSA if the current offense only involved a small quantity of drugs as determined by the court. An offender is prohibited to participate in this program if the offender has any prior convictions for a felony.

Summary of Bill: Sentencing Options for Drug Offenders. In addition to the current

sentencing options, a joint legislative committee is created to review adult criminal justice sentencing options available for drug offenders who possess or sell controlled substances and offenders who may be chemically dependent.

In conducting the review, the committee must meet with representatives from local law enforcement agencies, judges, defense attorneys, prosecutors, representatives from the Department of Corrections, representatives from the Juvenile Rehabilitation Administration, and representatives from the state and county drug and alcohol substance abuse and treatment programs, and the committee must solicit the views and technical assistance of substance abuse experts in corrections disciplines.

Membership. The committee will consist of 12 members. The Speaker of the House and the President of the Senate will each appoint six members to the committee. There must be three members from each of the caucuses of the House of Representatives, of whom three members must be from the House Law and Justice Committee and the House Criminal Justice and Corrections Committee. In addition, there must be three members from each of the caucuses of the Senate, of whom three members must be from the Senate Law and Justice Committee and the Senate Human Services and Corrections Committee.

Final Report. The committee's final report and recommendations for legislation must be submitted to the Legislature by December 31, 1998.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: None.

Testimony Against: None.

Testified: None.