

# HOUSE BILL ANALYSIS

## HB 1178

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**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:** Representatives Quall and Wolfe.

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### HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

**Staff:** Yvonne Walker (786-7841)

**Background:** Crime Seriousness Level: 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, delivering 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.

Drug Offender Sentencing Alternative: The Drug Offender Sentencing Alternative (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 drug offender sentencing alternative 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.

Work Ethic Camp: The work ethic camp is an alternative sentencing program that consists of at least 120 days and no more than 180 days of confinement, including a two-week period of transition training. This program allows a successful offender completing the program to convert the period of work ethic

camp confinement at the rate of one day of work ethic camp confinement to three days of total standard confinement.

Although some drug offenders, after special review of their circumstances, are eligible for the work ethic camp, an offender with prior convictions for any sex offenses or violent offenses is not eligible to participate in this particular program. An offender participating in a work ethic camp must be referred by the court and have received a sentencing term of total confinement ranging from a minimum of 16 months to a maximum of 36 months.

**Summary:**

Crime Seriousness Level: Under the standard sentencing range, three drug offenses are established relating to the manufacture, delivery, or possession with intent to deliver narcotics. The offense seriousness level of these crimes is determined by the quantity of narcotics involved.

An offender convicted of manufacturing, delivering, or possession of 10 or more grams of certain narcotics (including heroin and cocaine) is increased to a Level IX offense. An offender convicted of producing or selling more than three but less than 10 grams of heroin or cocaine is a Level VIII offense. The seriousness level for three grams or less of heroin or cocaine has been decreased to a Level VI.

Special Drug Offender Sentencing Alternative: Eligibility for offender participation in the special drug offender sentencing alternative is expanded to allow offenders with prior convictions involving nonviolent offenses or the possession of a controlled substance.

Work Ethic Camp: Eligibility for offender participation in the work camp is expanded by increasing the maximum eligible sentence from 36 months to 48 months.

**Require the Exercise of Rule- Making Powers:** No

**Fiscal Note:** Received January 31, 1997.

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