

HOUSE BILL REPORT

SB 6223

As Passed House:

February 29, 2000

Title: An act relating to reorganization of, and technical, clarifying, nonsubstantive amendments to, community supervision and sentencing provisions.

Brief Description: Reorganizing sentencing provisions.

Sponsors: Senators Hargrove, Long, Costa and Kohl-Welles; by request of Sentencing Guidelines Commission.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/23/00 [DP].

Floor Activity:

Passed House: 2/29/00, 97-0.

Brief Summary of Bill

- Reorganizes the sentencing provisions in statute for clarity.
- Makes no changes to current law.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 8 members: Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Staff: Yvonne Walker (786-7841).

Background:

Prior to the Sentencing Reform Act being passed in 1981 Washington had a indeterminate sentencing system whereby the parole decisions were governed or made by a parole board. Later the Legislature directed the Sentencing Guidelines Commission to come up with recommendations on how the state could move from a

indeterminate sentence system to a determinate sentencing system. The Sentencing Guidelines Commission, in conjunction with a broad variety of professions in criminal justice, drafted the original Sentencing Reform Act and the Legislature passed it in 1981. The act later went into effect in 1984, however since that time there have been a number of amendments whereby the Legislature has made decisions around the perimeters of what penalties should be for criminal offenses. In addition, over the last several years, the public has also made several amendments to the original act through the initiative process.

Since 1981, the main sentencing provision in the Sentencing Reform Act has been amended approximately 36 times and now contains 25 subsections and spreads over seven pages of the code. It contains a variety of topics such as the following:

- mandatory minimum sentences;
- exceptions for imposing sentences outside of the standard sentence range (mitigating and aggravating circumstances);
- the "Two Strikes and You're Out" law for persistent sex offenders;
- the "Three Strikes and You're Out" law for other persistent offenders;
- first time waivers;
- Drug Offender Sentencing Alternative (DOSA);
- sentencing ranges for unranked crimes;
- Special Sex Offender Sentencing Alternative (SSOSA);
- community custody;
- requirements for legal financial obligations;
- community restitution;
- requirements for participation in domestic violence perpetrator programs; and
- requirements for sex offender examinations and treatments.

Summary of Bill:

The sentencing section of the Sentencing Reform Act is reorganized and divided into separate distinct sections within the statute. Current law remains unchanged.

Each topic in the Sentencing Reform Act section on "sentences" is its own section in the statute and includes such sections as the following:

- Persistent Offenders
- Mandatory Minimum Sentences
- First Time Offender Waivers
- DOSA
- SSOSA
- Community Custody
- Sex Offender Treatment

In addition, other technical corrections and clarifications are made to the act. The terms "offender" and defendant" may be used interchangeably without substantive effect until July 1, 2005.

The code reviser must prepare a bill for introduction in the 2001 legislative session, if any amendments to the act are effected in the 2000 legislative session, that incorporates such amendments into the reorganization of this act and corrects any incorrect cross-references.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed, except for sections 1 through 42 of this act take effect July 1, 2001.

Testimony For: This bill is entirely a technical and non-substantive bill. The rewrite actually began several years after the Sentencing Reform Act started becoming more and more difficult to read. The Superior Court Judges Association, the Governor's office, the prosecuting attorneys, and the Attorney General's Office have all reviewed this bill and have ensured the commission that there are no changes in law in this bill. The Sentencing Guidelines Commission has also endorsed this bill.

This bill is just a technical fix.

Testimony Against: None.

Testified: Roger Goodman, Sentencing Guidelines Commission.