

FINAL BILL REPORT

EHB 2340

C 43 L 00

Synopsis as Enacted

Brief Description: Providing for removal of offenders from the drug offender sentencing alternative who are subject to a deportation order.

Sponsors: Representatives O'Brien, Ballasiotes, Carlson, Hurst and Talcott; by request of Sentencing Guidelines Commission.

House Committee on Criminal Justice & Corrections
Senate Committee on Judiciary

Background:

The Drug Offender Sentencing Alternative (DOSA) allows a court to waive imposition of a drug offender's sentence within the standard sentencing range. An offender with any prior or current convictions for a sex offense or violent felony offense is prohibited from participating in the program. In addition, an offender who has been found by the United States attorney general to be subject to a deportation order or detainer is ineligible for the DOSA program.

Under the DOSA program the court imposes a sentence that includes confinement in a state facility for one-half of the midpoint of the standard sentencing range. While in confinement the offender must complete a substance abuse assessment and receive substance abuse treatment and counseling.

Following incarceration, the offender must spend the remainder of the midpoint of the standard sentencing range on community custody, which must also include crime-related prohibitions, drug testing, and some type of alcohol and substance abuse treatment. A court may also impose affirmative conditions as part of the offender's sentence.

An offender violates or fails to complete the DOSA sentencing conditions will have a violation hearing held by the Department of Corrections (DOC). If the DOC finds that the conditions of the sentence have been willfully violated, the offender may be reclassified to serve the unexpired term of his or her sentence as ordered by the sentencing judge.

Summary of Bill:

An offender who is found by the United States attorney general to be subject to a deportation order after the offender has already begun his or her DOSA sentence will be subject to a violation hearing held by the DOC. At the violation hearing, if the offender is confirmed to be subject to a deportation order, the DOC may administratively terminate the offender from the program.

Any offender who fails to complete the DOSA program or who is administratively terminated from the program will be required to serve a period of community custody as well as be reclassified to serve the unexpired term of his or her sentence as ordered by the sentencing judge.

Votes on Final Passage:

House 96 0

Senate 47 0

Effective: June 8, 2000