

# HOUSE BILL REPORT

## HCR 4426

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**As Reported By House Committee On:**  
Criminal Justice & Corrections

**Brief Description:** Reviewing state sentencing policy.

**Sponsors:** Representatives O'Brien, Ballasiotes, Kagi, Clements, Constantine, D. Sommers, Conway, Talcott, Cody, Schual-Berke, Lovick, Miloscia, Kenney, Kastama, Hurst and Haigh.

**Brief History:**

**Committee Activity:**

Criminal Justice & Corrections: 1/25/00, 1/26/00 [DPS].

**Brief Summary of Substitute Bill**

- Requires the Sentencing Guidelines Commission (SGC) to conduct a comprehensive review of state sentencing policy.
- Requires the commission to make recommendations for revisions and modifications to state sentencing policy.

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### HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill 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:** The Sentencing Reform Act of 1981, established the SGC; directing it to recommend to the Legislature a determinate sentencing grid for adult felonies. Prior to July 1, 1984, an offender who committed a crime received an indeterminate sentence. Since the enactment of the Sentencing Reform Act (SRA) in 1984, offenders convicted in Washington receive determinate sentences that are determined by the seriousness of the offense and by the criminal record of the offender.

In addition, over the years the commission has been charged with annually evaluating state sentencing policies with the goal of achieving consistency between sentencing ranges and standards for the multitude of offenses defined in state law.

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### **Summary of Substitute Bill:**

The SGC must conduct a comprehensive review of state sentencing policy. The evaluation must include whether current sentencing ranges, standards and mandatory minimum sentences, sentence enhancements, and special sentencing alternatives are consistent with the purposes of the SRA enacted in 1984. The evaluation must also include whether the state's sentencing policy has remained consistent with the Legislature's original intent to emphasize confinement for the violent offender and alternatives to confinement for the non-violent offender, and whether current sentencing ranges and standards are compatible with existing corrections capacity. The review and evaluation must include the cost-effectiveness evaluations and studies that have been performed by the Washington State Institute for Public Policy, as well as any fiscal impact that enacted sentencing policies have had on both the state government and local jurisdictions.

The SGC, as part of their evaluation, must consult with the Superior Court Judges' Association, the Washington Association of Prosecuting Attorneys, the Washington Defenders' Association, the Washington Association of Criminal Defense Lawyers, the Washington Association of Sheriffs and Police Chiefs, organizations representing crime victims, and other experts on sentencing policy as part of the Commission's review and evaluation of state sentencing policy.

In addition, the study must include the commission's recommendations for revisions and modifications to Washington's sentencing policy, including sentencing ranges and standards, mandatory minimum sentences, and sentence enhancements. If implementation of the commission's recommendations will result in exceeding the capacity of correctional facilities, the commission must, simultaneously, present to the Legislature a list of revised standard sentence ranges. The sentence ranges must be consistent with current corrections capacity and with the purposes of the SRA.

The SGC must present the study to the Legislature by December 1, 2001.

### **Substitute Bill Compared to Original Bill:**

The SGC, as part of their evaluation, is required to consult with the Superior Court Judges' Association, the Washington Association of Prosecuting Attorneys, the Washington Defenders' Association, the Washington Association of Criminal Defense Lawyers, the Washington Association of Sheriffs and Police Chiefs, organizations representing crime victims, and other experts on sentencing policy as part of the

Commission's review and evaluation of state sentencing policy. The SGC is also required to study special sentencing alternatives.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** It has been nearly 16 years since the SRA went into effect. Every year since the enactment of the SRA, prison population has increased dramatically with a commensurate increase in public spending on corrections. Since 1992, despite stable or falling crime rates, the state has added nearly 7,000 prison beds and is still around 50 percent over capacity. Exceeding capacity can create unhealthy and dangerous conditions for both inmates and staff.

Without any changes in current sentencing laws, it is estimated that the state will need to add the equivalent of a new 700 bed prison each year in the future.

This resolution only calls for a study, but it is an important one. The estimated cost of the study is less than the cost of constructing a single person bed, including financing. Yet the results of the study, if it shows how we can live safely with fewer prison beds, could save us millions of dollars. Initiative 695 and other fiscal restraints demand that we be smart with our tax dollars, and that we be smart on crime, getting the greatest possible public safety return for our criminal justice dollars.

**Testimony Against:** None.

**Testified:** (In favor) Daniel Clark, Friends Committee on Washington State Public Policy; Kevin Glacken-Coley, Washington State Catholic Conference; Russ Hauge, Sentencing Guidelines Commission and Washington Associations of Prosecuting Attorneys; Sophia Byrd, Washington State Association of Counties; and Sara Fleming Merten, Washington Association of Churches.