

SENATE BILL REPORT

SB 6224

As of January 11, 2000

Title: An act relating to community custody ranges.

Brief Description: Specifying community custody ranges.

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

Brief History:

Committee Activity: Human Services & Corrections: 1/21/2000.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Fara Daun (786-7459)

Background: In 1999, the Legislature passed and the Governor enacted E2SSB 5421, commonly known as the Offender Accountability Act. This act restructured the supervision of offenders in the community following their term of confinement. Under the Offender Accountability Act, offenders who commit sex offenses, violent offenses, crimes against persons as defined in RCW 9.94A.440, and felony violations of the Uniform Controlled Substances Act after July 1, 2000, would receive a range of community custody in addition to their term of total confinement. The term of community custody is subject to conditions by the court and by the Department of Corrections including both crime related prohibitions and affirmative duties. Community custody replaces community placement and community supervision for crimes committed after July 1, 2000.

The Offender Accountability Act also required the Sentencing Guidelines Commission to establish a set of ranges of community custody and to present them to the Legislature. The minimum time in the range may be no less than one-half of the maximum time in the range. The Legislature may modify the ranges or enact them as recommended. If the Legislature does not act on the recommendation of the Sentencing Guidelines Commission, the ranges shall take effect without the action of the Legislature. In future years, the Sentencing Guidelines Commission may recommend modifications to the initial ranges, but modifications will take effect only upon the action of the Legislature.

Summary of Bill: Specified offenders sentenced under the Offender Accountability Act are be subject to the following ranges of community custody, based on their offense:

- Sex Offenses 36 - 48 months
(not sentenced under
RCW 9.94A.120(8))
- Serious Violent Offenses 24 - 48 months
- Violent Offenses 18 - 36 months
- Crimes Against Persons 9 - 18 months
- Felony Drug Offenses 9 - 12 months

(not sentenced under
RCW 9.94A.120(6))

Where an offender has multiple convictions or the offense falls into more than one category, the community custody range must be based on the offense type that dictates the longest term of community custody.

The ranges specified do not limit the authority of the court to impose an exceptional sentence under the existing guidelines in the code, except that the term of community custody is part of the entire sentence and is therefore limited by the statutory maximum sentence.

The legislation also makes technical corrections.

Appropriation: None.

Fiscal Note: Requested on January 11, 2000.

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