

# HOUSE BILL REPORT

## SB 5038

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### As Reported by House Committee On:

Criminal Justice & Corrections

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

**Brief Description:** Incorporating amendments into the reorganized chapter 9.94A RCW.

**Sponsors:** By Senators McCaslin and Kline.

### Brief History:

#### Committee Activity:

Criminal Justice & Corrections: 3/19/01 [DP].

#### Brief Summary of Bill

- Incorporates amendments passed in the 2000 legislative session into the reorganization of the Sentencing Reform Act, corrects incorrect cross-references, and makes other clarifications.
- Makes no changes to current law.

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### HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

**Majority Report:** Do pass. Signed by 8 members: Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes, Kagi, Kirby and Morell.

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

### Background:

Prior to the year 2000 the major sentencing provision in the Sentencing Reform Act (SRA), the Revised Code of Washington (RCW) 9.94A.120, had been amended approximately 36 times and contained 25 subsections spreading over seven pages of the code. It contained 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.

In the 2000 legislative year the sentencing section of the SRA, RCW 9.94A.120, was reorganized and divided into separate distinct sections within the statute. Current law remained unchanged and other technical corrections and clarifications were made to the act.

In addition, the code reviser was authorized to prepare a bill for introduction in the 2001 legislative session if any amendments to the act were affected in the 2000 legislative session. The bill was to incorporate already adopted language and amendments passed during the 2000 legislative year into the new reorganized act and to correct any incorrect cross references.

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**Summary of Bill:**

It is the intent of the Legislature to incorporate already adopted language, passed during the 2000 legislative year, into the new reorganized SRA to make it easier to use and understand. The act does not make, and no provision of the act may be construed as making, a substantive change in the SRA.

All bills, language, and amendments passed by the Legislature in the 2000 legislative year are incorporated into the reorganized sentencing section, RCW 9.94A.120, of the SRA. Incorrect cross-references and other technical corrections and clarifications are made to the act. Current law remains unchanged.

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**Appropriation:** None.

**Fiscal Note:** Not Requested.

**Effective Date:** This bill contains an emergency clause and takes effect on July 1, 2001.

**Testimony For:** None.

**Testimony Against:** None.

**Testified:** None.