

HOUSE BILL REPORT

HB 3065

As Reported by House Committee On:
Criminal Justice & Corrections
Appropriations

Title: An act relating to partial confinement options for certain drug offenders.

Brief Description: Revising partial confinement options for certain drug offenders.

Sponsors: Representatives Kagi, O'Brien and Upthegrove.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/3/04, 2/6/04 [DPS];

Appropriations: 2/9/04, 2/10/04 [DPS(CJC)].

Brief Summary of Substitute Bill

- Allows the last 12 months of an offender's sentence to be converted to partial confinement if he or she was sentenced to prison for certain drug offenses.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 4 members: Representatives O'Brien, Chair; Darneille, Vice Chair; Kagi and Veloria.

Minority Report: Do not pass. Signed by 3 members: Representatives Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; and Pearson.

Staff: Jim Morishima (786-7191).

Background:

The Department of Corrections (DOC) may convert the last six months of an offender's sentence to partial confinement to aid the offender in finding work and reestablishing himself or herself in the community. "Partial confinement" is defined as confinement in a facility or institution operated or utilized under contract by the state or unit or local government for a substantial portion of each day with the balance of the day spent in the

community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention.

Summary of Substitute Bill:

The DOC may convert the last 12 months of an offender's sentence to partial confinement if the offender was convicted of any drug offense except delivery of a controlled substance to a minor and manufacture, delivery, or possession with intent to deliver methamphetamine. The partial confinement must be served in residential chemical dependency treatment. The DOC must administer a urinalysis test at least once every two weeks to an offender serving this type of partial confinement. The definition of "partial confinement" is expanded to include residential chemical dependency treatment.

Substitute Bill Compared to Original Bill:

The substitute bill:

- Limits the increase in partial confinement time to 12 months (instead of 18 months);
 - Removes community justice centers and county day reporting or programming centers as partial confinement options;
 - Requires a urinalysis test to be given to offenders in partial confinement at least once every two weeks; and
 - Clarifies that offenders convicted of delivery of a controlled substance to a minor are ineligible for the increased partial confinement time.
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Appropriation: None.

Fiscal Note: Available on the original bill. New fiscal note on substitute bill was requested on February 7, 2004.

Effective Date of Substitute Bill: The bill contains an emergency clause and takes effect immediately, except for section 2, which, because of amendments made in a previous legislative session, takes effect July 1, 2004.

Testimony For: Partial confinement is allowed under the current law, but residential chemical dependency treatment is not part of partial confinement. This bill will allow the DOC to send someone to residential treatment during the last 12 months of his or her sentence. It will allow the DOC to provide treatment to people who have been identified as needing treatment, but who are not getting it. This bill is an important step in the direction toward the goals of accountability and treatment, reduced recidivism, and frugal use of public funds.

Testimony Against: (Original bill) Recent changes made by the Legislature has reduced penalties for drug offenses and increased the amount of earned release time offenders may earn in prison. This bill could result in no prison time for drug offenders with no supervision in the community. This bill is a way to avoid giving any prison time to drug offenders.

Persons Testifying: (In support) Representative Kagi, prime sponsor; Joe Lehman, Department of Corrections; and Leonard Costello, Superior Court Judges Association.

(Opposed) Russ Hauge, Kitsap County Prosecutor and Washington Association of Prosecuting Attorneys.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill by Committee on Criminal Justice & Corrections be substituted therefor and the substitute bill do pass. Signed by 16 members: Representatives Sommers, Chair; Fromhold, Vice Chair; Cody, Conway, Dunshee, Grant, Hunter, Kagi, Kenney, Kessler, Linville, McDonald, McIntire, Miloscia, Ruderman and Schual-Berke.

Minority Report: Do not pass. Signed by 11 members: Representatives Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander, Anderson, Boldt, Buck, Chandler, Clements, Cox, Sump and Talcott.

Staff: Bernard Dean (786-7130).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Criminal Justice & Corrections:

No new changes were recommended.

Appropriation: None.

Fiscal Note: Available. New fiscal note on substitute bill was requested on February 7, 2004.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed. Except for sections 1 and 3 which contain an emergency clause and take effect immediately.

Testimony For: This bill is an effort to use our resources much more wisely than currently planned. There is in the capital budget a \$45 million commitment to building a

new prison. That will increase to over \$100 million in the next biennium. We know that over 900 identified drug offenders are currently in prison, but are not receiving treatment. The bill will allow the Department of Corrections to contract for residential treatment for these offenders. Rather than building a new prison, this would allow chemical dependency treatment for drug offenders and delay the construction of a new prison. We need to stop the revolving door for these offenders.

The Department of Corrections (DOC) is in support of this bill. Last year, the department released 888 offenders who were chemically dependent and who did not receive any treatment. That is not good policy. We know that even coerced treatment is effective in reducing crime and substance abuse. This bill allows DOC to rent fewer beds and redirect those resources towards contracting for residential treatment programs for offenders near the end of their sentence. This is good policy. We will need to work with DASA to define the target population and determine the capacity for treatment in the system.

Testimony Against: None.

Persons Testifying: Representative Kagi, prime sponsor; and Joe Lehman, Department of Corrections.

Persons Signed In To Testify But Not Testifying: None.