

HOUSE BILL REPORT

HB 2105

As Reported by House Committee On:

Criminal Justice & Corrections

Title: An act relating to ensuring that offender populations do not exceed prison capacity.

Brief Description: Ensuring that offender populations do not exceed prison capacity.

Sponsors: Representatives Kagi and Darneille.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 3/3/03, 3/5/03 [DPS].

Brief Summary of Substitute Bill

- Requires the Washington Institute for Public Policy to study the relationship between prison overcrowding and the current state criminal sentencing structure and ranges.

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 Lovick.

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:

In general, adult offenders sentenced to more than a year of total confinement are committed to the custody of the Department of Corrections (DOC). The Caseload Forecast Council (CFC) prepares official state caseload forecasts, which include forecasts of the DOC offender populations. The CFC is required to submit a forecast at least three times a year.

If the Governor finds that an emergency exists because the population of a state residential correctional facility exceeds its reasonable maximum capacity, he or she may:

- Call the Sentencing Guidelines Commission (SGC) into an emergency meeting. The SGC may then revise the standard sentencing ranges or other standards as it deems appropriate to deal with the emergency; or
- Call the Clemency and Pardons Board into an emergency meeting for the purpose of recommending whether the Governor's commutation or pardon power should be exercised to meet the present emergency.

Summary of Substitute Bill:

The Washington Institute for Public Policy (WIPP), in consultation with the SGC, the CFC, and stakeholders, must study the relationship between prison overcrowding and the current state criminal sentencing structure and ranges. The stakeholders include, but are not limited to, the DOC, the Indeterminate Sentence Review Board, victims' advocates, law enforcement, prosecutors, defense attorneys, local governments, judges, and groups or organizations interested in sentencing reform in Washington.

The WIPP must determine whether any changes could be made to the current state sentencing structure and sentencing ranges to reduce prison overcrowding giving great weight to the primary purposes of the criminal justice system. Those purposes are to:

- Ensure that the punishment for a criminal offense is proportionate to the seriousness of the offense and the offender's criminal history;
- Make frugal use of state and local government resources by concentrating resources on violent offenders and sex offenders who pose the greatest risk to our communities;
- Promote respect for the law by providing punishment that is just;
- Be commensurate with the punishment imposed on others committing similar offenses;
- Protect the public;
- Offer offenders an opportunity to improve themselves; and
- Reduce the risk of re-offending by offenders in the community.

The WIPP must report its findings to the Governor and the appropriate standing committees of the Legislature no later than January 1, 2004.

Substitute Bill Compared to Original Bill:

The substitute bill removes the provisions that provided a mechanism to release offenders when the prison populations were about to exceed capacity. The substitute requires the WIPP to study the relationship between prison overcrowding and the current state criminal sentencing structure and ranges.

Appropriation: None.

Fiscal Note: Requested on February 25, 2003.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (Original bill) Under the Sentencing Reform Act, there is a clear policy that the state focus resources on the most dangerous offenders. There are currently many non-violent offenders incarcerated in our prisons. Our prison capacity is stretched to the limit. Washington has a high rate of incarceration compared to other states. Prison sentences that limit the discretion of judges have increased prison populations. Policy decisions have been made that have incrementally locked up more people. We must use our resources more efficiently and give alternatives to nonviolent offenders. This bill allows us to anticipate capacity and release the least dangerous and lowest risk offenders instead of building more prisons. This bill does not go far enough. We need to look at the policies we have defined, make adjustments to the sentencing grid, and correct the policy alignment between the money available and sentencing policy.

Testimony Against: None.

Testified: Representative Kagi, prime sponsor; Alan Mountjoy-Venning, Friends Committee on Washington State Public Policy; and Joseph Lehman, Secretary of the Department of Corrections.