

# HOUSE BILL REPORT

## SSB 6308

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### As Passed House - Amended:

March 2, 2006

**Title:** An act relating to creating a joint select committee on offenders programs, sentencing, and supervision.

**Brief Description:** Creating a joint select committee on offenders programs, sentencing, and supervision.

**Sponsors:** By Senate Committee on Human Services & Corrections (originally sponsored by Senators Carrell, Stevens, Regala, Schoesler, Schmidt, Oke and Rasmussen).

### Brief History:

#### Committee Activity:

Criminal Justice & Corrections: 2/21/06, 2/23/06 [DPA].

#### Floor Activity:

Passed House - Amended: 3/2/06, 98-0.

### Brief Summary of Substitute Bill (As Amended by House)

- Establishes a Joint Legislative Task Force on Offenders Programs, Sentencing, and Supervision (Task Force).
- Requires the Task Force to review the policies relating to earned early release and community custody.
- Requires the Task Force to study how and what types of offenders would benefit from enhanced training and education while in prison.

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## HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

**Majority Report:** Do pass as amended. Signed by 7 members: Representatives O'Brien, Chair; Darneille, Vice Chair; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby, Strow and Williams.

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

### Background:

Under the Sentencing Reform Act, felony offenders receive determinate sentences. A determinate sentence is one where the length of confinement is determined at the time of sentencing; the sentence length generally is not subject to alteration based on events occurring after the sentence is imposed.

The primary exception to this system of determinate sentencing involves the operation of earned early release programs. These programs allow inmates to shorten their sentence length if they display good behavior by participating in work, education, or treatment programs, and by not violating prison or jail rules during confinement. However, there are limitations on how much a sentence can be reduced through earned early release both within local jails and state prisons.

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### **Summary of Amended Bill:**

A Joint Legislative Task Force on Offenders Programs, Sentencing, and Supervision (Task Force) is established to review and make recommendations to the Legislature and the Governor regarding earned early release, community custody, and inmate training and education programs operating within state prisons.

The Task Force consists of one member from each of the two largest caucuses of the Senate, appointed by the president of the Senate, with at least one member being a member of the Senate Human Services and Corrections Committee; two members from each of the two largest caucuses of the House of Representatives, appointed by the Speaker of the House of Representatives, with at least one member being a member of the House Criminal Justice and Corrections Committee; and the following members appointed by the Governor:

- the Attorney General, or the Attorney General's designee;
- the Secretary of the Department of Corrections (DOC), or the Secretary's designee; and
- the Executive Director of the Sentencing Guidelines Commission (SGC), or the Executive Director's designee.

In addition, the Task Force, where feasible, may consult with individuals representing the following:

- superior court judges;
- mental health treatment providers who provide alcohol and substance abuse counseling and medical assistance services to offenders;
- counties and cities;
- crime victims;
- prosecuting attorneys and criminal defense lawyers;
- faculty members who educate incarcerated offenders and released offenders;
- community corrections officers;
- labor organizations representing correctional officers who work in adult correctional facilities;
- multifamily housing;
- city and county law enforcement;

- ex-offenders;
- a faith-based organization that provides outreach or services to offenders;
- Washington businesses; and
- nonprofit organizations providing work force training to released offenders.

The Task Force may also consult with other individuals from the public and private sector in carrying out its duties.

The Task Force must be co-chaired by one legislative member from the Senate and one legislative member from the House of Representatives, as chosen by the Task Force. Its responsibilities include reviewing and making recommendations regarding the following issues:

- the type of offender that would benefit most in terms of personal achievement, responsibility, and community safety, by having the opportunity to receive enhanced training and education while in prison;
- the types of training and educational programs that would provide the greatest return on investment with regard to offender achievement, responsibility, and community;
- changes to the sentencing law and policies related to "good time" or early release, that would encourage incarcerated offenders to participate in training and programs that will increase the likelihood that they will be able to support themselves when they leave prison and reduce recidivism;
- a method for evaluating the return on the investment and determining from front-line the DOC staff and community partners, whether the changes are improving personal responsibility on the part of the offender and reducing crime in the community;
- changes to community supervision that would provide greater safety to the public and incentives for prisons in adhering to treatment, educational goals, and reducing recidivism; and
- the operation of work release programs and how they are sited and placed throughout the state.

The Task Force must present a report of its findings and recommendations to the Governor and the appropriate committees of the Legislature, including any proposed legislation, by November 15, 2006.

The use of legislative facilities, as well as staff support provided by the Senate Committee Services, the House of Representatives Office of Program Research, and the Washington State Institute of Public Policy, will be provided to the Task Force. The DOC and the SGC must cooperate and provide information as the Task Force reasonably requests.

Non-legislative members of the Task Force must serve without compensation, but must be reimbursed for travel expenses. Legislative members must be reimbursed for travel expenses. All other expenses of the Task Force must be paid jointly by the Senate and the House of Representatives.

The act expires December 1, 2006.

**Appropriation:** None.

**Fiscal Note:** Preliminary fiscal note available.

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

**Testimony For:** (In support) This bill would be looking at changes to our entire system but on a very narrow band of prisoners so that we can see what we can do to reduce recidivism in our prison population. We cannot continue to build prisons or even to send people back to prison. This is an attempt to look at programs around the country that have shown great prospects of reducing recidivism, lowering costs, and to do something about the relationships between the DOC, law enforcement, and the community. All the expertise of various interests groups should be invited to the table.

(Concerns) There were concerns that certain members were not included on the Task Force. However, the sponsor of the bill has stated that all interested parties are welcome and invited to participate in this process. Studies show that recidivism is about 60 percent, however there are ways to get that number down to 30 percent. It is time that we have an overview of sentencing, release, and program options.

**Testimony Against:** None.

**Persons Testifying:** (In support) Senator Carrell, prime sponsor; Seth Dawson; Dennis Eagle, Washington Federation of State Employees; and Larry Saunders, Lakewood Chief of Police and Washington Association of Sheriffs and Police Chiefs.

(Concerns) Kathy Goebel, State Board for Community and Technical Colleges.

**Persons Signed In To Testify But Not Testifying:** None.