

SENATE BILL REPORT

SB 6864

As Reported By Senate Committee On:
Judiciary, February 2, 2006

Title: An act relating to offenders receiving the drug offender sentencing alternative.

Brief Description: Changing provisions relating to persons receiving the drug offender sentencing alternative.

Sponsors: Senators Kline and Johnson.

Brief History:

Committee Activity: Judiciary: 2/2/06 [DPS].

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 6864 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Weinstein, Vice Chair; Johnson, Ranking Minority Member; Carrell, Esser, McCaslin, Rasmussen and Thibaudeau.

Staff: Aldo Melchiori (786-7439)

Background: During 2003 session, the Legislature increased earned release time for good behavior to 50 percent of a sentence. The right to earn up to 50 percent of aggregate release time is limited to offenders who do not have a present or past conviction for a sex offense, violent offense, crime against persons, felony domestic violence, residential burglary, drug offense involving methamphetamine, or delivery of any controlled substance to a child. The right to earn early release time at the rate of 50 percent will not apply to offenders convicted after July 1, 2010.

Offenders convicted of a serious violent offense or a sex offense that is a Class A felony committed between July 1, 1990, and July 1, 2003, are prohibited from earning release time in excess of 15 percent while offenders committing these offenses on or after July 1, 2003, do not earn release time credit in excess of 10 percent. In all other cases, the aggregate earned early release time is limited to one-third of the total sentence.

Offenders convicted of drug offenses, for which the standard range sentence is over 12 months in prison, may be eligible for the drug offense sentencing alternative (DOSA). In addition to the prison-based DOSA sentencing alternative, the 2005 Legislature enacted a residential treatment DOSA. If the court elects to impose a prison-based DOSA sentence, the term of incarceration is one-half of the midpoint of the standard range during which the Department of Corrections is required to provide an assessment and appropriate drug treatment. The offender must serve the remainder of the midpoint of the standard range in community custody which must include outpatient drug treatment.

Summary of Substitute Bill: Offenders who receive a drug offender sentencing alternative sentence may only receive up to 33 percent, instead of up to 50 percent, aggregate earned release time. If the court elects to impose a prison-based DOSA sentence, the term of incarceration is one-half of the midpoint of the standard range or twelve months, whichever is greater.

Substitute Bill Compared to Original Bill: DOSA offenders can receive up to 33 percent earned release time rather than 10 percent as provided by the original bill.

Appropriation: None.

Fiscal Note: Requested on January 6, 2006.

Committee/Commission/Task Force Created: No.

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

Testimony For: This restores the one-third earned release opportunity for offenders that had only been increased for fiscal reasons. Offenders will receive longer in-house treatment at the Department of Corrections to better help them recover from their drug addiction.

Testimony Against: Only six facilities in the state have adequate facilities to treat in-custody DOSA offenders. In-custody treatment costs more, even though it has been shown to be most effective. The bill does not provide the needed resources to make the policy work.

Who Testified: PRO: Senator Kline, prime sponsor.

CON: Ramona Brandes, WDA and WACDL.