

SENATE BILL REPORT

SB 6243

As Reported By Senate Committee On:
Human Services & Corrections, January 24, 2008

Title: An act relating to court discretion to order community custody.

Brief Description: Addressing court discretion to order community custody.

Sponsors: Senator Carrell.

Brief History:

Committee Activity: Human Services & Corrections: 1/22/08, 1/24/08 [DPS].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 6243 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell and Marr.

Staff: Shani Bauer (786-7468)

Background: Community custody is that portion of an offender's sentence that is served in the community subject to controls placed on the offender's movement and activities by the Department of Corrections (DOC). Community custody may be a term separate from a term of confinement or may be part of the term of total confinement, served in lieu of earned release. Except as specifically provided in law, the court may not order the offender to a term of community custody.

The court is required to order a term of community custody for an offender who is convicted of specified crimes as well as when an offender is sentenced under the drug offender sentencing alternative, the special sex offender sentencing alternative, the work ethic camp, or non-persistent sex offender provisions. Community custody is ordered pursuant to the community supervision range set out in statute or up to the period of earned release, whichever is longer.

The court is authorized to order a term of community custody up to one year for offenders sentenced to a term of confinement for one year or less when the offender is convicted of specified crimes. The court may also order community custody when an offender is sentenced to a first-time offender waiver.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill (Recommended Substitute): Unless a term of community custody is specifically set out in law, the court may order a term of community custody up to one year for an offender who is sentenced to the custody of DOC or to a term of confinement for one year or less.

EFFECT OF CHANGES MADE BY HUMAN SERVICES & CORRECTIONS COMMITTEE (Recommended Substitute): Adds offenders sentenced to a term of one year or less to those offenders for whom the court may order a term of community custody up to one year.

Appropriation: None.

Fiscal Note: Requested on January 15, 2008.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: PRO: This was part of the consensus recommendations of the Community Custody and Community Supervision Task Force that met over the interim. The judges wanted more discretion to order supervision in cases where they currently do not have that authority. This bill would correct that.

Persons Testifying: PRO: Senator Mike Carrell, prime sponsor.