

HOUSE BILL REPORT

HB 1361

As Passed Legislature

Title: An act relating to county supervised community options.

Brief Description: Regarding county supervised community options.

Sponsors: Representatives Goodman, Rodne, Williams, Dickerson, Walsh, Kagi, Roberts, Pettigrew, O'Brien, Armstrong, Appleton, Ericks, Warnick, Haigh, Moeller, Rolfes, Carlyle, Wallace, Seaquist and Morrell.

Brief History:

Committee Activity:

Human Services: 1/26/09, 2/2/09 [DP].

Floor Activity

Passed House: 3/3/09, 96-0.

Passed Senate: 4/16/09, 47-0.

Passed Legislature.

Brief Summary of Bill

- Allows defendants convicted of non-violent and non-sex offenses to receive one-for-one credit for time served or time spent participating in a county supervised community option both prior to and after sentencing, the same as if the defendant had spent that time in jail confinement.
- Allows defendants convicted of non-violent and non-sex offenses to accrue earned release time while participating in a county supervised community option both prior to and after sentencing.

HOUSE COMMITTEE ON HUMAN SERVICES

Majority Report: Do pass. Signed by 8 members: Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Green, Klippert, Morrell, O'Brien and Walsh.

Staff: Linda Merelle (786-7092)

Background:

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.

Alternatives to Total Confinement.

The Sentencing Reform Act allows the court to impose alternatives to sentences of total confinement. These alternatives are available for offenders who have sentences of one year or less and they may be ordered by the court at the time of sentencing. One day of partial confinement, such as work release or home detention, may be substituted for one day of total confinement.

Community Restitution: For offenders who are convicted on non-violent offenses only, eight hours of community restitution (formerly called community service) may be substituted for one day of total confinement. The conversion is limited to 30 days. Thus, 30 days can be converted to 240 hours of community service.

County Supervised Facility: For offenders who are convicted of non-violent and non-sex offenses, time spent post sentencing in a county supervised facility for substance abuse treatment, for example, an in-patient facility, may be credited the same as total confinement. That is, one day spent in an in-patient facility may be credited the same as one day in jail.

Credit for Time Served/Earned Release Time.

If at the time of sentencing, an offender has been confined to jail before sentencing is imposed and the confinement was related to the offense that is before the court at the time of sentencing, the court must allow the defendant to receive credit for time served off the sentence imposed.

Offenders who are under total confinement may accrue "earned release time." This amount may vary from county to county. Generally, defendants accrue earned release time equal to one-third of their sentence. Earned release time may also accrue during time served in partial confinement if the form of partial confinement is work release or work crew. Earned release time does not accrue during time served on home detention.

Summary of Bill:

For offenders convicted of non-violent and non-sex offenses, the court may give the defendant credit for time served in a county-supervised community option for chemical dependency both prior to and after sentencing. The defendant may accrue earned release time while participating in a county-supervised option as if the defendant had served that time in total confinement or in partial confinement where earned early credit is allowed.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) There are a number of offenders for whom jail is traumatic. This option would offer the court the ability to credit time served for court-ordered treatment. It also resolves the disincentive to go into an alternative sentencing option rather than serving less time sitting in jail. These are good options because participating in treatment is more productive than sitting in the county jail.

(Opposed) None.

Persons Testifying: Representative Goodman, prime sponsor; Mike West, King County Department of Adult and Juvenile Detention; and Tom McBride, Washington Association of Prosecuting Attorneys.

Persons Signed In To Testify But Not Testifying: None.