

SENATE BILL REPORT

HB 1789

As Reported by Senate Committee On:
Human Services & Corrections, March 20, 2009

Title: An act relating to allowing the department of corrections to rely upon jail certification in the calculation of release dates for offenders.

Brief Description: Allowing the department of corrections to rely upon jail certification in the calculation of release dates for offenders.

Sponsors: Representatives Dammeier, O'Brien, Dickerson, Hurst, Klippert, Morrell, Orwall, Green, Walsh and Darneille; by request of Department of Corrections.

Brief History: Passed House: 3/03/09, 94-0.

Committee Activity: Human Services & Corrections: 3/20/09 [DPA].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass as amended.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Kauffman.

Staff: Kevin Black (786-7747)

Background: When an offender is sentenced for a crime, the sentencing court must give the offender credit for the time the offender served in custody before the sentencing on the offender's judgment and sentence, if the time served in custody was solely in regard to the offense for which the offender is being sentenced.

The term of sentence served by an offender in a jail prior to sentencing may be reduced by earned release time for good behavior and good performance, as determined by the jail having jurisdiction over the offender. If an offender is transferred from a jail to a facility operated by the Department of Corrections (DOC), the jail must certify to DOC the amount of time which the defendant spent in custody, and the amount of earned release time that the offender is owed.

When the sentencing court credits an offender with an incorrect amount of time served in custody on the judgment and sentence, the error may only be corrected by means of a resentencing. DOC is permitted to petition the Court of Appeals for a review of errors of law

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committed in the sentencing of a defendant if DOC is unable to resolve the dispute as to sentence at the superior court level.

Summary of Bill (Recommended Amendments): DOC may approve a jail certification which calculates earned release time based on the actual amount of confinement time served by the offender, when an erroneous calculation of confinement time appears on the judgment and sentence.

EFFECT OF CHANGES MADE BY HUMAN SERVICES & CORRECTIONS COMMITTEE (Recommended Amendments): DOC is not entitled to rely on an obviously incorrect jail certification.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill takes effect on August 1, 2009.

Staff Summary of Public Testimony on Original Bill: PRO: This bill will offer protection from some of the frivolous lawsuits filed by prisoners. We support this bill, and would be happy to support the Senate version as well.

Persons Testifying: PRO: Representative Dammeier, prime sponsor; Dick Morgan, DOC.