

SENATE BILL REPORT

SB 5875

As Reported by Senate Committee On:
Human Services & Corrections, March 24, 2011

Title: An act relating to terms of supervision for offenders sentenced to a first time offender waiver.

Brief Description: Addressing the terms of supervision for offenders sentenced to a first time offender waiver.

Sponsors: Senator Hargrove.

Brief History:

Committee Activity: Human Services & Corrections: 3/22/11, 3/24/11 [DPS].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5875 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Baxter, Carrell, Harper and McAuliffe.

Staff: Shani Bauer (786-7468)

Background: An offender is eligible to receive a sentencing alternative of a first-time offender waiver if the person:

- has never been convicted of a felony or participated in a program of deferred prosecution for a felony; and
- is not currently convicted of:
 - a violent offense or sex offense;
 - manufacture, delivery, or sale of certain controlled substances; or
 - felony driving under the influence.

In sentencing a first-time offender, the court may waive imposition of the standard sentence and impose a sentence of up to 90 days confinement and community custody of up to one year, or up to 24 months if treatment is also ordered.

In 2010 the court sentenced 1469 offenders to a first time offender waiver. Approximately 41 percent of the offenders received a sentence of confinement within the standard sentence

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.

range. Three hundred fifty-five were sentenced to a 12-month term of community custody and 1021 were sentenced to a 24-month term of community custody. The Department of Corrections (DOC) currently supervises 2550 first-time offenders.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Recommended Substitute): In sentencing a first-time offender, the court may impose up to six months of community custody or up to 12 months of community custody if treatment is also ordered.

By January 1, 2012, DOC must recalculate the term of community custody for any offender currently serving a sentence under a first-time offender waiver in accordance with the new supervision terms. This act applies to persons convicted before, on, or after the effective date of this section.

Appropriation: None.

Fiscal Note: Requested on March 14, 2011.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony: OTHER: Some of the offenders receiving a first-time offender waiver are domestic violence offenders. Victims often feel that offenders of domestic violence are not held accountable for their actions. The Department believes that 12 months of community custody is a sufficient amount of time for offenders participating in a first-time offender waiver to complete treatment.

Persons Testifying: OTHER: Anna Aylward, DOC; Grace Huang, WA State Coalition Against Domestic Violence.