H-2097.1

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SECOND SUBSTITUTE HOUSE BILL 1789**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 65th Legislature 2017 Regular Session**

**By** House Appropriations (originally sponsored by Representatives Jinkins, Pettigrew, Frame, Stambaugh, Ortiz-Self, Fitzgibbon, Macri, Ormsby, and Gregerson)

AN ACT Relating to rehabilitated offenders; and creating new sections.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  (1) Subject to the availability of amounts appropriated for this specific purpose, by December 1, 2017, the sentencing guidelines commission shall contract for the services of an external consultant to evaluate the state's sentencing laws and practices. The consultant must have demonstrated experience and knowledge in Washington's sentencing system and other sentencing systems and models in other states and nations. The consultant must have demonstrated experience in conducting significant research studies. The evaluation must include:

(a) An assessment of sentencing complexities in law and in implementation, including an assessment of possible challenges faced by the courts, jails, and the department of corrections;

(b) An assessment of whether the sentencing reform act conforms to its intended purposes, including reducing disparity between similarly situated offenders;

(c) An assessment of the sentencing changes adopted by the legislature since 1981, including frequency, nature, and impact;

(d) An assessment of sentence lengths among different categories of offenders and whether those sentences conform to current research literature on the relationship between sentences lengths and recidivism;

(e) An assessment of the consistent or inconsistent application and impact of sentencing laws on offenders and the community;

(f) An assessment of the state's sentencing laws and practices as compared to other states and other sentencing models including, but not limited to, whether the current sentencing laws and practices promote public safety, fairness, and equity as compared to other models of sentencing;

(g) An assessment of whether the elimination of the parole system and establishment of determinate sentencing is connected to or has resulted in excessive incarceration of low-risk offenders;

(h) Recommendations for changing and improving sentencing laws and practices to address implementation challenges, promote public safety, reduce recidivism, reduce disparity, reduce incarceration rates for low-risk offenders, reduce costs to taxpayers, and promote fairness and equity, including a phased implementation plan for possible retroactive and prospective changes; and

(i) Recommendations for establishing an ongoing review of sentencing laws and practices.

(2) The consultant shall complete its evaluation and submit a report to the commission, the appropriate committees of the legislature, and the governor by September 1, 2018. The contract for services must include a requirement for two briefings before the legislature, one in the house of representatives and one in the senate, in the 2019 regular legislative session.

NEW SECTION. **Sec.**  If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2017, in the omnibus appropriations act, this act is null and void.

**--- END ---**