
Public Safety Committee

2SHB 1789

Brief Description: Concerning sentencing laws and practices.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Jinkins, Pettigrew, Frame, Stambaugh, Ortiz-Self, Fitzgibbon, Macri, Ormsby and Gregerson).

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Requires the Sentencing Guidelines Commission to contract with a consultant to study sentencing laws and practices and make recommendations to the Legislature and the Governor.

Hearing Date: 1/18/18

Staff: Kelly Leonard (786-7147).

Background:

Determinate Sentencing. In 1981 the Legislature passed the Sentencing Reform Act (SRA), which established determinate sentencing for felony offenders. The SRA eliminated indeterminate sentences and parole in Washington, with some exceptions. Instead, the SRA determines a specific sentence within the statutory maximum. Judges select an offender's sentence within a sentence range provided in statute, which is calculated using both a statutory severity designation for the offense, or its "seriousness level," and the offender's "offender score," which is based on the offender's criminal history. In addition to the standard range, other factors affect the sentence, including: enhancements; exceptional sentences; consecutive/concurrent sentences; persistent offender ("Three Strikes" and "Two Strikes") laws; and alternative sentences.

Sentencing Guidelines Commission. The Sentencing Guidelines Commission (SGC) was created as part of the SRA to serve as an independent body statutorily required to evaluate and monitor adult and juvenile sentencing policies and practices.

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:

Subject to a specific appropriation, by December 1, 2017, the SGC must 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. The evaluation must include 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;
- whether the SRA conforms to its intended purposes, including reducing disparity between similarly situated offenders;
- the sentencing changes adopted by the Legislature since 1981, including frequency, nature, and impact;
- sentence lengths among different categories of offenders and whether those sentences conform to current research literature on the relationship between sentences lengths and recidivism;
- 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; and
- the state's sentencing laws and practices as compared to other states and other sentencing models, including whether the current sentencing laws and practices promote public safety, fairness, and equity as compared to other models of sentencing.

The consultant must report 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, as well as recommendations for establishing an ongoing review of sentencing laws and practices. The consultant must submit a report to the SGC, the appropriate committees of the Legislature, and the Governor by September 1, 2018.

Appropriation: None.

Fiscal Note: Requested on January 11, 2018.

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