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SECOND SUBSTITUTE HOUSE BILL 1789

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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)

READ FIRST TIME 02/24/17.

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

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

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

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

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

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

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

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

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

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

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

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

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

29 NEW SECTION. **Sec. 2.** If specific funding for the purposes of  
30 this act, referencing this act by bill or chapter number, is not  
31 provided by June 30, 2017, in the omnibus appropriations act, this  
32 act is null and void.

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