

FINAL BILL REPORT

SSB 5492

C 191 L 19
Synopsis as Enacted

Brief Description: Sentencing of motor vehicle-related felonies.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Billig, Padden, Pedersen, Holy and Dhingra).

Senate Committee on Law & Justice
Senate Committee on Ways & Means
House Committee on Public Safety
House Committee on Appropriations

Background: Prior to adopting sentencing guidelines in 1984, every person convicted of a felony was eligible for community supervision. When the state enacted determinate sentencing guidelines, however, it eliminated parole and probation supervision. Over the years, Washington reinstated the use of community supervision and adopted various changes to supervision policy.

In 1999, Washington enacted the Offender Accountability Act, which directed the Department of Corrections (DOC) to conduct risk assessments of individuals convicted of felony offenses and to direct more resources to supervising high-risk individuals. The state reinstated post-release supervision for individuals sentenced to prison for drug, violent, and crimes-against-persons offenses, but not for property offenses.

In 2003, Washington eliminated post-release supervision for individuals who were only on supervision for outstanding legal financial obligations, as well as for certain low-risk individuals, reducing the state's supervision population from approximately 65,000 to 30,000.

In 2009, Washington eliminated post-release supervision for low- and moderate-risk people sentenced to jail or prison for drug, violent, or crime-against-persons offenses, further reducing the number of people on supervision to below 20,000.

Today, only the following people are eligible for supervision: individuals released after serving a sentence for either a sex offense or a serious violent offense; high-risk individuals released after serving a sentence for drug, violent, or crime-against-persons offenses; individuals who receive a sentencing alternative; and certain domestic violence offenders.

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.

In 2014, Washington was selected to participate in a Justice Reinvestment Initiative (Initiative) through the assistance of the Council of State Governments Justice Center (Justice Center). The Initiative proposed conducting a comprehensive study of Washington's criminal justice system to identify ways to address growing pressures on the prison system and increase public safety.

In January 2015, a report was presented focusing almost exclusively on the high property crime rate in the state. Washington has consistently had one of the highest reported property crime rates in the country, yet is the only state where supervision is not available as a sentence for most people convicted of property offenses. Analysis from the Justice Center found that Washington's prison population is growing, in part, due to an increasing number of repeat property offenders being sentenced to prison for long lengths of stay. In fiscal year 2013, nearly one-third of total prison admissions were for property offenses. In comparison, other states with sentencing guidelines have much lower prison sentences for repeat offenders, but incorporate mandatory periods of supervision. The Initiative recommended modifying the sentencing grid to decrease standard sentence ranges for repeat property offenders while increasing supervision to hold property offenders accountable in the community and provide treatment, where needed.

Summary: A court may sentence an offender to community custody for six to twelve months when the midpoint of the standard sentence range is greater than one year and the person is being sentenced for one of the following crimes:

- theft or attempted theft of a motor vehicle;
- possession or attempted possession of a stolen vehicle; or
- taking a motor vehicle without permission in the first or second degree.

The offender's sentence of incarceration may not exceed the mid-point of the standard sentence range reduced by one-third of the ordered term of community custody. An offender receiving a sentence under this section is prohibited from receiving earned release time under RCW 9.94A.729 in excess of one-third of the total sentence.

DOC must conduct an assessment of the offender and identify programming and services that would be appropriate to meet the offender's needs. To the extent possible, DOC must make the identified programming available to the offender while on community custody.

No later than November 1, 2025, DOC must submit a report to the Governor and the Legislature analyzing the effectiveness of supervision in reducing recidivism among motor vehicle offenders. DOC must consult with the Washington State Institute for Public Policy in guiding its data tracking efforts and preparing the report.

The provision authorizing the court to order community custody for motor vehicle related felonies expires June 30, 2026.

Votes on Final Passage:

Senate	48	0
House	96	2

Effective: July 28, 2019