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## Public Safety Committee

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### HB 1307

**Brief Description:** Concerning the drug offense sentencing grid.

**Sponsors:** Representatives Hackney, Davis, Fitzgibbon, Bergquist, Ormsby and Pollet.

<p><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Narrows the presumptive range for sentencing a person with an offender score of 3 to 5 for a seriousness level I drug offense.</li></ul>
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**Hearing Date:** 2/5/21

**Staff:** Kelly Leonard (786-7147).

**Background:**

For felony convictions, the Sentencing Reform Act (SRA) provides the framework for determining the length of sentences. Base sentences are determined by reference to a sentencing grid, which provides a standard range of months of confinement. This range is based on both the severity, or "seriousness level," of the offense and the convicted person's "offender score," which is based on the offender's criminal history. A higher seriousness level or offender score results in a longer sentence. While the grid provides the base sentence, additional sentencing policies can increase or decrease a sentence. This includes, for example, enhancements, exceptional sentences, and alternative sentences.

Felony drug offenses are sentenced according to a specialized drug sentencing grid under the SRA. Seriousness levels for felony drug offenses vary from I to III, with ranges as follows:

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

Seriousness Level	Offender Score 0-2	Offender Score 3-5	Offender Score 6-9 or more
III	51 to 68 months	68+ to 100 months	100+ to 120 months
II	12+ to 20 months	20+ to 60 months	60+ to 120 months
I	0 to 6 months	6+ to 18 months	12+ to 24 months

In 2013 the state modified the presumptive range for sentencing a person with an offender score of 3 to 5 for a seriousness level I drug offense. The range was narrowed to 6 to 12 months. This change was temporary and expired July 1, 2018, at which time the former presumptive range of 6 to 18 months was reinstated. Drug offenses ranked at seriousness level I include:

- Forged Prescription;
- Manufacturing, Delivering, or Possession with Intent to Deliver Marijuana;
- Possession of a Controlled Substance; and
- Unlawful Use of a Building for Drug Purposes.

Generally, a person who is convicted and receives a sentence of confinement greater than one year must serve that term of confinement in a state prison facility. A person who receives a sentence of confinement of less than one year must serve that term of confinement in a local jail.

**Summary of Bill:**

The presumptive range for sentencing a person with an offender score of 3 to 5 for a seriousness level I drug offense is narrowed to 6 to 12 months.

**Appropriation:** None.

**Fiscal Note:** Available.

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