

HOUSE BILL REPORT

HB 1307

As Reported by House Committee On:
Public Safety

Title: An act relating to seriousness level I offenses where the offender score is three to five on the drug offense sentencing grid.

Brief Description: Concerning the drug offense sentencing grid.

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

Brief History:

Committee Activity:

Public Safety: 2/5/21, 2/11/21 [DP].

Brief Summary of Bill

- Narrows the presumptive range for sentencing a person with an offender score of 3 to 5 for a seriousness level I drug offense.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: Do pass. Signed by 8 members: Representatives Goodman, Chair; Johnson, J., Vice Chair; Davis, Hackney, Lovick, Orwall, Ramos and Simmons.

Minority Report: Do not pass. Signed by 5 members: Representatives Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Graham, Griffey and Young.

Staff: Kelly Leonard (786-7147).

Background:

For felony convictions, the Sentencing Reform Act (SRA) provides the framework for

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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:

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.

Staff Summary of Public Testimony:

(In support) This bill is reinstating a policy that was previously in place from 2013 to 2018. The bill does create cost savings, but it also addresses issues of racial equity. The bill shifts these persons from prison sentences to local jail sentences and community-based treatment programs. These are minor, low-level drug offenses. These persons should be diverted to treatment programs or otherwise incarcerated for short periods of time in local jails, if at all. Research shows that treatment is effective, regardless of whether persons are actively seeking treatment or participating in court-ordered treatment.

This bill reduces the criminal penalties for certain offenses, but the Legislature should go further. People should not go to prison for low-level drug offenses. Drug enforcement is ineffective and unfair. The crimes affected by the bill basically relate to drug houses, but enforcement practices are only directed at certain types of drug houses. Affluent fraternities and high schools are often centers of drug use, yet they operate with impunity. Drug enforcement is utterly inequitable. The state needs to focus on other interventions to address drug-related issues.

(Opposed) None.

Persons Testifying: Representative Hackney, prime sponsor; Ramona Brandes, Washington Association of Criminal Defense Lawyers and Washington Defender Association; and Nick Straley, Columbia Legal Services.

Persons Signed In To Testify But Not Testifying: None.