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HOUSE BILL 2214

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State of Washington

60th Legislature

2007 Regular Session

By Representatives O'Brien, Rodne, Williams, Ahern, Santos, Hinkle, McCoy, Armstrong, Appleton, Alexander, Goodman, Sells, Kenney, Lantz, Jarrett, Moeller, Kagi, Roberts and Ormsby

Read first time 02/13/2007. Referred to Committee on Public Safety & Emergency Preparedness.

1 AN ACT Relating to studying the sentencing reform act; and creating  
2 new sections.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that:

5 (1) The sentencing reform act of 1981 took effect in 1984 to make  
6 the criminal justice system accountable to the public by developing a  
7 system for the sentencing of felony offenders that structured, but did  
8 not eliminate, discretionary decisions affecting sentences and insured  
9 that the punishment for criminal behavior was proportionate to the  
10 seriousness of the offense and the offender's criminal history;  
11 promoted respect for the law by providing punishment that was just and  
12 commensurate with the punishment imposed upon others committing similar  
13 offenses; protected the public; offered the offender an opportunity to  
14 improve himself or herself; made frugal use of the state's and local  
15 government's resources; and reduced the risk of reoffense by offenders  
16 in the community.

17 (2) The sentencing reform act has been amended approximately two  
18 hundred times since its enactment, increasing the complexity and  
19 difficulty of applying the sentencing reform act with each successive

1 change, causing increased litigation over each amendment, producing  
2 large amounts of complicated case law necessitated by the need to  
3 interpret and harmonize the many amendments to the sentencing reform  
4 act, and creating uncertainty each year about what sentence and other  
5 consequences an offender will face for any crime.

6 (3) An evaluation of the sentencing reform act would necessarily  
7 include an evaluation of the sentencing guidelines commission, the  
8 agency charged with administering the sentencing reform act, and  
9 therefore preclude the commission from evaluating itself.

10 (4) There is a growing sense of the need to determine how to best  
11 make use of specialty therapeutic courts such as drug courts or mental  
12 health courts and other criminal justice system alternatives, such as  
13 deferrals and diversions, used to address criminal behavior at the  
14 beginning rather than upon reentry to the criminal justice system.

15 (5) There is always value in looking at the systems of other  
16 states, conducting research on smart sentencing and evidence-based  
17 treatment programs, and hearing the viewpoints of out-of-state experts.

18 (6) There is a growing crisis in the need to provide adequate  
19 prison and local jail space at great cost to the public.

20 (7) There is a further need to balance the need for supervision of  
21 offenders by the department of corrections, the costs of that  
22 supervision, and the liability for not supervising.

23 (8) The tension between holding offenders accountable and the  
24 increasing pressure to grant earlier release times is jeopardizing  
25 truth in sentencing.

26 (9) There needs to be a complete review of sentencing and its  
27 effect on law enforcement, jails, corrections, and state and local  
28 fiscal resources.

29 NEW SECTION. **Sec. 2.** (1) The Washington state institute for  
30 public policy shall study the sentencing reform act. The study shall:

31 (a) Evaluate the sentencing reform act in light of its intended  
32 purposes as set forth in RCW 9.94A.010;

33 (b) Compare the sentencing reform act to other systems of  
34 sentencing adult offenders in the United States; and

35 (c) Recommend a design for a more ideal and stably maintained  
36 criminal justice system.

1           (2) When performing the study required by this section, the  
2 Washington state institute for public policy shall consult with the  
3 following:

- 4           (a) Prosecutors;
- 5           (b) Judges;
- 6           (c) The legislature;
- 7           (d) Victim advocate groups;
- 8           (e) Defense attorneys;
- 9           (f) The department of corrections;
- 10          (g) Law enforcement;
- 11          (h) Local government;
- 12          (i) The sentencing guidelines commission; and
- 13          (j) Any other persons or groups deemed appropriate by the  
14 Washington state institute for public policy.

15           (3) The Washington state institute for public policy shall report  
16 its findings to the governor and the legislature by December 1, 2008.

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