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HOUSE BILL 1689

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State of Washington

61st Legislature

2009 Regular Session

By Representatives Goodman, Hurst, Seaquist, Roberts, Appleton, Kirby, O'Brien, Nelson, Ericks, Dickerson, Kagi, and Darneille; by request of Sentencing Guidelines Commission

Read first time 01/27/09. Referred to Committee on Human Services.

1 AN ACT Relating to creating an evidence-based community custody  
2 system for adult felons; and creating 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 structures, but does  
8 not eliminate, discretionary decisions affecting sentences.

9 (2) Since passage of the sentencing reform act, the legislature has  
10 implemented a community custody system to supervise selected offenders  
11 after incarceration or in lieu of incarceration. Felons in community  
12 custody are monitored by the department of corrections community  
13 corrections officers and required to comply with conditions that focus  
14 on public safety and activities that are intended to lower the risk of  
15 reoffense. An offender is subject to sanctions, including return to  
16 incarceration, if conditions are violated.

17 (3) Although the intent of community custody is to improve public  
18 safety, the community custody laws were passed incrementally, which has  
19 resulted in inconsistencies, confusion, and a lack of adherence to

1 evidence-based principles. The costs of community custody have grown  
2 rapidly, making it imperative that resources are targeted carefully.  
3 A plan to create a comprehensive system is needed to ensure appropriate  
4 targeting of offenders and programming for adult felons. The success  
5 of Washington's juvenile rehabilitation evidence-based system provides  
6 a model for planning a cohesive adult system that will increase public  
7 safety and lower costs to taxpayers.

8 (4) A wealth of criminal justice research has been conducted in the  
9 last decade, identifying which offenders to target and what programs  
10 have a positive impact on recidivism. The goals are to increase public  
11 safety through decreased recidivism and produce significant cost  
12 savings for the state.

13 (5) In 2007, the legislature passed Engrossed Substitute Senate  
14 Bill No. 6157 to increase access to and coordinate offender services  
15 for offenders released from prison, and invested substantial resources.  
16 Engrossed Substitute Senate Bill No. 6157 promoted the use of evidence-  
17 based and cost-beneficial policy options to alleviate the need to build  
18 more prisons, responding to a meta-analysis of research conducted by  
19 the Washington state institute for public policy.

20 (6) In 2008, the legislature reorganized and simplified community  
21 custody statutes and directed the sentencing guidelines commission to  
22 work with the courts to propose policy changes that will further  
23 simplify and improve the sentencing reform act relating to the  
24 supervision of offenders. After reviewing the national research, and  
25 the success of the evidence-based juvenile rehabilitation system in  
26 Washington state, the sentencing guidelines commission and the superior  
27 court judges' association recommend the creation of an evidence-based  
28 community custody system for felony offenders.

29 NEW SECTION. **Sec. 2.** (1) The sentencing guidelines commission, in  
30 partnership with the courts, shall examine options for community  
31 custody and develop a plan to implement an evidence-based system of  
32 community custody for adult felons that will include the consistent use  
33 of evidence-based risk and needs assessment tools, programs,  
34 supervision modalities, and monitoring of program integrity.

35 (2) The plan for the evidence-based system of community custody  
36 shall include provisions for (a) identifying offenders for whom  
37 rehabilitative programs are cost-effective; (b) identifying cost-

1 effective rehabilitative programs; (c) monitoring the system to ensure  
2 that it operates in a cost-effective manner; and (d) providing annual  
3 reports to the legislature on the costs and benefits of the system.

4 (3) When planning the evidence-based system of community custody  
5 required by this section, the sentencing guidelines commission and the  
6 courts shall consult with the following:

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

18 (4) The sentencing guidelines commission shall report its  
19 recommendations to the governor and the legislature by December 1,  
20 2009.

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