

SENATE BILL REPORT

SB 5060

AS PASSED SENATE, MARCH 4, 1993

Brief Description: Revising provisions relating to indeterminate sentencing.

SPONSORS: Senators A. Smith, Nelson, McCaslin and Hargrove; by request of Indeterminate Sentence Review Board

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, and Spanel.

Staff: Susan Carlson (786-7418)

Hearing Dates: January 27, 1993; February 4, 1993

BACKGROUND:

The Indeterminate Sentence Review Board is responsible for determining how much prison time offenders under the old indeterminate sentencing law will be required to serve and establishing parole conditions. As part of the transition to determinate sentencing, the Legislature has required the Board to make decisions "reasonably consistent" with the Sentencing Reform Act.

Under the Sentencing Reform Act, only certain offenses are subject to supervision after release from prison. One year of supervision is required for some offenses, while more serious offenses are subject to a maximum term of two years or the amount of earned early release time, whichever is longer. Under indeterminate sentencing, parole supervision may continue up to the maximum term for the crime. The board is proposing that several statutes be amended to make parole supervision more consistent with the supervision allowed by the Sentencing Reform Act.

SUMMARY:

The statutory provision requiring the board to retain jurisdiction over habitual criminals throughout the person's natural life is stricken.

Parole violations that do not result in convictions for new crimes may be the subject of sanctions according to an administrative sanction grid.

The Indeterminate Sentence Review Board has discretion to deny credit against the maximum sentence for any time during which a parolee was an escapee and fugitive from justice.

A final order of discharge must be entered three years from the date of parole unless the parolee is on suspended or revoked status at the expiration of the three years. Parolees are not required to be on conditional discharge for one year prior to a final discharge order. The discharge restores all civil rights except the right to receive, possess, own, or transport firearms.

Appropriation: none

Revenue: none

Fiscal Note: available

TESTIMONY FOR:

The bill will assist the Indeterminate Sentence Review Board to make decisions relating to parolees that are more consistent with the Sentencing Reform Act.

TESTIMONY AGAINST:

The bill leaves the ISRB with too much authority over parolees.

TESTIFIED: Kathryn Bail (pro), Dennis Marsh (pro), Indeterminate Sentence Review Board; Betty Schweikhardt (con), citizen