

HOUSE BILL REPORT

HB 1280

As Passed House:

March 7, 1995

Title: An act relating to offenders' noncompliance with conditions or requirements of sentences.

Brief Description: Revising procedures for offenders who violate conditions or requirements of sentences.

Sponsors: Representatives Sherstad, Radcliff, Ballasiotes, Blanton, Cole, Tokuda and Dickerson; by request of Department of Corrections.

Brief History:

Committee Activity:

Corrections: 2/3/95, 2/21/95 [DP].

Floor Activity:

Passed House: 3/7/95, 92-0.

HOUSE COMMITTEE ON CORRECTIONS

Majority Report: Do pass. Signed by 10 members: Representatives Ballasiotes, Chairman; Blanton, Vice Chairman; Sherstad, Vice Chairman; Quall, Ranking Minority Member; Tokuda, Assistant Ranking Minority Member; Cole; Dickerson; Koster; Radcliff and Schoesler.

Staff: Rick Neidhardt (786-7841).

Background: Under the Sentencing Reform Act, additional punishment can be imposed on an offender who violates a term of his or her sentence. A court hearing is held to determine whether the violation occurred, and if so, the proper punishment. The offender can be confined for up to 60 days for each violation. The court can also (a) convert a term of partial confinement to total confinement, (b) convert community service hours to total or partial confinement, or (c) convert certain monetary obligations to community service hours.

Because court calendars are often overcrowded, the Department of Corrections has experienced difficulty in some counties having sanctions imposed in a timely manner.

Summary of Bill: When an offender violates a sentence condition, the Department of Corrections may administratively impose sanctions by entering into a stipulated agreement with the offender.

Available sanctions under these agreements are: work release, home detention with electronic monitoring, work crew, community service, inpatient treatment, daily reporting, curfew, education or counseling, supervision through electronic monitoring, jail time, and other community sanctions.

The department must submit the agreement within three days to the judge and local prosecuting attorney. If the judge is not satisfied with the agreement, the judge has 15 days to schedule a hearing to address the violation and the proper penalty. If this happens the offender may withdraw from the agreement.

If the offender violates the stipulated agreement, the court may punish both the original violation and the violation of the agreement.

The new sanctions would also be available to the judge to punish violations that are not resolved through a stipulated agreement.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Currently, while some counties efficiently handle the prosecution of offenders who violate the terms of their sentences, a number of counties are unable to timely act on these cases due to a lack of resources. Cases involving less serious infractions sometimes do not get prosecuted at all. This bill streamlines the violation process and relieves congested court calendars. Eight counties already use stipulated agreements along the lines authorized in this bill. This bill promotes efficiency within the criminal justice system and helps to hold offenders accountable.

Testimony Against: None.

Testified: Dave Savage, Department of Corrections (pro).