

HOUSE BILL REPORT

HB 2317

As Reported By House Committee On:
Corrections

Title: An act relating to enhancing sanctions for felons.

Brief Description: Revising criminal sanctions for felons.

Sponsors: Representatives Ballasiotes, Blanton, McMahan and Thompson.

Brief History:

Committee Activity:

Corrections: 1/16/96, 1/23/96 [DPS].

HOUSE COMMITTEE ON CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Ballasiotes, Chairman; Blanton, Vice Chairman; Sherstad, Vice Chairman; Quall, Ranking Minority Member; Tokuda, Assistant Ranking Minority Member; Cole; Dickerson; Koster; Radcliff; Schoesler and D. Sommers.

Staff: Rick Neidhardt (786-7841).

Background: The Sentencing Reform Act allows a judge to impose terms of community supervision, community placement, or community service on offenders being sentenced for felonies. Each of these terms involves conditions and restrictions being placed on an offender during a time when the offender is in the community rather than physically confined in a correctional facility.

Conditions and Restrictions. All offenders who are placed under community supervision, community placement, or community service are supervised by the Department of Corrections and are required to follow the department's instructions regarding remaining within certain geographical boundaries, notifying the department of changes in address or employment, and paying supervision fee assessments. These offenders are also prohibited from owning, using, or possessing firearms or ammunition.

In general, these offenders are not specifically required as a condition of their supervision, placement, or service to obey all criminal laws. They receive no punishment under their old sentences; they are punished only for new felonies. The only exception is that offenders who are sentenced under the first-time offender waiver can be required to obey all criminal laws.

Sanctions for Violations. An offender who violates a term of community supervision, community placement, or community service may receive additional punishment. The potential punishment for a person who violates a condition of community supervision or community service includes up to 60 days in the county jail for each violation. The potential punishment for a person who violates a condition of community placement depends on whether the person committed the violation while on community custody or post-release supervision. For community custody violations, the person may be returned to prison for the remainder of the sentence imposed by the judge; for post-release supervision violations, the person may be punished with up to 60 days in the county jail for each violation.

Summary of Substitute Bill: Conditions and Restrictions. Offenders serving a term of community supervision, community placement, or community service are required to obey all criminal laws.

Available Sanctions. Any confinement time imposed for the violation of the term of community supervision, community placement, or community service is to be served consecutively with the confinement time imposed for the new felony itself.

Substitute Bill Compared to Original Bill: The original bill did not expressly address the issue of whether the confinement time imposed for violation of the old sentence is to be served consecutively with the confinement time imposed for the new felony.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: The "obey all criminal laws" requirement should be part of every sentence of community supervision, community placement, or community service, not just those sentences imposed under the first-time offender waiver. An issue exists as to whether the confinement time for the violation should be served consecutively or concurrently with the confinement time for the new felony.

Testimony Against: None.

Testified: Dave Savage, Department of Corrections (pro); and Tom McBride, Washington Association of Prosecuting Attorneys (providing background information).