HOUSE BILL REPORT
SSB 5905

As Passed House - Amended:
April 12, 1995

Title: An act relating to persistent prison misbehavior.

Brief Description: Penalizing persistent prison misbehavior.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Long, Hargrove, Roach, Smith, Winsley, Schow, Swecker, Haugen, Quigley, Hale, Strannigan, McCaslin, Finkbeiner, West, Bauer, Rasmussen and Oke).

Brief History:
  Committee Activity:
    Corrections: 3/22/95, 3/29/95 [DPA].
  Floor Activity:
    Amended.
    Passed House: 4/12/95, 84-11.

HOUSE COMMITTEE ON CORRECTIONS

Majority Report: Do pass as amended. Signed by 6 members: Representatives Blanton, Vice Chairman; Sherstad, Vice Chairman; Koster; Radcliff; K. Schmidt and Schoesler.

Minority Report: Do not pass. Signed by 4 members: Representatives Quall, Ranking Minority Member; Tokuda, Assistant Ranking Minority Member; Cole and Dickerson.

Staff: Rick Neidhardt (786-7841).

Background:

Earned early release program. An inmates in a state prison may earn time off his or her sentence by not violating prison rules and by participating in programs while in prison. An inmates may reduce his or her sentence by no more than one-third, although some inmates, depending on their offense, are limited to reducing their sentence by no more than 15 percent. This program is known as "earned early release."

Serious infractions of prison rules. When an inmate commits a serious infraction of prison rules, the inmate may be punished by losing earned early release credits. By losing these credits, the inmate loses the ability to shorten his or her sentence by the maximum amount. The more serious the infraction, the more credits the inmate is at risk of losing. If an inmate loses all earned early release credits, the inmate will be required to serve the entire sentence.

Loss of earned early release credits. Prison inmates who lose all their earned early release credits must serve the full length of the sentence imposed by the judge. It has been suggested that additional penalties should be imposed on an inmate who commits a serious infraction after already losing all his or her earned early release credits.

Summary of Bill: A new crime of persistent prison misbehavior is created. The crime is committed by a state prison inmate who knowingly commits a serious infraction, other than a class A or class B felony, after having lost all potential earned early release credits.

Serious infractions are as defined in the department's regulations.

The new crime is classified as a class C felony and is assigned a seriousness level of V under the Sentencing Reform Act. A sentence imposed for the new crime shall be served consecutively to any other sentence.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Prison inmates who receive many serious infractions have higher recidivism rates. Inmates who continually violate prison rules and are behavior problems need to be specially targeted. Under the Sentencing Reform Act, we cannot extend an inmate's sentence beyond that imposed by the judge.

Testimony Against: The bill might only apply to inmates who commit a serious infraction during the last month of confinement. Crimes committed by inmates during incarceration are already referred to the local prosecutor. Inmates are not allowed to have attorneys at the in-prison disciplinary hearings over the loss of earned early release credits, and this might have to be changed because the loss of these credits is one element of the crime created in this bill. The bill should be amended to make sure that an inmate who commits a class A or class B felony in prison will be charged with that offense rather than the class C felony offense created in this bill.

Testified: Senator Jeanine H. Long, Prime Sponsor (pro); Tom McBride, Washington Association of Prosecuting Attorneys (with concerns); Tom Rolfs, Department of Corrections (with concerns); and Talis Abolinus, Attorney General's Office (no position stated).