

# SENATE BILL REPORT

## HB 1280

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As Reported By Senate Committee On:  
Human Services & Corrections, March 21, 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:** Human Services & Corrections: 3/21/95 [DP].

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** Do pass.

Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Long, Moyer, Palmer, Prentice, Schow, Smith and Strannigan.

**Staff:** Andrea McNamara (786-7483)

**Background:** Under the Sentencing Reform Act, offenders who violate requirements or conditions of their sentences are required to return to court for a hearing where the state must prove the violation and have the court assign a sanction. If found guilty, offenders may be subject to confinement for up to 60 days for each violation. In addition, they may have their sentences converted from partial confinement or community service to total confinement, or from monetary fines to community service.

As a result of crowded court calendars and overcrowding in county jails, the Department of Corrections is experiencing difficulty in having sanctions for sentence violations imposed in a timely manner.

**Summary of Bill:** An administrative process is created for handling violations of sentence conditions where the Department of Corrections may impose sanctions through stipulated agreements with offenders. The stipulated agreement is accomplished administratively without the need for a court hearing. Sanctions are those available within the community, such as work release, home detention, treatment, counseling, and jail time.

A report of the stipulated agreement must be submitted by the department to the court for review within 72 hours after it is signed. The court may then approve the report, or schedule a hearing within 15 days to modify the sanctions. If the court holds a modification hearing, the offender may withdraw from the stipulated agreement.

Failure by the offender to comply with a stipulated sanction is an additional violation, and also allows the court to take new action on the original noncompliance.

An offender is not required to stipulate to an agreed sanction.

The court's range of sanction options, in both modification hearings and original noncompliance actions, is expanded beyond community service and confinement to include any alternative sanctions available in the community.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** This bill allows the department to handle sentence violations more efficiently.

**Testimony Against:** None.

**Testified:** Dave Savage, Director, Division of Community Corrections, Department of Corrections (pro).