

SENATE BILL REPORT

SB 5030

As Passed Senate, February 13, 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: Senators Hargrove, Fraser, Winsley and Schow; by request of Department of Corrections.

Brief History:

Committee Activity: Human Services & Corrections: 1/12/95, 1/25/95 [DP].
Passed Senate, 2/13/95, 46-0.

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 and Strannigan.

Staff: Andrea McNamara (786-7483)

Background: Currently, 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.

The Department of Corrections believes that this hearing requirement, and the limited sanctions available for violations, negatively impact both court calendars and jail overcrowding.

Summary of Bill: When an offender violates the conditions of his or her sentence, the Department of Corrections may impose sanctions through a stipulated agreement with the offender. A 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 hearing to modify the stipulated sanctions, 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 non-compliance 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: The ability to use administrative processes to handle violations of offender sentences would promote efficiency and increase the credibility of the department. A survey of counties revealed that several have a backlog of violations. Currently, eight counties use stipulated agreements to deal with offenders who violate the conditions of their sentences and this bill would make that tool available on a statewide basis. This bill will decrease the workload of the superior courts while adequately protecting offenders' rights.

Testimony Against: None.

Testified: Dave Savage, Director, Division of Community Corrections (pro); Martha Harden, Superior Court Judges Association (pro).