

SENATE BILL REPORT

SSB 5905

As Passed Senate, March 9, 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: Law & Justice: 2/27/95, 3/1/95 [DPS].

Ways & Means: 3/3/95, 3/6/95 [DPS (LAW)].

Passed Senate, 3/9/95, 47-0.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5905 be substituted therefor, and the substitute bill do pass.

Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Staff: Susan Carlson (786-7418)

Background: Prison inmates may earn early release for good conduct and participation in programs. Inmates, who commit serious infractions as defined by rules adopted by the Department of Corrections, may have their earned early release time reduced, or be denied the ability to earn early release. It has been suggested that inmates who lose all potential or earned early release time as a result of serious infractions should be subject to criminal liability for continued commission of serious infractions.

Summary of Bill: An inmate sentenced for an offense committed after August 1, 1995, commits the crime of persistent prison misbehavior if the inmate has been found to have committed one or more serious infractions at a formal prison disciplinary hearing, has lost all potential earned early release credits, and then commits another serious infraction. A serious infraction is misconduct designated as such by department rules adopted under the Administrative Procedure Act. Persistent prison misbehavior is a class C felony and is ranked at level V. Since all persons convicted of this offense have an offender score of at least one, the minimum standard range is 12+ - 14 months. The sentence imposed for this crime must be served consecutive to any sentence being served.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: The bill provides a sanction for inmates who commit a serious infraction and have already lost all early release credit as a result of previous serious infractions. These inmates are most likely to commit new offenses and it is appropriate for their continued misconduct to result in an additional prison term.

Testimony Against: None.

Testified: Senator Long, prime sponsor (pro); Tom Rolfs, Department of Corrections; Tom McBride, Washington Association of Prosecuting Attorneys (neutral).

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 5905 as recommended by Committee on Law & Justice be substituted therefor, and the substitute bill do pass.

Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, McDonald, Moyer, Pelz, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Staff: Linda Brownell (786-7913)

Testimony For: This truly gets at individuals who would reoffend. As the number of infractions increase, so does the recidivism rate. This is the best evidence that this group of offenders are likely to reoffend and this bill will help prevent this, giving the Department of Corrections another management tool. Ultimately, this will have an impact of adding at least one year of time to some offender sentences. This process is less onerous than going through superior court, but the department may have to request the statute be strengthened to survive court challenges.

Testimony Against: None.

Testified: Tom Rolfs, Department of Corrections.

House Amendment(s): The offense is redefined to cover knowingly committing a serious infraction that is not a class A or B felony, after losing all potential earned early release time credit. Also, the reference to the Administrative Procedure Act is stricken.