

SENATE BILL REPORT

SB 5906

As of February 27, 1995

Title: An act relating to disciplinary confinement.

Brief Description: Authorizing additional disciplinary confinement.

Sponsors: Senators Long, Hargrove, Haugen, Smith, Winsley, Swecker, Quigley, Hale, Finkbeiner, Strannigan, A. Anderson, West, Bauer, Rasmussen and Oke.

Brief History:

Committee Activity: Law & Justice: 2/27/95.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Susan Carlson (786-7418)

Background: Under the Sentencing Reform Act, an offender sentenced to prison may have his or her sentence reduced by up to one-third based on good conduct and good performance in prison programs. For more serious crimes, the reduction is limited to 15 percent. In either case, the amount of confinement served by the offender may be less than the amount imposed by the judge at the time of sentencing. This can be confusing and upsetting to victims and others who see offenders back in the community before the actual amount of confinement time imposed by the judge has been served.

It has been proposed that instead of earning time off of a sentence for good performance and good conduct, an inmate should receive a minimum sentence and then be subject to a specified amount of time that can be added for bad conduct or failure to participate in programs. A similar program was adopted in Minnesota in 1993, and the concept has also been considered in Michigan.

Summary of Bill: Beginning with offenses committed on or after January 1, 1996, offenders with a standard range of confinement of more than one year receive a maximum sentence which consists of two parts: (1) a mandatory term of total confinement that is equal to two-thirds of the sentence; and (2) a specified maximum term of disciplinary confinement that is equal to one-third of the sentence. For serious violent offenses or class A sex offenses, the mandatory term of total confinement must be equal to 85 percent of the sentence, and the disciplinary confinement time must be equal to 15 percent of the sentence. The mandatory term of total confinement is the minimum period of time an offender must serve in total confinement. Disciplinary confinement is time that may be imposed by the Department of Corrections due to an offender's violation of a disciplinary rule adopted by the department.

At the time of pronouncing a sentence, the court must explain the minimum amount of time the offender is going to serve in total confinement, any credit for time served in county jail,

any earned early release awarded by the county jail, and the maximum amount of time the offender may serve in disciplinary confinement.

The department may require successful participation in literacy training, employment skills training, or other education as a condition of avoiding imposition of disciplinary confinement time, if there is a determination that the inmate may substantially benefit from these programs.

The department is required to adopt by January 1, 1996, a system of disciplinary infractions that may result in the imposition of disciplinary confinement, and the length of the confinement that may be imposed for each infraction. All offenders in custody for an offense committed after December 31, 1995, must be provided a written description of this system.

Appropriation: None.

Fiscal Note: Requested on February 22, 1995.

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