

HOUSE BILL REPORT

HB 2341

As Reported By House Committee On:
Criminal Justice & Corrections
Appropriations

Title: An act relating to community custody ranges.

Brief Description: Specifying community custody ranges.

Sponsors: Representatives O'Brien, Ballasiotes, Hurst and Kenney; by request of Sentencing Guidelines Commission.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 1/19/00 [DP];

Appropriations: 1/31/00, 2/3/00 [DP].

Brief Summary of Bill

- Establishes community custody ranges for sex offenses, violent offenses, crimes against persons, and drug offenses as required by the Offender Accountability Act.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 8 members: Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Staff: Jean Ann Quinn (786-7310).

Background:

Under the Offender Accountability Act enacted in 1999, a mandatory term of community custody is required for sex offenses, violent offenses, crimes against persons, and drug offenses (other than those sentenced under the Drug Offender Sentencing Alternative (DOSA)). The Sentencing Guidelines Commission is required to establish the community custody ranges for these categories of crimes and to

present them to the Legislature. The Legislature can adopt or modify the recommendations, but if the Legislature does not act, the initial ranges recommended by the commission become law.

Beginning with crimes committed on or after July 1, 2000, the court must sentence offenders to the applicable community custody range. The term of community custody begins upon completion of the term of confinement or upon transfer to community custody in lieu of earned release, whichever occurs first. Conditions of community custody and levels of supervision are based on risk, and can include affirmative conditions such as rehabilitative treatment. If an offender violates a condition of community custody, the department may transfer the offender to a more restrictive confinement status and/or impose other available sanctions. Offenders may not be discharged from community custody before the end of the period of earned release, but the Department of Corrections may discharge an offender between the end of earned release and the end of the range, depending upon the performance of the offender and risk to the community.

Summary of Bill:

Community custody ranges are established as follows:

Sex Offenses (other than those under the Special Sex Offender Sentencing Alternative).	36 - 48 months.
Serious Violent Offenses:	24 - 48 months.
Violent Offenses:	18 - 36 months.
Crimes Against Persons:	9 - 18 months.
Drug Offenses (other than those under DOSA)	9 - 12 months.

The community custody range for an offender with multiple convictions, or for an offender convicted of an offense that meets more than one of the categories, must be based on the offense that results in the longest term of community custody. Community custody ranges are only to be included in sentences of more than 12 months. Exceptional community custody ranges, i.e., ranges either above or below the presumptive range set forth above, may be awarded if justified by substantial and compelling reasons. The total sentence, including the term of community custody, may not exceed the statutory maximum sentence for the crime.

An inaccurate cross-reference is corrected.

Appropriation: None.

Fiscal Note: Requested on January 12, 2000.

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

Testimony For: This legislation finishes unfinished business mandated by the Offender Accountability Act. Members of the Sentencing Guidelines Commission worked hard for the last year to come up with the most practical and cost-effective way to accomplish the goals of the act. When developing the standards, the commission looked carefully at their own research and research from the Washington Institute of Public Policy regarding the length of time before offenders recidivate, the rate of recidivism, and the nature of the harm done in each of the offense categories. This information was used to allocate resources appropriately.

Testimony Against: None.

Testified: (In favor) Russ Hauge, Sentencing Guidelines Commission; and Joseph Lehman, Department of Corrections.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass. Signed by 29 members: Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Parlette; Regala; Sullivan; Sump; Tokuda and Wensman.

Staff: Dave Johnson (786-7154).

Summary of Recommendation of Committee on Appropriations Compared to Recommendation of Committee on Criminal Justice & Corrections: No new changes were recommended.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: This improves public safety by supervising more dangerous offenders longer. This takes into account resources available for supervision and what research tells us about how to be effective. This legislation finishes unfinished business mandated by the Offender Accountability Act. Members of the Sentencing Guidelines Commission worked hard for the last year to come up with the most practical and cost-effective way to accomplish the goals of the act.

Testimony Against: None.

Testified: Representative Al O'Brien, prime sponsor; Representative Ida Ballasiotes; Joseph Lehman, Department of Corrections; and Russ Hauge, Kitsap County Prosecutor.