

# HOUSE BILL ANALYSIS

## SB 6223

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**Brief Description:** Reorganizing sentencing provisions.

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**Sponsors:** Senators Hargrove and Long.

**Hearing:** February 23, 2000.

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### HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

#### **BACKGROUND:**

Prior to the Sentencing Reform Act being passed in 1981 Washington had a indeterminate sentencing system whereby the parole decisions were governed or made by a parole board. Later the Legislature directed the Sentencing Guidelines Commission to come up with recommendations on how the state could move from a indeterminate sentence system to a determinate sentencing system. The Sentencing Guidelines Commission, in conjunction with a broad variety of professions in criminal justice, drafted the original Sentencing Reform Act and the Legislature passed it in 1981. The act later went into effect in 1984, however since that time there have been a number of amendments whereby the Legislature has made decisions around the perimeters of what penalties should be for criminal offenses. In addition, over the last several years, the public has also made several amendments to the original act through the initiative process.

Since 1981, the main sentencing provision in the Sentencing Reform Act has been amended approximately 36 times and now contains 25 subsections and spreads over seven pages of the code. It contains a variety of topics such as the following:

- mandatory minimum sentences;
- exceptions for imposing sentences outside of the standard sentence range (mitigating and aggravating circumstances);
- the Two Strikes and You're Out– law for persistent sex offenders;
- the Three Strikes and You're Out– law for other persistent offenders;

- first time waivers;
- Drug Offender Sentencing Alternative (DOSA);
- sentencing ranges for unranked crimes;
- Special Sex Offender Sentencing Alternative (SSOSA);
- community custody;
- requirements for legal financial obligations;
- community restitution;
- required participation for domestic violence perpetrator programs; and
- requirements for sex offender examinations and treatment.

**SUMMARY OF BILL:**

The sentencing section of the Sentencing Reform Act is reorganized and divided into separate distinct sections within the statute. Current law remains unchanged.

Each topic in the Sentencing Reform Act section on sentences– is its own section in the statute and includes such sections as the following:

- Persistent Offenders
- Mandatory Minimum Sentences
- First Time Offender Waivers
- DOSA
- SSOSA
- Community Custody
- Sex Offender Treatment

In addition other technical corrections and clarifications are made to the act. The terms offender– and defendant– may be used interchangeably without substantive effect until July 1, 2005.

The code reviser must prepare a bill for introduction in the 2001 legislative session, if any amendments to the act are effected in the 2000 legislative session, that incorporates such amendments into the reorganization of this act and corrects any incorrect cross-references.

**FISCAL NOTE:** Not requested.

**EFFECTIVE DATE:** The bill takes effect July 1, 2001.