

SENATE BILL REPORT

EHB 2340

As Reported By Senate Committee On:
Judiciary, February 18, 2000

Title: An act relating to the termination of offenders from the special drug offender sentencing alternative.

Brief Description: Providing for removal of offenders from the drug offender sentencing alternative who are subject to a deportation order.

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

Brief History:

Committee Activity: Judiciary: 2/16/2000, 2/18/2000 [DP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Hargrove, Johnson, Long, McCaslin and Thibaudeau.

Staff: Aldo Melchiori (786-7439)

Background: The Drug Offender Sentencing Alternative (DOSA) allows a court to impose a sentence that includes confinement in a state facility for one-half of the midpoint of the standard sentencing range. The offender spends the remainder of the sentence on community custody, which includes crime-related prohibitions, affirmative conditions, drug testing, and some type of alcohol and substance abuse treatment. If an offender violates or fails to complete the DOSA sentence conditions, he or she may be reclassified to serve the remaining balance of the original sentence, but in this case there is no provision for community custody.

An offender who has been found by the United States Attorney General to be subject to a deportation order or detainer is ineligible for entry into the DOSA program.

Summary of Bill: Offenders may be administratively terminated from the DOSA program if it is determined, after sentencing, that they are subject to a deportation order. All offenders terminated from the DOSA program serve the remaining balance of the original sentence, as well as a period of community custody.

Appropriation: None.

Fiscal Note: Requested on January 12, 2000.

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

Testimony For: Offenders subject to deportation orders should not take the place of those who will remain in the state. It is a matter of conserving state resources and using them in the most efficient manner.

Testimony Against: Offenders subject to retainers should not be ineligible for DOSA.

Testified: PRO: Representative O'Brien, prime sponsor; Russ Hauge, Sentencing Guidelines Commission; Joseph Lehman, Dept. of Corrections; Sherry Appleton, WA Defender Assn. (concerns).