

SENATE BILL REPORT

ESSCR 8418

As Passed Senate, February 18, 2000

Brief Description: Reviewing state sentencing policy.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Hargrove, Heavey, Kohl-Welles, Long, Franklin and Kline).

Brief History:

Committee Activity: Judiciary: 1/21/2000, 1/24/2000 [DPS].

Ways & Means: 2/1/2000, 2/2/2000 [DPS (JUD)].

Passed Senate, 2/18/2000, 42-0.

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Concurrent Resolution No. 8418 be substituted therefor, and the substitute concurrent resolution do pass.

Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Haugen, Long, McCaslin and Thibaudeau.

Staff: Aldo Melchiori (786-7439)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Concurrent Resolution No. 8418 as recommended by Committee on Judiciary be substituted therefor, and the substitute bill do pass.

Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

Staff: Bryon Moore (786-7726)

Background: The Sentencing Guidelines Commission was created in 1981 by the Sentencing Reform Act. The commission consists of 20 voting members, 16 of whom are appointed by the Governor and four ex-officio voting members. In addition, there are two nonvoting members from each house of the Legislature.

The commission developed the initial set of guidelines and continues to advise the Legislature regarding adjustments. The commission has a continuing duty to evaluate state sentencing policy and recommend revisions or modifications to the Legislature.

Summary of Bill: The Legislature finds that numerous changes have been made to the Sentencing Reform Act and that those changes have resulted in increases in the length of prison sentences and prison population. The Legislature further finds that current fiscal

constraints demand cost effective use of tax dollars and that studies are now available which demonstrate the cost-effectiveness of various custody options.

The Sentencing Guidelines Commission is directed to conduct a comprehensive review and evaluation of sentencing policy to determine whether current sentencing ranges, standards, enhancements, and alternatives are consistent with the intent of the Legislature, to emphasize confinement for violent offenders, to provide sentencing alternatives for nonviolent offenders, and to ensure consistency with existing operational corrections capacity.

The commission must present a report to the Legislature, with recommendations, by December 1, 2001. If implementation of the recommendations would result in exceeding correctional capacity, the commission must also present a list of revised standard range sentences consistent with operational corrections capacity and the purposes of the Sentencing Reform Act.

Appropriation: None.

Fiscal Note: Available.

Testimony For: This study is needed to develop ideas on how to best handle prison growth issues. Proportionality has been compromised by piecemeal amendments to the Sentencing Reform Act. The object is to protect the public to the greatest extent possible within available resources.

Testimony Against: None.

Testified: PRO: Daniel Clark, Friend's Committee on Washington State Public Policy; Bill Jaquette, Washington Defender Association, Washington Association of Criminal Defense Lawyers; Judge Brian Gain, Sentencing Guidelines Commission; Kevin Glackin-Coley, Washington State Catholic Conference; Sara Fleming Merten, Washington Association of Churches; Sophia Byrd, Washington State Association of Counties; Thomas Karwaki, United Methodist Conference of the Pacific Northwest; David Boerner, Sentencing Guidelines Commission.