

HOUSE BILL REPORT

ESSB 5491

As Reported By House Committee On:
Corrections

Title: An act relating to sentencing.

Brief Description: Creating a task force on sentencing disparities.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Niemi and A. Smith).

Brief History:

Reported by House Committee on:
Corrections, March 30, 1993, DPA.

HOUSE COMMITTEE ON CORRECTIONS

Majority Report: Do pass as amended. Signed by 9 members: Representatives Morris, Chair; Mastin, Vice Chair; Long, Ranking Minority Member; Edmondson, Assistant Ranking Minority Member; G. Cole; L. Johnson; Ogden; Riley; and Padden.

Staff: Jim Lux (786-7841).

Background: The 1981 Sentencing Reform Act created a grid for sentencing felons. The grid relies on the seriousness of the offense for which the person is convicted and the number of prior felony convictions (criminal history). The grid establishes a standard sentence range based on the offender's current offense and criminal history.

There is no sentencing grid for misdemeanors and gross misdemeanors. A district or municipal court judge has the discretion to impose a sentence up to the statutory maximum. The statutory maximum for offenders convicted of a misdemeanor is 90 days confinement and for offenders convicted of a gross misdemeanor, one year of confinement. Some municipal courts sentence convicted misdemeanant offenders based on municipal ordinances that can be different from the statutory sentence for the same offense.

Summary of Amended Bill: A task force is created to study the relationship between felony sentences under 12 months and misdemeanor sentences. The task force will identify any disparities in misdemeanor sentencing and recommend whether legislative changes need to be made to those sentences. The task force shall report its findings to the Legislature on or before December 15, 1993. A listing of the factors causing any sentencing disparities shall be included in the task force report to the Legislature.

The task force shall consist of 16 members: two members from the House of Representatives; two members from the Senate; two district court judges; two municipal court judges; two prosecuting attorneys; two defense attorneys; two law enforcement officers; and two Superior Court judges.

Amended Bill Compared to Engrossed Substitute Bill: House staff supporting the task force is changed from Judiciary Committee staff to Corrections Committee staff.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill contains an emergency clause and takes effect on July 1, 1993.

Testimony For: Because misdemeanor sentences for the same crimes may vary in courts of limited jurisdiction, a study is necessary to determine the extent to which this is true. Fairness and proportionality are important to criminal sentencing at all levels.

Testimony Against: None.

Witnesses: None.