

SENATE BILL REPORT

SB 5897

As of February 28, 1995

Title: An act relating to authority of courts to modify sentences.

Brief Description: Authorizing courts to modify sentences to transfer offenders with serious health problems to community placement.

Sponsors: Senators Smith, Prentice and C. Anderson.

Brief History:

Committee Activity: Human Services & Corrections: 3/1/95.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Andrea McNamara (786-7483)

Background: Currently, offenders sentenced to prison may not leave the confines of the prison or be released prior to the expiration of their sentences except under certain limited conditions. One of the conditions in current law is when the Governor grants an extraordinary release for reasons of serious health problems, senility, advanced age, extraordinary meritorious acts, or other extraordinary circumstances.

The costs related to health care and custody of these offenders continue to rise as the number of aging offenders and offenders with serious health problems increases. The department anticipates that this population will continue to increase as the result of recent legislation requiring mandatory life sentences and longer sentences for certain types of offenders.

Summary of Bill: A new section is added to the Sentencing Reform Act of 1981, authorizing the sentencing court to modify sentences of certain offenders upon the recommendation of the Secretary of the Department of Corrections. Offenders may qualify for this modification by reason of serious health problems, senility, or advanced age. When a sentence is modified, the offender may be transferred from prison to community placement.

The department is directed to develop procedures for identifying qualifying offenders, making recommendations to the court, placing offenders in appropriate care facilities, and providing continuing supervision in the community setting.

The court may not modify the sentence of an offender who is otherwise eligible for a transfer to community placement under this section if certain risks or conditions are present, such as the offender is under a death sentence or is imprisoned for life without the possibility of release.

Appropriation: None.

Fiscal Note: Available.

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