

HOUSE BILL ANALYSIS

ESSCR 8418

Brief Description: Reviewing state sentencing policy.

Sponsors: Senators Hargrove and Heavey.

Hearing: February 25, 2000.

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

BACKGROUND:

The Sentencing Reform Act (SRA) of 1981, established the Sentencing Guidelines Commission (SGC), directing it to recommend to the Legislature a determinate sentencing grid for adult felonies. Prior to July 1, 1984, an offender who committed a crime received an indeterminate sentence. Since the enactment of the SRA in 1984, offenders convicted in Washington receive determinate sentences that are determined by the seriousness of the offense and by the criminal record of the offender.

In addition, over the years the commission has been charged with annually evaluating state sentencing policies with the goal of achieving consistencies between sentencing ranges and standards for the multitude of offenses defined in state law.

SUMMARY OF BILL:

The SGC must conduct a comprehensive review of state sentencing policy. The evaluation must include whether current sentencing ranges, standards and mandatory minimum sentences, sentence enhancements, and special sentencing alternatives are consistent with the purposes of the SRA enacted in 1984. The evaluation must also include whether the state's sentencing policy has remained consistent with the Legislature's original intent to emphasize confinement for the violent offender and alternatives to confinement for the non-violent offender, and whether current sentencing ranges and standards are compatible with existing corrections capacity. The review and

evaluation must include the cost-effectiveness evaluations and studies that have been performed by the Washington State Institute for Public Policy, as well as any fiscal impact that enacted sentencing policies have had on both state government and local jurisdictions.

The SGC, as part of their evaluation, must consult with the Superior Court Judges' Association, the Washington Association of Prosecuting Attorneys, the Washington Defenders' Association, the Washington Association of Criminal Defense Lawyers, the Washington Association of Sheriffs and Police Chiefs, organizations representing crime victims, and other experts on sentencing policy as part of the Commission's review and evaluation of state sentencing policy.

In addition, the study must include the commission's recommendations for revisions and modifications to Washington's sentencing policy, including sentencing ranges and standards, mandatory minimum sentences, and sentence enhancements. If implementation of the commission's recommendations will result in exceeding the capacity of correctional facilities, the commission must, simultaneously, present to the Legislature a list of revised standard sentence ranges. The sentence ranges must be consistent with current corrections capacity and with the purposes of the SRA.

The SGC must present the study to the Legislature by December 1, 2001.

FISCAL NOTE: Not requested.

EFFECTIVE DATE: Ninety days after adjournment of a session in which bill is passed.