

# SENATE BILL REPORT

## SB 5892

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As of April 4, 2013

**Title:** An act relating to reducing corrections costs.

**Brief Description:** Reducing corrections costs.

**Sponsors:** Senators Hargrove and Kline.

**Brief History:**

**Committee Activity:** Ways & Means: 4/10/13.

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### SENATE COMMITTEE ON WAYS & MEANS

**Staff:** Carma Matti-Jackson (786-7454)

**Background:** Washington's sentencing system is based on a determinate sentencing model to ensure that offenders who commit similar crimes and have similar criminal histories receive equivalent sentences and penalties. Generally, an offender who is convicted and receives a sentence of confinement greater than one year must serve that term of confinement in a state correctional facility (prison). An offender who is convicted and receives a sentence of confinement of less than one year must serve that term of confinement in a county correctional facility (jail). An offender's sentence may be reduced by earned release time earned through "good time," defined as good behavior and good performance. An offender can accumulate earned release time while serving a sentence and during pre-sentence incarceration.

Drug offenses committed on or after July 1, 2003, are divided into three seriousness levels and sentenced according to the drug grid. Offenders sentenced for Seriousness Level 1 Drug Offenses have a current offense of one of the following:

- possession or forged prescription of a controlled substance, legend drug, or marijuana;
- manufacturing, delivering, or possession with intent to deliver marijuana; or
- using a building for drug purposes.

For an offender who has a criminal history that includes three to five prior felony offenses, the court has the discretion to impose a sentence of between 6-18 months. The result is that the court may sentence the offender to either jail or prison for the same offense. This

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discretionary placement does not occur at any other seriousness level and for no other completed criminal offense.

A defendant who is charged with a crime and is awaiting trial or sentencing is detained in jail, unless they are released on bail. If the individual is found guilty and receives a sentence greater than one year, the time spent in jail detainment is included in the calculations for the offender's earned release date. Because of this, an offender may spend very little time in a state correctional facility. For example, an offender who was sentenced to 12 months may have served six months pre-trial and receive 33 percent or four months off for good time. This offender would spend no more than 60 days in a prison.

Upon booking an offender into a jail, general information concerning the inmate's ability to pay for medical care is identified. To the extent that the offender is unable to be financially responsible for medical care, the jail is responsible to pay for the offender's health care costs. Rates charged to jails for offender health care are negotiated locally, allowing differential payments to be made for the same health services depending on where the offender is housed. Necessary medical services cannot be denied or delayed because of disputes over the cost of medical care or a determination of financial responsibility.

**Summary of Bill:** The Drug Sentencing Grid is modified so that any offender who commits a Seriousness Level 1 Drug offense and has a criminal history score within the range of three to five, will serve their sentence in jail unless an exceptional sentence is imposed.

Subject to appropriation, the Department of Corrections (DOC) must contract with local jails to house offenders with earned release dates of fewer than 120 days remaining on the offender's sentence at the time the offender would otherwise be transferred to prison.

Offenders who qualify and who are entering the last 12 months of their prison sentence may earn an additional 30 days off their sentence by choosing and successfully completing a program from a DOC-approved list. The program chosen must be one not previously attempted or completed by the offender. The offender must also remain infraction free and comply with the requirements in their reentry program or the 30-day earned release credit is revoked for the duration of the offender's sentence.

Rates paid by jails for offender health care are standardized in payment methodology and may not be greater than the amount payable under the Medicaid reimbursement. Hospitals licensed and regulated by the Department of Health must as a condition of licensure, contract with jails for inpatient, outpatient, and ancillary services. At their own expense, jails may contract with DOC to participate in the federally certified statewide Medicaid payment processing system in Washington.

**Appropriation:** None

**Fiscal Note:** Requested on April 3, 2013.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Sections 1, 2, 4, and 5 take effect July 1, 2013. Section 3 takes effect September 1, 2013. Section 6 and 7 take effect ninety days after adjournment of session in which bill is passed.