

SENATE BILL REPORT

SB 6327

As of February 5, 2014

Title: An act relating to expanding the categories of offenses eligible for the parenting program with the department of corrections.

Brief Description: Expanding the categories of offenses eligible for the parenting program with the department of corrections.

Sponsors: Senators Darneille and Chase.

Brief History:

Committee Activity: Human Services & Corrections: 2/03/14.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Joan Miller (786-7784)

Background: Under certain circumstances, a court may waive imposition of an offender's sentence within the standard sentencing range and instead order an alternative sentence. In 2010 the Legislature created the Parenting Sentencing Alternative, which allows an offender to remain in the community to parent a child. As part of this alternative, the court also orders 12 months of community custody.

An offender is eligible for the Parenting Sentencing Alternative if:

- the high end of the standard sentence range for the current offense is greater than one year;
- the offender has no prior or current conviction for a felony that is a sex offense or a violent offense;
- the offender is not subject to a deportation order;
- the offender signs any release of information waivers required to allow information regarding current or prior child welfare cases to be shared with the Department of Corrections and the court; and
- the offender has physical custody of the offender's minor child, or is a legal guardian or custodian of a child, at the time of the current offense.

Violent offense means:

- any felony defined under any law as a class A felony or an attempt to commit a class A felony;

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- criminal solicitation of or criminal conspiracy to commit a class A felony;
- manslaughter in the first degree;
- manslaughter in the second degree;
- indecent liberties if committed by forcible compulsion;
- kidnapping in the second degree;
- arson in the second degree;
- assault in the second degree;
- assault of a child in the second degree;
- extortion in the first degree;
- robbery in the second degree;
- drive-by shooting;
- vehicular assault or homicide, under certain circumstances;
- any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense; and
- any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense.

A serious violent offense is a subcategory of violent offense and means:

- murder in the first degree;
- homicide by abuse;
- murder in the second degree;
- manslaughter in the first degree;
- assault in the first degree;
- kidnapping in the first degree;
- rape in the first degree;
- assault of a child in the first degree;
- an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or
- any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense.

Summary of Bill: An offender is not eligible for the Parenting Sentencing Alternative if the offender has a prior or current conviction for a felony that is a serious violent offense. An offender with a prior or current conviction for a violent offense, however, may be eligible for the alternative if the other statutory requirements are met.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: I will refer the Committee to the report the Department of Corrections (DOC) did on the Parenting Sentencing Alternative. We are very proud of this program. We believe that this bill widens the eligibility standard, not to the

extent that it would encompass a large amount of people, but it would help a few individuals who would really benefit from this program.

Persons Testifying: PRO: Anmarie Aylward, DOC.