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## Public Safety Committee

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### HB 1569

**Brief Description:** Improving the drug offender sentencing alternative.

**Sponsors:** Representatives Kagi, Goodman, Hayes, Holy, Fitzgibbon and Ormsby.

<p style="text-align: center;"><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Changes eligibility for participation in the residential chemical dependency treatment-based alternative program (otherwise known as Residential Drug Offender Sentencing Alternative).</li></ul>
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**Hearing Date:** 2/6/15

**Staff:** Yvonne Walker (786-7841).

**Background:**

For some types of offenses and offenders, sentencing courts have discretion to order alternative sentences. These are statutory alternatives to the standard sentence range for certain offenders who meet the eligibility criteria. One of these alternatives is the Residential Drug Offender Sentencing Alternative (DOSA).

An offender is eligible for the Residential DOSA program if:

- the offender is convicted of a felony that is not a violent offense or sex offense and the violation does not involve a firearm or deadly weapon sentence enhancement;
- the offender is convicted of a felony that is not a felony Driving While Under the Influence or felony Physical Control of a Vehicle While Under the Influence Offense;
- the offender has no current or prior convictions for a sex offense at any time, or violent offense within 10 years before conviction of the current offense;
- for a violation of the Uniform Controlled Substances Act (a drug violation) or a criminal solicitation to commit such a violation, the offense involved only a small quantity of the particular controlled substance as determined by the judge;

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- the offender is not subject to a federal immigration deportation detainer or order and does not become subject to a deportation order during the period of the sentence;
- the end of the standard sentence range for the current offense is greater than one year and the midpoint of the standard range is 24 months or less; and
- the offender has not received a DOSA more than once in the prior 10 years before the current offense.

To assist the court in making its determination, as to whether Residential DOSA is appropriate, the court may order an examination of the offender by the Department of Corrections. The examination must, at a minimum, address:

- whether the offender suffers from a drug addiction;
- whether that addiction makes it probable that criminal behavior will occur in the future;
- whether effective treatment for that addiction is available; and
- whether the offender and the community will benefit from the sentencing alternative.

If the sentencing court determines that the offender is eligible for an alternative sentence and that the alternative sentence is appropriate, the court shall waive imposition of a sentence within the standard sentence range; and impose a sentence consisting of either a prison-based DOSA or a Residential DOSA (a residential chemical dependency treatment-based alternative).

The Residential DOSA is only available if the midpoint of the standard range is 24 months or less. A sentence for residential DOSA includes a term of community custody equal to one-half the midpoint of the standard sentence range or two years, whichever is greater, conditioned on the offender entering and remaining in residential chemical dependency treatment for three to six months as determined by the court.

The court may bring an offender sentenced to Residential DOSA back into court at any time on its own initiative to evaluate the offender's progress in treatment or to determine if any violations of the conditions of the sentence have occurred. If the offender is brought back to court, the court may modify the terms of the community custody or impose sanctions for any violations. The court may order the offender to serve a term of total confinement within the standard range of the offender's current offense at any time during the period of community custody if the offender violates the conditions or requirements of the sentence, or if the offender is failing to make satisfactory progress in treatment. An offender ordered to serve a term of total confinement must receive credit for any time previously served.

### **Summary of Bill:**

The eligibility for Residential DOSA is expanded. The program is made available when the midpoint of the standard range of an offender's sentence is 36 months (instead of 24 months) or less.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.