

HOUSE BILL REPORT

HB 2170

*As Passed House
March 18, 1991*

Title: An act relating to sentencing of offenders.

Brief Description: Creating a task force on sentencing of adult offenders.

Sponsor(s): Representatives Appelwick, Brough and Betrozoff.

Brief History:

Reported by House Committee on:
Judiciary, March 6, 1991, DP;
Passed House, March 18, 1991, 98-0.

**HOUSE COMMITTEE ON
JUDICIARY**

Majority Report: *Do pass.* Signed by 19 members:
Representatives Appelwick, Chair; Ludwig, Vice Chair;
Padden, Ranking Minority Member; Paris, Assistant Ranking
Minority Member; Belcher; Broback; Forner; Hargrove; Inslee;
Locke; R. Meyers; Mielke; H. Myers; Riley; Scott;
D. Sommers; Tate; Vance; and Wineberry.

Staff: Pat Shelledy (786-7149).

Background: Since the Sentencing Reform Act of 1981 was enacted, the Legislature has enacted several changes in the sentencing provisions. The Legislature has not engaged in a comprehensive review of the changes enacted to determine whether the changes achieve the articulated purposes of the Sentencing Reform Act. The Legislature also has not reviewed the purposes of the act to determine whether the purposes should be modified, expanded, or prioritized.

Further, criminologists have recently advocated the development and application of a broader range of punishments between imprisonment and probation, known as "intermediate punishments." They argue that existing sentencing structures are both too lenient and too severe: too many offenders are in custody who would present no serious threat to community safety if they were under control in the community, and too many offenders are in the community who should be subject to tighter controls. The criminologists argue that if the intermediate punishment

structure is implemented properly, it can increase the effectiveness and flexibility of the determinate sentencing structure without continuing to exhaust the resources of the counties and the state.

The existing sentencing structure provides for some sentences that include alternatives to total confinement. However, those alternatives are neither as broad nor as structured as a determinate sentencing structure that integrates intermediate punishments into the structure. Further, some evidence suggests that alternative sentences are not used as often as they could be under the existing scheme.

Summary of Bill: The Task Force on Sentencing of Adult Criminal Offenders is created. The task force will have 14 members. The governor will appoint two members, the Speaker of the House will appoint six members, and the President of the Senate will appoint six members.

The six members the Speaker of the House will appoint will include two members, one from each political party, from each of the following standing committees: House Judiciary, House Human Services, and House Capital Facilities and Financing or House Appropriations or one from each. If one member is appointed from each of the fiscal committees, one appointment must be from the majority party and the other from the minority party.

The six members the President of the Senate will appoint will include two members, one from each political party, from each of the following standing committees: Senate Law and Justice, Senate Children and Family Services, and Senate Ways and Means.

The members of the task force will select a chair or co-chairs from among the membership of the task force. Staff for the task force will be provided by the Senate, the House of Representatives, and the Office of Financial Management.

The objectives of the task force will be to:

(a) Study the incarceration patterns of adult offenders convicted of violent and nonviolent offenses to determine whether the purposes of the Sentencing Reform Act of 1981 as defined in RCW 9.94A.010 are being achieved;

(b) Determine the extent to which existing alternatives to total confinement are being used and to make recommendations to ensure that alternatives to total confinement are being ordered when appropriate;

(c) Determine whether expanding sentencing options that include alternatives to total confinement and intermediate punishments would be equally or more effective than current sentencing options in achieving the purposes of the Sentencing Reform Act; and

(d) Determine whether the articulated purposes of the Sentencing Reform Act of 1981 as defined in RCW 9.94A.010, remain valid or should be modified, and if so, what new sentencing purposes would be appropriate.

The task force will consult with the sentencing guidelines commission and other interested parties to achieve the objectives of the task force.

The task force shall report to the standing committees of the Legislature and to the governor not later than December 15, 1992.

The study group will cease to exist on January 1, 1993.

Fiscal Note: Not requested.

Effective Date: This bill contains an emergency clause and takes effect immediately.

Testimony For: It is time for a review of sentencing alternatives under the Sentencing Reform Act. The Legislature needs to be made aware of the range of possible alternatives to total confinement.

Testimony Against: None.

Witnesses: Mike Frost, Washington Criminal Defense Lawyers (in favor); Don Moore, Sentencing Guidelines Commission (informational); and Mike Redman, Washington Association of Prosecuting Attorneys (in favor of concept but concerned about task force composition).