

# HOUSE BILL REPORT

## HB 2265

---

**As Reported by House Committee On:**  
Human Services

**Title:** An act relating to county supervised community options.

**Brief Description:** Regarding county supervised community options.

**Sponsors:** Representatives Goodman, Rodne, Dunshee, Kenney, Kagi, Miloscia, Roberts, Lovick, Lantz, Hunter, Upthegrove, Hurst, Strow, O'Brien and Williams.

**Brief History:**

**Committee Activity:**

Human Services: 2/20/07, 2/27/07 [DPS].

**Brief Summary of Substitute Bill**

- Permits the court to credit pre-sentence time served in a county supervised community option at the time of sentencing.
- Permits the court to authorize earned release credit consistent with the local correctional facility standards.

---

### HOUSE COMMITTEE ON HUMAN SERVICES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Dickerson, Chair; Roberts, Vice Chair; Walsh, Assistant Ranking Minority Member; Darneille, McCoy and O'Brien.

**Minority Report:** Do not pass. Signed by 2 members: Representatives Ahern, Ranking Minority Member and Bailey.

**Staff:** Sonja Hallum (786-7092).

**Background:**

Alternatives to Confinement

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Alternatives to total confinement are available for offenders with sentences of one year or less. Offenders are defined to be adults, or juveniles who have been transferred to adult court, who have been convicted of a felony.

The alternatives to confinement include the following sentence conditions that the court may order as substitutes for total confinement:

- (1) One day of partial confinement may be substituted for one day of total confinement.
- (2) For offenders convicted of nonviolent offenses only, eight hours of community service may be substituted for one day of total confinement, with a maximum conversion limit of 240 hours or 30 days. Community service hours must be completed within the period of community supervision or a time period specified by the court, which shall not exceed 24 months, pursuant to a schedule determined by the Department of Corrections (DOC).
- (3) For nonviolent and nonsex offenders, the court may authorize county jails to convert jail confinement to an available county supervised community option and may require the offender to perform affirmative conduct.

#### Earned Release

The term of the sentence of an offender committed to a correctional facility operated by the DOC may be reduced by earned release time in accordance with procedures developed by the correctional agency having jurisdiction in which the offender is confined. The earned release time is for good behavior and good performance, as determined by the correctional agency having jurisdiction.

The court may authorize county jails to convert the jail confinement of nonviolent and nonsex offenders to time in a county supervised community option at the time the offender is sentenced.

---

#### **Summary of Substitute Bill:**

The sentencing court is permitted to credit all time an offender served for a nonviolent or nonsex offense before the sentencing in an available county supervised community option.

The court may authorize the time spent by the offender in the community option to be reduced by earned release credit consistent with the local correctional facility standards.

#### **Substitute Bill Compared to Original Bill:**

The substitute bill changes the authority of the court to give credit for time served pre-sentence in a community option to give the court discretion to order the credit, rather than mandating the credit.

---

**Appropriation:** None.

**Fiscal Note:** Fiscal note for HB 1963 available.

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

**Staff Summary of Public Testimony:**

(In support) We know from King County that if we divert nonviolent offenders in to evidence-based non-incarceration options, this is a cost savings. Hopefully, this bill will provide an incentive for other counties to follow. This gives an incentive for offenders to engage in programming rather than sit in jail, unlike the disincentive that is created by the current system. These are offenders spending less than a year in jail. All of these offenders will be returning to the community. If we help these people with their issues of chemical dependency, mental health, and lack of training in life skills, it will reduce recidivism and will end up benefitting the community.

(Opposed without amendment) The prosecutors are in support of this concept, but the concern is that this is mandatory rather than discretionary for the courts. We are also concerned about liability and we need to have enough ability to control our liability.

**Persons Testifying:** (In support) Representative Goodman, prime sponsor; Mike West and David Winger, King County Department of Adult and Juvenile Detention; and Amy Muth, Washington Association of Criminal Defense Lawyers and Washington Defense Attorneys.

(Opposed without amendment) Tom McBride, Washington Association of Prosecuting Attorneys.

**Persons Signed In To Testify But Not Testifying:** None.