

# SENATE BILL REPORT

## SB 6702

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As Reported By Senate Committee On:  
Judiciary, February 08, 2008

**Title:** An act relating to treatment programs as an alternative to total confinement.

**Brief Description:** Providing treatment programs as an alternative to total confinement for offenders convicted of nonviolent and nonsex offenses.

**Sponsors:** Senators McDermott, Weinstein, Kline, Regala, Tom and Kohl-Welles.

**Brief History:**

**Committee Activity:** Judiciary: 2/08/08 [DP].

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass.

Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin, Ranking Minority Member; Carrell, Hargrove, McDermott and Weinstein.

**Staff:** Lidia Mori (786-7755)

**Background:** Alternatives to total confinement are available for offenders with sentences of one year or less. These alternatives include the following sentencing 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) in addition, for offenders convicted of nonviolent offenses only, eight hours of community restitution may be substituted for one day of total confinement, with a maximum conversion limit of 240 hours or 30 days. Community service hours are required to 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.

Proponents of this legislation believe this bill will provide courts with a tool to encourage offenders who meet the pertinent specifications to obtain treatment for conditions that contribute to the criminal activities of the offenders.

**Summary of Bill:** For offenders convicted of nonviolent and nonsex offenses with sentences of one year or less, courts may authorize county jails to convert jail confinement to a county supervised community option including the completion of a state-certified inpatient or intensive outpatient treatment program. Each day of participation in such a program is allowed to be substituted for one day of total confinement.

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*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.*

**Appropriation:** None.

**Fiscal Note:** Requested on February 7, 2008.

**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: This bill would codify what already happens in district court. It would save money for the county jails and it gives an incentive to people to get the treatment they need. It would be acceptable to waive liability for the counties for offenders who participate in these programs.

CON: If a county is placing a person outside the jail, there's concern regarding how this is handled. It can be done already. The court usually makes a decision that it wants a particular person to get treatment but this bill speaks to a person getting treatment prior to the Court approving it. The entity that is left out of the mix is the county and it might not approve the treatment program. This bill speaks to future programs, not just treatment that's already happened. The way the county controls its exposure is by checking out the program. There is concern about who is doing the necessary assessments of these people, and will there be housing, transportation and wrap around services?

**Persons Testifying:** PRO: Amy Muth, Washington Association of Criminal Defense Lawyers, Washington Defender Association.

CON: Tom McBride, Washington Association of Prosecuting Attorneys; Carey Morris, Washington State Association of Counties.