

**State Government & Tribal Affairs
Committee**

HB 2034

Brief Description: Reforming and streamlining the sentencing guidelines commission for the purpose of saving money.

Sponsors: Representatives Hudgins, Appleton, Dickerson, Hunt, Ryu and Goodman.

Brief Summary of Bill

- Eliminates or redefines the powers, duties, and functions of the Sentencing Guidelines Commission and transfers such powers, duties, and functions to the state Supreme Court, the Department of Corrections, and the Department of Social and Health Services.
- Reorganizes the structure and functions of the Sentencing Guidelines Commission to make it an advisory body answerable to the state Supreme Court, the Governor, and the Legislature.

Hearing Date: 3/31/11

Staff: Thamas Osborn (786-7129).

Background:

The Sentencing Guidelines Commission (Commission) was created by the Legislature in 1981 as part of the Sentencing Reform Act. The Commission serves as an independent body to develop criminal sentencing guidelines and standards for recommendations to the Legislature.

Commission responsibilities include annually evaluating state sentencing policies with the goal of achieving consistencies between sentencing ranges and standards for the multitude of offenses defined in state law. In 1996 the Legislature directed the Commission to assume the functions of the Juvenile Disposition Standards Commission, serving similar functions with regard to juvenile sentencing.

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.

Additional functions and duties of the Commission include:

- compilation of a yearly, cumulative record of the sentencing practices of judges and prosecutors;
- compilation of juvenile court and juvenile detention records, data, and research;
- appointment of staff for criminal justice related research;
- maintenance of the records of all sentences above or below the standard sentencing ranges;
- serving as the State Council for Interstate Adult Offender Supervision;
- reviewing sentencing standards in the event the Governor declares an emergency regarding overcrowding at state correctional facilities;
- determining the distribution of Criminal Justice Treatment Account funds;
- establishment, staffing, and maintenance of the Sex Offender Policy Board; and
- serving on the advisory panel for the Corrections Mental Health Center at McNeil Island established by the Department of Corrections (DOC) and the University of Washington.

The Commission consists of 20 voting members, 16 of whom are appointed by the Governor. The appointed members include four superior court judges, two defense attorneys, two prosecutors, four citizens, the chief of a local law enforcement agency, one county elected official, one city elected official, and one administrator of juvenile court services. There are four ex-officio voting members: the Secretary of the Department of Corrections, the Director of the Office of Financial Management, the Chair of the Indeterminate Sentence Review Board, and the head of the state agency (or his or her designee) having responsibility for juvenile corrections programs. Four legislators are appointed by the leadership of the House of Representatives and the Senate and serve as nonvoting members. Members of the Commission may receive compensation as well as reimbursement for travel and other expenses.

The Commission is authorized to appoint research staff to accomplish the duties of the Commission. In addition, the Commission may appoint a full-time executive officer whose salary is fixed by the Governor.

Summary of Bill:

The act redefines or eliminates most of the powers, duties, and functions of the Commission and transfers such powers, duties, and functions to the Department of Corrections (DOC), the state Supreme Court (Court), and the Department of Social and Health Services (DSHS). As the result of this reorganization, the Commission becomes an advisory body answerable only to the Court, the Governor, and the Legislature. The membership of the Commission is retained as is, but the appointment of voting members is made by the Court rather than the Governor. The Commission may meet only if a meeting is called by the Court, the Governor, or the Legislature.

Members of the Commission may not receive compensation or any reimbursement for travel and other expenses related to such membership.

The Commission and the DSHS are made jointly responsible for serving as a clearinghouse and information center for the collection, preparation, analysis, and dissemination of information regarding:

- state and local juvenile sentencing practices; and
- juveniles sentenced as adults.

The Commission is relieved of duties related to the compilation of a yearly, cumulative record of the sentencing practices of judges and prosecutors. Juvenile court and juvenile detention facility records collected for research and data gathering functions must be released to the DSHS rather than the Commission. The staff for conducting criminal-justice related research are appointed by the Court. In addition, the Court, rather than the Commission, is required to keep records of all sentences above or below the standard sentencing ranges.

The Court, rather than the Commission, serves as the State Council for Interstate Adult Offender Supervision (Council) and is authorized to form a subcommittee to perform the functions of the Council. The DOC is required to provide staffing and support services.

If the Governor declares an emergency regarding overcrowding at a state correctional facility, he or she may call the Court into an emergency meeting to consider sentencing standards as deemed necessary to address the emergency situation. Subject to subsequent legislative approval, the Court is authorized to adopt those revisions or amendments to sentencing standards necessitated by such correctional facility overcrowding.

The authority of the Commission to participate in the distribution of Criminal Justice Treatment Account funds is eliminated.

The act repeals statutes pertaining to the following:

- abolition of the Juvenile Disposition Standards Commission and the transfer of its powers, duties, and functions to the Commission;
- establishment of the Commission and the listing of its powers, duties, and functions;
- establishment, staffing, and maintenance of the Sex Offender Policy Board by the Commission; and
- creation of the advisory panel for the Corrections Mental Health Center at McNeil Island established by the Department of Corrections (DOC) and the University of Washington.

Appropriation: None.

Fiscal Note: Requested.

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