

HB 3380 A STAFF MEASURE SUMMARY

Carrier: Rep. Williamson

House Committee On Judiciary

Action Date: 04/17/17

Action: Do pass with amendments and rescind subsequent referral to Ways and Means. (Printed A-Eng.)

Vote: 9-0-2-0

Yeas: 9 - Barker, Gorsek, Greenlick, Olson, Post, Sanchez, Stark, Vial, Williamson

Exc: 2 - Lininger, Sprenger

Fiscal: Fiscal impact issued

Revenue: No revenue impact

Prepared By: Josh Nasbe, Counsel

WHAT THE MEASURE DOES:

Modifies Family Sentencing Alternative Pilot Program. Authorizes court to consider eligibility for program to support downward departure from prison sentence. Eliminates prohibition on offenders with previous conviction for person felony or sex crime. Provides eligibility for offenders who are pregnant at the time of sentencing. Directs Department of Corrections to establish process for selecting counties to participate in pilot.

ISSUES DISCUSSED:

- Probation program vs. diversion program; associated costs
- Outcomes for families and children; involvement with Department of Human Services foster care system
- 75 participants to date with 139 children; 2 participants revoked
- Requiring participation when eligible defendant is granted downward departure from prison
- District attorney as gatekeeper to program

EFFECT OF AMENDMENT:

Eliminates provision in introduced bill authorizing Department of Corrections to reduce term of incarceration for certain parents and legal guardians. Clarifies that if court imposes downward departure from prison sentenced based on eligibility for program, court must require offender to participate in program. Directs Department to establish process for selecting counties to participate.

BACKGROUND:

In 2015, the Legislative Assembly adopted the Family Sentencing Alternative Pilot Program, modeled on a similar program in Washington. The program is available to certain defendants who have been sentenced to probation as a departure from a prison sentence and who, at the time of the crime, had physical custody of a minor child. The program includes special conditions of probation that range from vocational training and parenting or life skills classes to drug, alcohol or mental health treatment.