

HB 3380 B STAFF MEASURE SUMMARY

Carrier: Sen. Prozanski

Senate Committee On Judiciary

Action Date: 05/30/17

Action: Do pass with amendments to the A-Eng bill. (Printed B-Eng.)

Vote: 5-0-0-0

Yeas: 5 - Dembrow, Linthicum, Manning Jr, Prozanski, Thatcher

Fiscal: Fiscal impact issued

Revenue: No revenue impact

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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, sex crime or certain crimes with mandatory minimum sentences. Provides eligibility for offenders who are pregnant at the time of sentencing or who are charged with criminal mistreatment in first degree. Directs Department of Corrections to establish process for selecting counties to participate in pilot.

ISSUES DISCUSSED:

- Supervision and services
- Domestic violence, addictions and mental illness
- Impacts on children, foster care system and prison population
- Downward departure from prison sentence

EFFECT OF AMENDMENT:

Provides eligibility for offenders charged with criminal mistreatment in first degree.

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.

House Bill 3380-B modifies the eligibility requirements for participation in the program and authorizes the court to consider eligibility for the program in determining whether to sentence a defendant to probation as a departure from a prison sentence. Under current law, defendants who have previously been convicted of, or who are currently being sentenced for, a person felony, a sex crime or certain crimes with mandatory minimum sentences are ineligible for the program. House Bill 3380-B eliminates criminal history-based ineligibility for the program and allows defendants who are currently being sentenced for criminal mistreatment in the first degree or who are pregnant at the time of sentencing, to participate in the program. In addition, the bill directs the Department of Corrections to establish a formal process for selecting counties to participate in the program.