

HB 2555 -5 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Meeting Dates: 2/19, 3/31

WHAT THE MEASURE DOES:

The measure replaces the Family Sentencing Alternative Pilot Program with a permanent **Family Sentencing Alternative Program**, a probation program for defendants who are eligible to receive a downward dispositional departure from a presumptive sentence of at least one year and who have a child.

Detailed Summary

Establishes the Family Sentencing Alternative Program (“program”):

- Limits the program to defendants whose presumptive sentence is at least one year, who are eligible for a downward dispositional departure, and who are either:
 - Pregnant at the time of sentencing or
 - The parent, legal guardian, or primary caretaker of a minor child and at the time of the offense or sentencing had physical custody of the child.
- Permits courts to order a defendant eligible for the program to sign a release of information authorizing the Department of Human Services to provide community corrections agencies certain information on dependency proceedings or child abuse allegations.
- Allows courts to consider program eligibility a mitigating factor when determining whether to sentence the defendant to probation with a requirement to participate in the program.
- Directs community corrections agencies to require the defendant’s participation in the program for the first 12 months of a probationary sentence if the agency, in consultation with the Department of Human Services, has determined that the program is appropriate for the defendant.
- Lists additional probation conditions that may be required under the program.

Requires the Department of Human Services and Department of Corrections to submit an annual report on program outcomes and data related to the efficacy of the program to the committees of the Legislative Assembly related to the judiciary.

Declares emergency, effective on passage.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-5 The amendment removes the language in the measure allowing a "primary caretaker" to be eligible for the program. The amendment also requires that a person sentenced to participate in the program participate in the program for the full probationary sentence. The amendment requires that services provided be gender-responsive in addition to culturally specific whenever possible.

REVENUE: Has minimal revenue impact.

FISCAL: Fiscal impact statement issued.

BACKGROUND:

HB 3503 (2015) established the Family Sentencing Alternative Pilot Program. A [January 2021 Report to the Senate and House Committees on Judiciary](#) noted that as of then, 212 people had participated in the program from five counties. Children of program participants on average stayed in foster care longer than the statewide

average—706 days compared to the statewide average of 649—but had shorter stays than the average time for children with incarcerated parents (1066 days). Based on a recidivism analysis included in that report of 118 program participants, the three-year recidivism or revocation rates of the participants were reduced by 12.7–17.2 percent depending on the duration of program participation.

PRELIMINARY