

HB 2555 A -A6 STAFF MEASURE SUMMARY

Joint Committee On Ways and Means

Prepared By: Steve Robbins, Budget Analyst

Meeting Dates: 6/12

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:

- 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 or legal guardian of a minor child and has physical custody of the child at the time of the offense or sentencing.
- Permits the court to order a defendant, who is otherwise 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 full probationary sentence if the agency, in consultation with the Department of Human Services, has determined that the program is appropriate for the defendant.
- Requires services provided under the program be culturally specific and gender responsive whenever possible.
- 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:

-A6 The amendment adds an appropriation to the Department of Corrections of \$2,648,236 General Fund and one position (1.00 FTE), made necessary because the pilot program from HB 3503 (2015) sunsets on July 1, 2025, and all funding had been phased out in the 2025-27 agency budget. This maintains funding at current service level for the 2025-27 biennium and the program will be included in the agency current service level in future biennia.

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.