

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL NO. 222

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 8 down through “recommendations” in line 10 and substitute “establishing certain procedures, powers, and duties; establishing the purposes and objectives of the Commission; requiring the Commission to develop a correctional population simulation model for certain purposes; requiring the Commission to submit a certain report; making this Act subject to a certain contingency”; and strike beginning with “making” in line 13 down through “1997;” in line 14.

AMENDMENT NO. 2

On page 2, after line 38, insert:

“(4) “CORRECTIONAL OPTIONS PROGRAM” MEANS A CRIMINAL SANCTION OTHER THAN TRADITIONAL PROBATION, TRADITIONAL PAROLE, OR TOTAL CONFINEMENT.”.

On page 3, in lines 1, 6, and 8, strike “(4)”, “(5)”, and “(6)”, respectively, and substitute “(5)”, “(6)”, and “(7)”, respectively; and strike in their entirety lines 21 through 23, inclusive.

AMENDMENT NO. 3

On page 3, in line 30, strike “17” and substitute “19”.

On page 4, in lines 11 and 14, in each instance, strike “TWO” and substitute “THREE”; and strike in their entirety lines 21 through 24, inclusive, and substitute:

“(12) ONE REPRESENTATIVE FROM A VICTIM’S ADVOCACY GROUP, APPOINTED BY THE GOVERNOR;

(Over)

(13) ONE REPRESENTATIVE FROM LAW ENFORCEMENT, APPOINTED BY THE GOVERNOR;

(14) ONE MEMBER WITH A BACKGROUND IN CRIMINAL JUSTICE OR CORRECTIONS POLICY WHO IS A RECOGNIZED EXPERT IN THE FIELD, APPOINTED BY THE GOVERNOR; AND

(15) ONE REPRESENTATIVE OF LOCAL DETENTION CENTERS, APPOINTED BY THE GOVERNOR.”.

On page 5, strike in their entirety lines 7 through 11, inclusive.

AMENDMENT NO. 4

On page 7, in lines 14 and 18, in each instance, strike “INTERMEDIATE PUNISHMENTS” and substitute “CORRECTIONAL OPTIONS PROGRAMS”; and after line 18, insert:

“(2) THE SENTENCING AND CORRECTIONAL PROCESS SHALL PURSUE THE FOLLOWING OBJECTIVES:

(I) PROMOTE SENTENCING THAT MORE ACCURATELY REFLECTS THE TIME THAT AN OFFENDER WILL ACTUALLY BE INCARCERATED;

(II) CONCENTRATE PRISON CAPACITY ON THE INCARCERATION OF VIOLENT AND CAREER OFFENDERS;

(III) REDUCE UNWARRANTED DISPARITY IN SENTENCES FOR OFFENDERS WHO HAVE COMMITTED SIMILAR OFFENSES AND HAVE SIMILAR CRIMINAL HISTORIES;

(IV) PRESERVE MEANINGFUL JUDICIAL DISCRETION IN THE IMPOSITION OF SENTENCES AND SUFFICIENT FLEXIBILITY TO PERMIT INDIVIDUALIZED SENTENCES; AND

(V) ENSURE THAT SENTENCING JUDGES IN EVERY JURISDICTION IN THE STATE ARE ABLE TO IMPOSE THE MOST APPROPRIATE CRIMINAL PENALTIES, INCLUDING CORRECTIONAL OPTIONS PROGRAMS FOR APPROPRIATE NONVIOLENT OFFENDERS.

(3) (I) THE COMMISSION SHALL DEVELOP A CORRECTIONAL POPULATION SIMULATION MODEL TO ASSIST IN DETERMINING THE STATE AND LOCAL CORRECTIONAL RESOURCES THAT:

1. ARE REQUIRED UNDER CURRENT LAWS, POLICIES, AND PRACTICES RELATING TO SENTENCING, PAROLE, AND MANDATORY SUPERVISION; AND

2. WOULD BE REQUIRED TO IMPLEMENT THE COMMISSION'S RECOMMENDATIONS.

(II) IF THE COMMISSION'S RECOMMENDATIONS WOULD RESULT IN STATE AND LOCAL INMATE POPULATIONS THAT WOULD EXCEED THE OPERATING CAPACITIES OF AVAILABLE FACILITIES, THEN THE COMMISSION SHALL PRESENT ADDITIONAL SENTENCING MODEL ALTERNATIVES CONSISTENT WITH THESE CAPACITIES.”.

On page 9, strike in their entirety lines 4 through 10, inclusive.

AMENDMENT NO. 5

On page 12, in line 22, strike “JUNE” and substitute “SEPTEMBER”; and strike beginning with “The” in line 37 down through “statute.” in line 39.