
Human Services Committee

HB 2393

Brief Description: Improving public safety by improving state supervision of felony offenders in the community.

Sponsors: Representatives Pearson, Ahern, Ross and Warnick.

Brief Summary of Bill

- Changes provisions relating to offenders including sanctions for violations of community custody, searches of offenders on community custody, and the amount of earned release time an offender may receive.

Hearing Date: 3/20/07

Staff: Sonja Hallum (786-7092).

Background:

Community Custody Violations

"Community custody" means that portion of an offender's sentence of confinement served in the community subject to controls placed on the offender's movement and activities by the Department of Corrections (DOC).

If the offender violates the conditions of community custody, the offender may be required to serve up to the remaining portion of the sentence, less credit of any period actually spent in community custody or in detention awaiting disposition on the alleged violation. However, if a sex offender violates any condition of community custody the DOC may impose a sanction of up to 60 days confinement in a local correctional facility for each violation. Additionally, if the offender has served his maximum term of confinement, the DOC may impose a sanction of up to 60 days to be served in the community through programs such as work release, work crew, daily reporting, electronic monitoring, community restitution, inpatient treatment, or educational or counseling sessions.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

An offender accused of violating a condition of community custody is entitled to a hearing before the DOC before sanctions are imposed. The hearing is considered a disciplinary hearing and is not subject to the requirements of the Administrative Procedure Act.

Searches

If there is reasonable cause to believe that an offender has violated a condition or requirement of the sentence, an offender may be required to submit to a search of the offender's person, residence, automobile, or other personal property.

Earned Release

The DOC may reduce an offender's term of confinement through earned release time. Earned release time may be granted for good behavior and good performance and can be taken away for disciplinary reasons.

An offender convicted of a serious violent offense or a class A felony sex offense, on or after July 1, 2003, may obtain earned release time. Such an offender may not have his or her term reduced by more than 10 percent via earned release time.

Certain other offenders can have their confinement reduced by up to 50 percent. The DOC must perform a risk assessment of eligible offenders and classify them into four risk groups. An offender may have his or her term of confinement reduced by up to 50 percent via earned early release time if he or she is among the lowest risk offenders and does not have criminal history that would preclude the offender from being eligible for the earned release.

Summary of Bill:

Community Custody Violations

Crimes Committed Before the Effective Date of this Act

For all offenders sentenced to a term of community custody for crimes that occur prior to the effective date of this Act who violate any condition of community Custody, the DOC may impose up to 60 days confinement in a local correctional facility for each violation.

Crimes Committed After the Effective Date of the Act

For all offenders sentenced to a term of community custody for crimes that occur after the effective date of this Act who violate any condition of community custody, the DOC may impose, for each violation, a sanction of total confinement in a local correctional facility for any period of time that does not exceed the offender's remaining term of community custody.

For offenders other than sex offenders, the DOC may impose community sanctions for violations.

Searches

The Legislature finds that all searches of offenders on community custody are reasonable even absent reasonable cause because offenders on community custody have the same expectation of privacy as offenders who are incarcerated and offenders who are incarcerated are subject to random, unannounced searches.

When a court sentences an offender to a period of community custody for a crime committed on or after the effective date of this Act, the court must impose the condition that the offender submit to random, unannounced inspections of his or her person, residence, automobile, or other personal property while on community custody.

The DOC is required to perform an inspection of the offender's person, residence, automobile or other personal property whenever the offender is on community custody and is suspected of violating the terms of supervision. Additionally, the DOC is required to perform random, unannounced inspections of an offender's person, residence, automobile or other personal property whenever the offender is on community custody for an offense committed on or after the effective date of the Act. Reasonable cause is not required to conduct searches if the offender is on community custody for an offense committed on or after the effective date of the Act.

Earned Release

An offender who is serving a sentence for a crime committed on or after the effective date of this Act may earn early release time that may not exceed 10 percent of the sentence.

Appropriation: None.

Fiscal Note: Requested on March 19, 2007.

Effective Date: This bill contains an emergency clause and takes effect immediately.