
**Public Safety & Emergency Preparedness
Committee**

HB 2781

Brief Description: Imposing a sanction for offenders who violate sentence conditions by committing an assault against a law enforcement officer, employee of a law enforcement agency, or department of corrections employee.

Sponsors: Representatives Hurst, Morrell, Kelley, Wallace, Pearson, Ericks, Klippert, Conway, Haigh, Roach and Simpson; by request of Department of Corrections.

Brief Summary of Bill

- Requires an offender to serve a mandatory minimum term in total confinement for a violation of community custody against an employee of a law enforcement agency.

Hearing Date: 1/19/10

Staff: Yvonne Walker (786-7841).

Background:

"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).

The DOC must supervise all felony offenders sentenced to community custody that are classified as high risk to offend and certain other felony offenders. The DOC must supervise all sex offenders, including those whose sole offense is failure to register, regardless of risk. The DOC must also supervise offenders classified as: (1) dangerous mentally ill offenders; (2) those with indeterminate sentences; (3) those required to be supervised under the Interstate Compact for Adult Offender Supervision; and (4) offenders sentenced to special sentencing alternatives.

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.

While on community custody, offenders are subject to a variety of conditions. For example, unless waived by the court, the terms of an offender's community custody must include:

- reporting to a community corrections officer;
- working at the DOC approved education, employment, or community restitution;
- refraining from possessing or consuming controlled substances;
- paying supervision fees; and
- obtaining prior DOC approval for residence location and living arrangements.

In addition, the court may impose a variety of conditions of community custody, including:

- remaining within, or outside of, specified geographical boundaries;
- refraining from contacting the victim or a specified class of individuals;
- participating in counseling;
- refraining from consuming alcohol; or
- complying with crime-related conditions.

The DOC is also authorized to impose conditions of community custody as long as they do not conflict with any court-ordered conditions. The conditions the DOC may order include electronic monitoring.

If the offender violates the conditions of community custody, the offender may be required to serve up to 60 days of confinement for each violation. In lieu of confinement, an offender may be sanctioned with work release; home detention with electronic monitoring; work crew; community restitution; inpatient treatment; daily reporting; curfew; educational or counseling sessions; or any other sanctions available in the community.

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. For offenders not in total confinement, the hearing must be held within 15 days but no less than 24 hours, after notice of violation.

Summary of Bill:

A mandatory minimum term of imprisonment is established for a violation of community custody against an employee of a law enforcement agency.

An offender must be sanctioned one year in total confinement if he or she violates community custody by assaulting a law enforcement officer, an employee of a law enforcement agency, or an employee of the DOC who was performing his or her official duties at the time of the assault. The sanction must be served consecutively to any other sanction for any other violation. Under no circumstances may the sanction or period of supervision exceed the maximum sentence allowed.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.