
Human Services Committee

SJM 8026

Brief Description: Requesting the Interstate Commission for Adult Offender Supervision immediately initiate its emergency rule-making process.

Sponsors: Senators Regala, Hargrove, Brandland, Kohl-Welles, Stevens, Shin, Carrell, Hatfield, Jacobsen, Ranker, Oemig, Eide, Marr, McDermott, Haugen, Hobbs, Kilmer, Kline, Berkey, Kauffman, Prentice, Tom, Gordon, Fraser, McAuliffe, Franklin and Keiser.

Brief Summary of Bill

- Requests the Interstate Commission for Adult Offender Supervision to immediately initiate its emergency rule-making process to adopt rule amendments to provide the receiving state with more information about an offender and to authorize the receiving state to determine when it can no longer safely supervise an offender.

Hearing Date: 2/17/10

Staff: Linda Merelle (786-7092).

Background:

Interstate Compact for Supervision of Adult Offenders.

Many offenders are subject to some form of supervision once they are released from the Department of Corrections. While offenders may be permitted to travel to other states, courts have held that an individual's constitutional right to travel is extinguished by a valid conviction followed by imprisonment, and it remains so while the offender is on parole or probation.

Congress has expressly authorized states to enter into compacts or agreements such as the Interstate Compact for the Supervision of Adult Offenders (Interstate Compact). In 2001, pursuant to Substitute Senate Bill 5118, the Legislature enacted the Interstate Compact into Washington state law. The Interstate Compact provides a formal means for controlling the interstate movement for offenders who are under the supervision of a member state's department

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of corrections. All member states act as both receiving and sending states for offenders. All 50 states plus Puerto Rico, the U.S. Virgin Islands, and the District of Columbia are members of the Interstate Compact.

Under the Interstate Compact, an Interstate Commission is created which establishes uniform procedures to manage the movement between states of adults placed under supervision. The Interstate Commission has the power to adopt bylaws governing the management and operation of the Interstate Commission and to make rules which have the force and effect of statutory law. Such rules are binding upon the states that are members of the Interstate Compact.

Pursuant to the Interstate Compact statute enacted in 2001 and the bylaws enacted by the interstate commission, once effective, the Interstate Compact shall continue in force and remain binding upon the compacting state unless the compacting state withdraws. A compacting state may only withdraw by repealing the statute which enacted the compact into law.

All states participating in the Interstate Compact have an equal vote in its governance.

Summary of Bill:

The Legislature requests that the Interstate Commission immediately initiate its emergency rule-making process to consider and adopt rule amendments to provide the receiving state with more information about the offender, as well as give the receiving state the authority to determine when it can no longer safely supervise an offender. Alternatively, it is requested that these issues be addressed through federal legislation.

Appropriation: None.

Fiscal Note: Not requested.