

FINAL BILL REPORT

SHB 1438

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Synopsis as Enacted

Brief Description: Concerning the interstate compact for adult offender supervision.

Sponsors: House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Kelley and Dammeier).

House Committee on Public Safety & Emergency Preparedness
Senate Committee on Human Services & Corrections

Background:

Many offenders are subject to some form of supervision once they are released from the Department of Corrections (DOC). 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.

The United States Congress has expressly authorized states to enter into compacts or agreements such as the Interstate Compact for Adult Offenders Supervision (Interstate Compact). In 2001, pursuant to Substitute Senate Bill 5118, the Interstate Compact was enacted into Washington law. The Interstate Compact provides a formal means for controlling the interstate movement of offenders who are under the supervision of a member state's department of corrections. All 50 states plus Puerto Rico, the United States Virgin Islands, and the District of Columbia are members of the Interstate Compact.

Under the Interstate Compact, an Interstate Commission (Commission) was created which establishes uniform procedures to manage the movement between states of adults placed under supervision. The Commission has the power to adopt bylaws governing the management and operation of the 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 Commission, once effective the Interstate Compact continues in force and remain binding upon the member state unless the member state withdraws. Under the Interstate Compact, a

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member state may only withdraw by repealing the statute which enacted the compact into law.

If the Commission determines that any member state has defaulted on any of its obligations or responsibilities under the Interstate Compact or its bylaws, it may impose penalties, such as fines, fees, or a suspension, and may seek judicial action to enforce any penalties.

By the end of the year 2010, the DOC was supervising approximately 2,342 felony offenders on behalf of other states under the Interstate Compact, while other states were supervising approximately 803 offenders on Washington's behalf.

Summary:

The Legislature has determined that it is necessary to examine patterns related to the exchange of out-of-state offenders needing supervision.

Following the enactment of this act, at the next meeting of the Commission, Washington's representatives on the Commission must seek a resolution regarding any inequitable distribution of costs, benefits, and obligations affecting Washington under the Interstate Compact.

Votes on Final Passage:

House	97	0
Senate	48	0

Effective: July 22, 2011