

HOUSE BILL REPORT

HB 2533

As Reported By House Committee On:
Law & Justice

Title: An act relating to misdemeanor probation services.

Brief Description: Revising misdemeanor probation programs.

Sponsors: Representatives Hickel, Sheahan, Cody, Sterk, Smith, Morris and Dellwo.

Brief History:

Committee Activity:

Law & Justice: 1/31/96, 2/1/96 [DPS].

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 15 members: Representatives Sheahan, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Dellwo, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Cody; Lambert; McMahan; Morris; Murray; Smith; Sterk and Veloria.

Minority Report: Do not pass. Signed by 2 members: Representatives Chappell and Robertson.

Staff: Edie Adams (786-7180).

Background: Probation is a sentencing option available for imposition against a person found guilty of a crime. Probation may be ordered in addition to or in lieu of any other penalty, including imprisonment. An offender sentenced to probation must meet certain conditions of probation set by the court. An offender sentenced to probation must report to a probation officer and must follow the instructions of the probation officer.

Offenders convicted of misdemeanors and gross misdemeanors in municipal or district courts and sentenced to probation are referred to local probation departments. Offenders convicted of misdemeanors or gross misdemeanors in superior courts and sentenced to probation are referred to the Department of Corrections (DOC).

Municipal and district court judges may impose a monthly assessment of not more than \$50 on persons referred to local probation departments. In 1995, the Legislature increased the fee that DOC may impose on probationers under its jurisdiction to \$100.

Summary of Substitute Bill: The provision of law allowing a referral assessment for probation services is amended to clarify the language. The maximum monthly fee that a judge of a municipal or district court may levy upon a person when the person is referred to the misdemeanor probation department for evaluation or services is increased from \$50 to \$100.

The Office of the Administrator for the Courts (OAC) is directed to define a probation department and to adopt rules for the qualifications of probation officers. These rules are to be developed by an oversight committee consisting of representatives of district and municipal courts, the misdemeanor corrections association, OAC, and cities and counties. The oversight committee is directed to consider the qualifications needed to ensure that probation officers have the training and education necessary to conduct pre-sentencing and post-sentencing recommendations and to provide ongoing supervision and assessment of offenders' needs and the risk they pose to the community.

Substitute Bill Compared to Original Bill: The substitute bill deletes the requirement in the original bill that any probation officer hired after July 1, 1996, must have a bachelor of arts degree in criminal justice, social service, or a related field that provides necessary training to perform the functions of a probation officer.

Appropriation: None.

Fiscal Note: Requested on January 26, 1996.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: The costs of running the probation department should be borne by the offenders using the probation department's services. Last session the Legislature increased the fee the Department of Corrections could charge for misdemeanants referred to the department by superior courts to \$100.

Testimony Against: None.

Testified: Judge John McCarthy, Washington State Municipal and District Court Judges Association (pro); and Tom Ball, Thurston County District Court, Probation Department (pro).