

# HOUSE BILL REPORT

## ESHB 1491

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### As Passed House:

January 15, 1996

**Title:** An act relating to restricting eligibility for partial confinement for sex offenders and serious violent offenders.

**Brief Description:** Restricting work release eligibility.

**Sponsors:** By House Committee on Corrections (originally sponsored by Representatives Ballasiotes, Costa, K. Schmidt, Delvin, Kessler, Sheldon, Tokuda, Mitchell, Dickerson, Kremen, Robertson, Hymes, Schoesler, Mastin, Benton, Basich, Foreman, Dyer, Lisk, Pelesky, Sherstad, Chandler, Smith, Boldt, Hankins, Carrell, Beeksmas, Quall, Stevens, Horn, Van Luven, L. Thomas, Goldsmith, Hickel, Cole, Fuhrman, Radcliff, Blanton, Thompson, Honeyford, Clements, Cooke, Brumsickle, Mielke, Padden, Sheahan, Chopp, Campbell, Conway, McMorris, Scott, Mulliken, D. Schmidt, Koster, Ebersole, Backlund, Dellwo, Wolfe, Rust, Johnson, Jacobsen, Lambert, Patterson, Poulsen, Brown, Huff, McMahan and Morris).

### Brief History:

#### Committee Activity:

Corrections: 2/10/95, 2/22/95 [DPS].

#### Floor Activity:

Passed House: 3/8/95, 97-0;

Passed House: 1/16/96, 93-0.

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## HOUSE COMMITTEE ON CORRECTIONS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Ballasiotes, Chairman; Blanton, Vice Chairman; Sherstad, Vice Chairman; Quall, Ranking Minority Member; Tokuda, Assistant Ranking Minority Member; Cole; Dickerson; Koster; Radcliff; K. Schmidt and Schoesler.

**Staff:** Rick Neidhardt (786-7841).

**Background:** The Department of Corrections operates work release programs at various locations around the state. These programs allow inmates to leave the prison facility for specified hours of each day in order to work or otherwise re-establish themselves in the community. The inmates return to the facility for the rest of the day.

Prison inmates are limited to serving no more than their final six months of confinement in a work release program. Current law does not restrict which types of offenders the department may place in work release.

A concern exists that sex offenders and serious violent offenders should not be eligible for prison work release programs. Sex offenses are defined as including rape, rape of a child, child molestation, sexual misconduct with a minor (first degree), indecent liberties, incest, felony violations of communicating with a minor for immoral purposes, and felonies specially found to have been committed with sexual motivation. Serious violent offenses are defined as including first and second degree murder, homicide by abuse, first degree assault, first degree kidnapping, first degree rape, and first degree assault of a child.

**Summary of Bill:** Sex offenders and serious violent offenders in state prisons are not eligible for work release. The secretary of the Department of Corrections may make case-by-case exceptions for mentally ill offenders or developmentally disabled offenders if the secretary concludes the public will not be jeopardized and if the offender is placed in a work release facility that specializes in serving mentally ill or developmentally disabled offenders.

**Engrossed Substitute Bill Compared to Substitute Bill:** The engrossed bill makes a technical amendment to reflect a 1995 amendment to the underlying statute.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** (On the original bill.) The Department of Corrections should be given authority to make exceptions for special needs offenders, such as mentally ill offenders and developmentally disabled offenders.

**Testimony Against:** (On the original bill.) The bill should not be applied to work release programs operated by local jails. Jail inmates are serving shorter sentences than prison inmates and are generally less dangerous than prison inmates. Some of the sex offenders in jails are serving time under the Special Sex Offender Sentencing Alternative (SSOSA), and thus these offenders have already been determined to be treatable in the community.

**Testified:** Walter Palmer, Washington Association of Criminal Defense Lawyers (con); Dave Savage, Department of Corrections (pro, with suggestions).