

# SENATE BILL REPORT

## ESHB 1491

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As Reported By Senate Committee On:  
Human Services & Corrections, February 23, 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:** 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, Beeksma, 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:** Human Services & Corrections: 3/23/95, 3/30/95 [DPA]; 2/14/96, 2/23/96 [DPA].

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** Do pass as amended.

Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Prentice, Schow, Smith, Strannigan, Thibaudeau and Zarelli.

**Staff:** Jodi Walker (786-7464)

**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 to participate in approved work or educational training programs within the community. 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. Department rules require offenders to be minimum custody qualified. The rules also exclude offenders with first degree rape convictions during the first three years of confinement and all offenders with first degree murder convictions, unless specifically approved by the secretary.

**Summary of Amended Bill:** Sex offenders and serious violent offenders in state prisons are not eligible for partial confinement, including work release, unless the secretary grants an

individual exception after considering public safety and circumstances of the individual offender. The department must develop guidelines for granting and denying exceptions.

In developing standards for inmate supervision policies for each work release facility, the department must set a higher level of regulation of sex offenders and serious violent offenders than is currently required of other work release participants. This includes stricter facility confinement, increased staff supervision, and greater limitations in the use of sponsor escorts.

**Amended Bill Compared to Substitute Bill:** The striking amendment allows the secretary to make an exception for any sex offender or serious violent offender after considering public safety and circumstances of the individual offender. The department must develop guidelines for granting and denying these exceptions. The original bill only allowed exceptions for mentally ill and developmentally disabled offenders, and these offenders had to be placed in a specialized facility.

In the striking amendment, while developing standards for inmate supervision policies of each work release facility, the department is instructed to set a higher level of regulation and supervision of sex offenders and serious violent offenders than is currently required of other work release participants.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** The striking amendment is supported because special needs offenders limited to certain facilities is extremely restrictive and burdensome. The department should be able to determine where special needs offenders should be placed. Current department policy is to exclude predatory placement, and a more structured release for sex offenders and serious violent offenders would be supported.

**Testimony Against:** None.

**Testified:** Representative Ballasiotes, original prime sponsor (pro); Richard Graziano, Department of Corrections (pro); Sharon Case, Pioneer Human Services (pro).