

# HOUSE BILL REPORT

## SB 5519

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**As Reported By House Committee On:**  
Criminal Justice & Corrections

**Title:** An act relating to assuring compliance with sentence conditions.

**Brief Description:** Enhancing compliance with sentence conditions.

**Sponsors:** Senators Sellar and Oke.

**Brief History:**

**Committee Activity:**

Criminal Justice & Corrections: 3/28/97, 4/4/97 [DP].

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### HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

**Majority Report:** Do pass. Signed by 9 members: Representatives Ballasiotes, Chairman; Benson, Vice Chairman; Quall, Ranking Minority Member; O'Brien, Assistant Ranking Minority Member; Blalock; Delvin; Dickerson; Mitchell and Sullivan.

**Minority Report:** Do not pass. Signed by 4 members: Representatives Koster, Vice Chairman; Cairnes; Hickel and Robertson.

**Staff:** Yvonne Walker (786-7841).

**Background:** Sentencing conditions known as crime-related prohibitions are commonly imposed by courts on offenders who are placed on community supervision, community placement, partial confinement, or the sex offender sentencing alternative. These conditions prohibit conduct that directly relates to the circumstances of the crime for which the offender was convicted, such as requiring a drug offender to not unlawfully possess or use controlled substances.

Current law states that crime-related prohibitions cannot direct an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. This provision has been read by one state appellate court to mean that the Department of Corrections may not order an offender to undergo a polygraph test to determine compliance with sentence conditions. However, another state appellate court has disagreed with this position.

Trial courts are currently authorized to impose affirmative acts as conditions in specified circumstances, such as for sex offenders, who can be ordered to participate in crime-related treatment or counseling.

**Summary of Bill:** The department is authorized to require an offender to perform affirmative acts, such as drug or polygraph tests, necessary to monitor compliance with crime-related prohibitions and other sentence conditions.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** This bill is intended to both strengthen and clarify the Department of Corrections' supervision authority to ensure offenders are complying with their sentencing conditions. It is difficult for the department to ensure that offenders are adhering to specific crime-related prohibitions as part of their sentence when there is no way to test or ensure the offender's compliance, such as through drug or polygraph testing. This bill will add a specific provision which authorizes the department to require affirmative acts necessary to monitor compliance with the order of a court.

**Testimony Against:** None.

**Testified:** Tom McBride, Washington Association of Prosecuting Attorneys; and Dave Savage, Department of Corrections.