

SENATE BILL REPORT

SB 5519

As Passed Senate, March 12, 1997

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: Human Services & Corrections: 2/11/97, 2/18/97 [DP].
Passed Senate, 3/12/97, 45-0.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass.

Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Schow and Stevens.

Staff: Kyle Thiessen (786-7754)

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: Not requested.

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

Testimony For: The bill would resolve a conflict between divisions of the state appellate court. It would allow DSHS to continue to use monitoring techniques that the department has used for years.

Testimony Against: None.

Testified: Tom McBride, Washington Association of Prosecuting Attorneys (pro); Dave Savage, DOC (pro).