

# SENATE BILL REPORT

## SB 6519

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As Reported By Senate Committee On:  
Human Services & Corrections, February 4, 1998

**Title:** An act relating to conditions of sentences.

**Brief Description:** Returning supervised offenders to custody upon a violation of terms of supervision.

**Sponsors:** Senators Roach, Benton, Goings, Rossi, Oke, Johnson, Sellar, Snyder, Zarelli, Horn, McDonald, Hale, Strannigan, McCaslin, Prentice, Schow, Fraser, Hochstatter, West, Deccio, Bauer and Rasmussen.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 2/4/98 [DPS-WM].

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** That Substitute Senate Bill No. 6519 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

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

**Staff:** Fara Daun (786-7459)

**Background:** Under current law, some persons in the community are under the supervision of the Department of Corrections (DOC). DOC has supervision authority over persons who are subject to community placement, community service, and community supervision. Community placement includes both community custody and post-release supervision. Persons subject to post-release supervision have served their full sentence of confinement.

DOC has jurisdiction over persons in community custody. The courts have jurisdiction over persons in community service, community supervision, and those persons subject to post-release supervision. DOC supervises some persons who have never been confined in a DOC facility or subject to DOC jurisdiction.

DOC may require a person under its supervision to perform affirmative acts to monitor compliance with the conditions of the sentence imposed. Persons under DOC supervision are required to follow explicitly DOC's instructions and conditions.

Under current law, only those persons whose judgment and sentence from the court imposes drug and alcohol testing are subject to random tests.

**Summary of Substitute Bill:** All persons in community placement, community service, and community supervision are subject to random drug and alcohol testing, except those offenders under post release supervision solely for the purposes of payment of court-ordered legal financial obligations.

Any person convicted of a serious violent offense or a most serious offense who violates any term, instruction, or condition of his or her supervision shall have his or her community placement, community service, or community supervision revoked.

A person whose community placement, community service, or community supervision is revoked is confined to DOC custody for the greater of the full term of the person's sentence or a sanction established by DOC, or the court, if the person is under the jurisdiction of the court.

**Substitute Bill Compared to Original Bill:** The original bill applied to all offenders in community placement, community service, or community supervision. It did not provide for court action when an offender was under court jurisdiction.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** Current law permits but does not require return to custody for offenders who violate terms of supervision. Persons in community supervision have violated the terms of their supervision without being returned to custody. Some of those people have gone on to commit serious violent offenses that they could not have committed had they been returned to custody.

**Testimony Against:** The bill covers minor violations that do not represent a threat to public safety.

**Testified:** Senator Pam Roach, prime sponsor (pro); Maggie Warren, SAFER (pro); Dave Savage, DOC (con).