

HOUSE BILL REPORT

HB 2797

As Reported By House Committee On:

Criminal Justice & Corrections

Title: An act relating to financial responsibility for confinement of offenders.

Brief Description: Changing provisions relating to financial responsibility for confinement of offenders.

Sponsors: Representatives Alexander, Ballasiotes, Mulliken, Scott, O'Brien, Doumit, DeBolt, Delvin, Koster, Benson, Schoesler, McDonald, Carlson, Parlette, Esser, Woods and Skinner.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/2/00, 2/4/00 [DPS].

Brief Summary of Substitute Bill

- Changes the financial responsibility of the Department of Corrections (DOC) with respect to costs incurred for the confinement of offenders who violate community custody or community placement.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Staff: Jean Ann Quinn (786-7310).

Background:

The DOC is responsible for supervising offenders who are serving terms of community custody or community placement. An offender who violates a condition of their community custody or community placement can be arrested and placed in

jail pending disposition of the violation. The DOC must compensate local jurisdictions at the Office of Financial Management's adjudicated rates.

Under existing law, some offenders who have been sanctioned for community custody violations remain in the local correctional facility for the complete term of the confinement sanction. The DOC is financially responsible for some of these offenders, and the local jurisdiction is responsible for others. Under the Offender Accountability Act enacted in 1999, the DOC is responsible for compensating local jurisdictions for any increase (over the 1998 numbers) in the number of offenders serving certain violation sanctions in that jurisdiction at the per diem rate equal to the lowest rate charged by the county under its contract with a municipal government.

Summary of Substitute Bill:

Effective July 1, 2002, the DOC is financially responsible for all community custody and community placement violators confined in local jails if the offender was convicted of a felony and originally sentenced to over one year of confinement. The rate at which the DOC reimburses local correctional facilities is standardized as the lowest rate charged by the county under its contract with a municipal government.

Substitute Bill Compared to Original Bill: The original bill did not specify that the local jurisdiction would be responsible for community custody violators originally sentenced to one year or less. The original bill also provided that the reimbursement rate would be based on the Office of Financial Management's adjudicated rate in some instances. The substitute bill added a delayed effective date.

Appropriation: None.

Fiscal Note: Available on PSSB 6142.

Effective Date of Substitute Bill: The bill takes effect July 1, 2002.

Testimony For: There is increased pressure on local jails due to the housing of offenders who violate parole after coming out of a state prison. We should place the financial responsibility where it is justly due. Also, it is important that the local jails be reimbursed at a fair rate. The current reimbursement formula has not been reviewed in some time. Many jails in the state are already grossly over capacity, and the situation continues to worsen. The local jurisdictions are not asking for more than reimbursement for what is the state's responsibility. Programs in local jails are not designed for long-term offenders.

Testimony Against: None.

Testified: Representative Alexander, prime sponsor; John Jeffers, Washington Association of Sheriffs and Police Chiefs; John McCroskey, Lewis County Sheriff; Jill Will, Jail Industries; Ric Bishop, Clark County Sheriff's office; and Sophia Byrd, Washington State Association of Counties.