

# HOUSE BILL REPORT

## SSB 6621

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### As Reported By House Committee On:

Criminal Justice & Corrections

**Title:** An act relating to adult offender supervision.

**Brief Description:** Creating a task force to study the interstate compact for adult offender supervision.

**Sponsors:** Senate Committee on Human Services & Corrections (originally sponsored by Senators Costa, McCaslin, Kline, Long, Heavey, Haugen, Hargrove, Thibaudeau, Zarelli, Oke, Rasmussen and Kohl-Welles).

### Brief History:

#### Committee Activity:

Criminal Justice & Corrections: 2/18/00, 2/22/00 [DPA].

#### Brief Summary of Substitute Bill (As Amended by House Committee)

- Creates a task force to study the new interstate compact for adult offenders on parole or probation to determine whether it is in the state's interest to adopt the new proposed compact.
- Recommendations must be made to the Legislature by January 1, 2001.

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### HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

**Majority Report:** Do pass as amended. 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:** Yvonne Walker (786-7841).

### Background:

Washington entered the into the current interstate compact, for offenders on probation or parole, in the late 1930s. The compact allows Washington to permit any offender convicted of an offense within Washington, and placed on probation or released on parole, to reside in any state within the U.S. including the District of Columbia, Puerto Rico, and the Virgin Islands.

In order for the offender to move to another state, such person must be a resident of or have family residing within the new "receiving" state and can obtain employment within that state. In instances where the person is not a resident of the receiving state and does not have family residing there, the receiving state must consent to have such person sent there.

Prior to Washington granting permission to an offender's move, opportunity must be granted to the receiving state to investigate the home and prospective employment of such person. A receiving state that grants permission to an offender's move into their state must also assume the duties of supervision over the probationer or parolee. In addition, if a circumstance arises such as a new criminal charge, any duly accredited officer of Washington may at any time enter the receiving state, apprehend, and retake the person on probation or parole. The receiving state may retain the offender if he or she commits any new crime within their state.

After several hearings, national surveys, meetings of the Council of State Governments, and a study by a task force appointed by the National Institute of Corrections, it was recommended that the original interstate compact be amended. As a result, the compact was revised, renamed the Interstate Compact for the Supervision of Parolees and Probationers and would do the following:

- create a structure to ensure that states abide by the interstate transfer rules that they mutually agree upon;
- create a system of administration for states to provide current notification and case information about probationers and parolees authorized to be in another state; and
- create a system with the authority to facilitate and make rules for the movement of offenders across state lines.

The new proposed compact will take effect when it has been adopted by 35 states but no sooner than July 2001.

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### **Summary of Amended Bill:**

A task force is created, by the Governor, to study the new interstate compact for adult offenders to determine whether it is in the state's interest to adopt the new proposed compact. The study must include both positive and negative aspects of

adopting the compact as well as a comparison to the current probation and parole interstate compact. The task force must include the following individuals:

- two senators and two representatives, representing both caucuses in each house;
- one superior court judge appointed by the Superior Court Judges Association;
- the attorney general or his or her designee;
- the secretary of the Department of Corrections or his or her designee;
- the chair of the Indeterminate Sentence Review Board or his or her designee;
- the chief of the Washington State Patrol or his or her designee;
- one prosecutor designated by the Washington Association of Prosecuting Attorneys;
- one defense attorney designated jointly by the Washington Defender Association and the Washington Association of Criminal Defense Lawyers;
- one sheriff or police chief designated by the Washington Association of Sheriffs and Police Chiefs; and
- two victim advocates designated by the Washington Coalition of Crime Victim Advocates.

Recommendations must be made to the Legislature by January 1, 2001. The task force is staffed by Senate Committee Services and the Office of Program Research staff.

**Amended Bill Compared to Substitute Bill:** The defense attorney appointed to the task force must be jointly selected by the Washington Defender Association and the Washington Association of Criminal Defense Lawyers.

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**Appropriation:** None.

**Fiscal Note:** Requested on February 10, 2000.

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

**Testimony For:** There is a movement to adopt a new and very complicated interstate compact. The reason a task force is being put together is to more fully study the issue to determine the pros and cons of the new compact and also, so that there are more people on both the state and local level who will be looking and become more knowledgeable on the interstate compact issue.

The Governor had anticipated creating a task force very similar to this one being proposed in this act since the new compact requires very serious review by all three branches of government. The new compact also creates an interstate commission consisting of one representative from each state. The rules adopted by that

commission can create laws for each state so it is imperative that Washington participate in the review of the new compact language. The compact will take effect when it has been adopted by 35 states, but no sooner than July 2001. If Washington does not respond or adopt the new compact, then the state will continue operating under the old 1935 statute. If this results, other states will have no obligation to tell us about any offender coming into Washington or have any obligation to supervise an offender on Washington's behalf.

The bill does not provide for a chair of the task force.

**Testimony Against:** None.

**Testified:** Senator Costa, prime sponsor; Katie Knight, Washington Defender Association; Dick Van Wagenen, Governor's Policy Office; and Ann Fiala, Department of Corrections.