

SENATE BILL REPORT

SB 5118

As Reported By Senate Committee On:
Human Services & Corrections, January 26, 2001
Ways & Means, February 22, 2001

Title: An act relating to the interstate compact for adult offender supervision.

Brief Description: Enacting the interstate compact for adult offender supervision.

Sponsors: Senators Costa, Long, Hargrove, Fairley and Oke.

Brief History:

Committee Activity: Human Services & Corrections: 1/25/01, 1/26/01 [DP].
Ways & Means: 2/21/01, 2/22/01 [DPS].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass.

Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Staff: Fara Daun (786-7459)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 5118 be substituted therefor, and the substitute bill do pass.

Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice Chair; Fraser, Hewitt, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Staff: Bryon Moore (786-7726)

Background: Offenders in Washington and other states are frequently subject to a period of supervision in the community following their release from prison or jail. Sometimes, these offenders have legitimate reasons to move from one state to another. These reasons include having family or a job in another state.

Since 1937, the supervision of offenders who moved from one state to another has been governed by the Interstate Compact for the Supervision of Parolees. All 50 states are current members. The compact authorizes each state to send offenders to other states for appropriate reasons. The sending state must notify the receiving state and secure its approval. The receiving state must approve such moves when the reasons are appropriate and supervise the offender under its own supervision laws but for the amount of time required under the sending state's law.

While the compact authorizes the transfers of supervision, it provides no mechanism for enforcing the compact provisions and no accountability for failure of a state to honor its obligations. Washington has honored its obligation and has not had serious problems with other states. Other states, however, have been less fortunate and have needed some means of enforcing the compact.

The compact has not been substantially updated since it was adopted. Each state has a compact administrator who handles the administrative functions of transferring supervision from one state to another and maintains contact with the administrators in other states.

At the end of 1999, Washington was supervising substantially more offenders than it was sending to other states. There are two factors that contribute significantly to this. First, Washington's economy and job market meant that it was possible for offenders and their families to get jobs here which led to fewer Washington offenders wanting to leave and more offenders from other states wanting to come. Second, historically Washington has supervised offenders in the community for shorter terms than other states have. Consequently, Washington offenders finish supervision and fall off the count of our offenders out-of-state faster than out-of-state offenders fall off our count.

In 2000, Washington enacted SSB 6621, which created a task force to study the new compact and recommend to the Legislature whether adopting the compact would be in the state's best interest. The task force heard presentations from DOC, the National Institute of Corrections, and the Council of State Governments and recommends adopting the compact. The three primary reasons for the task force recommendation are: (1) interstate movement of offenders needs greater attention because of rapid transportation and population mobility; (2) the enforcement provisions provide the state with tools to ensure that other states meet their agreements with Washington; and (3) when the compact takes effect, Washington will no longer have a compact relationship with the compacting states, which include Idaho, California, and Hawai'i.

Summary of Substitute Bill: The new compact is based on the same principle of reciprocity as the existing agreement. Sending states must notify receiving states and obtain their approval before sending an offender. Receiving states must accept offenders when the reasons for the move are appropriate and must supervise the offender for the sending state. Supervision is for the length of time designated under the sending state's law, but under the conditions and policies of the receiving state's law.

Each state must have a compact administrator and a State Council for Interstate Adult Offender Supervision. The state council must represent all three branches of government and victims. The Sentencing Guidelines Commission or a subcommittee that meets the membership requirements must act as the state council. The Secretary of Corrections or his or her designee is the compact administrator. DOC must provide staff to the state council.

There is a new Interstate Commission for Adult Offender Supervision. The members are the compact administrators from the member states. Each state has one vote. Non-member states may attend but may not vote. The commission sets the rules for the administration of the compact. The rules have the force of law unless they are rejected by the legislatures of a majority of the member states. The commission has a staff and is expected to assess members for its operating budget. The commission attempts to resolve disputes between

member states and offer member states technical assistance. The commission may find that a state is defaulting on its duties under the compact and impose fines, terminate a state's membership, or sue in federal court to enforce compliance.

The compact becomes effective when 35 states enact it, but not before July 1, 2001. Once it is effective, the old compact becomes ineffective as to member states. The old compact remains in effect between Washington and any non-member state or territory. Washington can withdraw from the compact by repealing the legislation.

Substitute Bill Compared to Original Bill: The \$80,000 appropriation from the state general fund is removed.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on the later of July 1, 2000 or enactment of the compact by 35 states.

Testimony For: The risk of not acting on this bill is that when the compact becomes effective, Washington would no longer have reciprocal agreements with its neighboring states. The bill provides enforcement mechanisms to ensure that each state honors its obligations.

Testimony Against: None.

Testified: Dick Van Wagenen, Office of Financial Management.