

FINAL BILL REPORT

HB 2282

C 382 L 05

Synopsis as Enacted

Brief Description: Addressing the costs of transporting offender property.

Sponsors: By Representatives Sommers, O'Brien, Haler and Skinner; by request of Department of Corrections.

House Committee on Appropriations
Senate Committee on Ways & Means

Background:

On January 13, 2005, the Washington Supreme Court (Court) in *Burton v. Lehman*, 153 Wn.2d 416(2005), held that the Department of Corrections (DOC) is required to physically convey all the personal property of convicted persons, which is held in the custody of the DOC superintendents, to the receiving superintendent when such convicted persons are transferred between the DOC institutions.

Previously, the DOC's policy was to transport two boxes of offender property free of charge when an offender transfers from location to location. The DOC excluded a number of items from the two-box limit, including state-issued transport and clothing bags, typewriters, musical instruments, electronics, and medically-issued items. All other excess property was the responsibility of the offender and was either shipped at the inmate's expense, donated, or destroyed. The Court ruled that this policy violated the state statute that required the DOC to deliver an offender's property to them when they are released from the confines of an institution as a result of being paroled, transferred, or discharged.

The Court's decision in *Burton* makes the DOC physically and financially responsible for transporting offender property. The additional shipments are estimated to cost an additional \$330,000 per year.

Summary:

The DOC is provided the authority to determine the types and amounts of property that convicted persons may possess in department facilities. This authority includes determining what property will be transported between institutions or to other jurisdictions at the DOC's expense.

If a convicted person fails to pay the costs of transporting any excess property within 90 days from the date of transfer, the excess property will be presumed abandoned and may be destroyed in accordance with the law.

A clarification is made to specify that the DOC will deliver all funds and valuable personal property to an offender when he or she is released from the custody of the DOC to community placement, community custody, or community supervision.

Votes on Final Passage:

House 91 2

Senate 44 0

Effective: May 10, 2005