

SENATE BILL REPORT

SHB 2407

As Reported By Senate Committee On:
Human Services & Corrections, February 23, 2006
Ways & Means, February 27, 2006

Title: An act relating to electronic monitoring of sex offenders.

Brief Description: Revising provisions relating to electronic monitoring of sex offenders.

Sponsors: House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Lovick, Strow, O'Brien, Ericks, Dunshee, Linville, Grant, Lantz, Kessler, Williams, Blake, Morrell, Rodne, Hunt, Conway, P. Sullivan, Springer, Takko, Kilmer, Fromhold, B. Sullivan, Hunter, Simpson, Green, Miloscia, Sells, Upthegrove, Campbell and Ormsby).

Brief History: Passed House: 2/11/06, 95-1.

Committee Activity: Human Services & Corrections: 2/20/06, 2/23/06 [DPA].
Ways & Means: 2/27/06 [DPA].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass as amended.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell, McAuliffe and Thibaudeau.

Staff: Kiki Keizer (786-7430)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended.

Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Zarelli, Ranking Minority Member; Brandland, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Thibaudeau.

Staff: Elaine Deschamps (786-7441)

Background: In addition to imposing a period of confinement as part of a sentence, a court must impose a mandatory period of "community custody" if a criminal defendant is convicted of a sex offense. "Community custody" is the period of time that an offender must be supervised in the community after release from confinement. If the offender's term of confinement is more than a year, then the court must sentence that person to between three years and four years of community custody. If the offender's term of confinement is one year or less, then a court may impose a term of community custody of up to a year.

A court is authorized to impose electronic monitoring as part of an offender's sentence. The Department of Corrections (DOC) may also impose conditions of community custody, as long as they do not contravene one of the conditions imposed by the court.

In 2003, the Legislature passed ESSB 5404, which directed the DOC to work with the Washington Association of Sheriffs and Police Chiefs (WASPC) and the Department of Social and Health Services (DSHS) to establish an electronic monitoring pilot program. The pilot program examined such issues as the cost and effectiveness of the available technology and the percentage of persons monitored who were able to pay for their own monitoring. The report to the Legislature, which articulated the results of the pilot program, stated, among other things, that the technology studied was not appropriate for use by homeless individuals. It also indicated that, of the 42 persons monitored as part of the pilot program, only 2 persons (5 percent of total) were employed, and only 1 person (2 percent of total) was in a position to pay for the monitoring.

In 2005, the Legislature passed HB 1136, which requires the DOC to work with the WASPC to establish an electronic monitoring program for low-risk offenders who violate terms of their community custody. Under the terms of that law, between January 1, 2006, and December 31, 2006, the DOC must endeavor to place at least 100 low-risk community custody violators on the electronic monitoring program per day if there are at least that many low-risk offenders who qualify for the program. A civil immunity provision protects the DOC, the WASPC, local governments, and their employees from liability unless an employee acts with gross negligence or in bad faith.

Summary of Amended Bill: The DOC may recommend, and the Indeterminate Sentence Review Board may impose, electronic monitoring as a condition of community custody for determinate-plus sex offenders. The DOC may impose electronic monitoring as a condition of community custody for those serving a term of community custody pursuant to a conviction for a sex offense.

Civil immunity is extended to the DOC, local law enforcement and the monitoring agency for acts or omissions related to information obtained through electronic monitoring.

Ways & Means Amended Bill Compared to Human Services & Corrections Amended Bill: Clarifies that the department's obligation to impose electronic monitoring is discretionary and must be implemented within existing resources.

Amended Bill Compared to Original Bill: The DOC, rather than the courts, may recommend, and the Indeterminate Sentence Review Board may impose, electronic monitoring as a condition of community custody for determinate-plus sex offenders. The DOC may impose electronic monitoring as a condition of community custody for those serving a term of community custody pursuant to a conviction for a sex offense. The DOC is included in the civil immunity provision.

Appropriation: None.

Fiscal Note: Available on original bill.

Committee/Commission/Task Force Created: No.

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

Testimony For: Electronic monitoring does have limitations but should be seriously considered as a way to know where offenders are once they are released back into the community.

Testimony Against: None.

Who Testified: PRO: Rep. John Lovick, prime sponsor.