

# SENATE BILL REPORT

## SB 5256

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As Reported By Senate Committee On:  
Human Services & Corrections, February 14, 2005

**Title:** An act relating to misdemeanors and gross misdemeanors.

**Brief Description:** Revising provisions relating to the use of risk assessments in the supervision of offenders who committed misdemeanors and gross misdemeanors.

**Sponsors:** Senators Hargrove and Stevens.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 2/1/05, 2/14/05 [DPS].

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** That Substitute Senate Bill No. 5256 be substituted therefor, and the substitute bill do pass.

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

**Staff:** Kiki Keizer (786-7430)

**Background:** In 2003, the Legislature passed ESSB 5990, which eliminated the Department of Correction's (DOC) supervision of certain felony offenders. Current law requires the DOC to perform a risk assessment of felony offenders in order to classify them into one of four risk management classifications. Rather than supervising all felony offenders, the DOC supervises only felony offenders who rank in the two highest risk management classifications or who have been convicted of specific offenses (regardless of risk classification) or who have treatment requirements, first-time offender waivers, or supervision transferred to Washington from another state.

The DOC is also responsible for supervising persons who are convicted of a misdemeanor or a gross misdemeanor in Superior Court.

**Summary of Substitute Bill:** The law requiring the DOC to perform risk assessments on felony offenders is extended to require the DOC to perform risk assessments on misdemeanor and gross misdemeanor probationers who are sentenced in Superior Court. The DOC's supervision of misdemeanor and gross misdemeanor probationers is limited to misdemeanor and gross misdemeanor probationers who are sentenced in Superior Court and who rank in the two highest risk management classifications or who have been convicted of specific offenses (regardless of risk classification) or who have treatment requirements, first-time offender waivers, or supervision transferred to Washington from another state.

**Substitute Bill Compared to Original Bill:** The Department of Corrections' responsibility to supervise misdemeanor and gross misdemeanor probationers extends only to those

probationers sentenced in Superior Court. The Department of Corrections has the authority to perform risk assessments on probationers sentenced in Superior Court.

**Appropriation:** None.

**Fiscal Note:** Requested on January 31, 2005.

**Committee/Commission/Task Force Created:** No.

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

**Testimony For The Original Bill:** The legislature previously eliminated the DOC's supervision of certain felony offenders sentenced in Superior Court. The previous legislation left out misdemeanor defendants who are sentenced in Superior Court. This bill would cover defendants who are charged with a felony in Superior Court and who later reach an agreement to plead to a misdemeanor or gross misdemeanor.

**Testimony Against:** None.

**Who Testified:** PRO: Dick Van Wagenen, Governor's Policy Office.