

SENATE BILL REPORT

HB 3161

As Reported By Senate Committee On:
Human Services & Corrections, February 28, 2008

Title: An act relating to requiring certain sex offenders to pay the costs of electronic monitoring.

Brief Description: Requiring certain sex offenders to pay the costs of electronic monitoring.

Sponsors: Representatives Smith, O'Brien, McDonald, McCune, Takko, Pearson, Bailey, Ahern, Herrera, Kristiansen, Haler, Warnick, Schindler, Sump, Orcutt, Kretz, Walsh, Hasegawa, Jarrett, Roach, Williams, Simpson, Morrell, Rodne, Kelley, Dunn and Hurst.

Brief History: Passed House: 2/12/08, 97-0.

Committee Activity: Human Services & Corrections: 2/22/08, 2/28/08 [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, Marr and McAuliffe.

Staff: Kevin Black (786-7747)

Background: In 2006 the Legislature passed House Bill 2407, which authorized imposition of electronic monitoring on offenders under the supervision of the Department of Corrections (DOC) for a period of community custody, and for offenders ordered to be released on community supervision by the Indeterminate Sentencing Review Board (ISRB). Electronic monitoring is defined as a system of electronic offender tracking, such as by global positioning technology. This form of electronic monitoring was not employed by DOC or the ISRB until November 2007, when electronic monitoring for some selected Level III sex offenders was implemented, following commitment by the Governor of \$400,000 from state emergency reserve funds. Currently, 38 offenders are subject to electronic monitoring.

DOC does not currently assess the financial means or ability to pay for any offender on community custody. DOC has not sought reimbursement for the cost of electronic monitoring from any offenders currently subject to electronic monitoring. The ISRB also does not have a mechanism for measuring financial ability of offenders. The ISRB does not collect payments from offenders.

In 2003 DOC administered a pilot program in which it imposed electronic monitoring on 42 offenders, and sought contribution for the cost of monitoring from offenders who had the ability to pay. Only one of the 42 offenders who participated in the pilot program was found

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to have the ability to contribute to the cost of monitoring after payment of other legal financial obligations.

Summary of Bill (Recommended Amendments): DOC must recover the cost of electronic monitoring from an offender to the extent that the offender is financially able.

EFFECT OF CHANGES MADE BY HUMAN SERVICES & CORRECTIONS COMMITTEE (Recommended Amendments): DOC will attempt to collect reimbursements from offenders who are ordered to receive electronic monitoring by the ISRB.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: This is straightforward. As the technology grows, monitoring will be come more affordable. In the future, there will be extraordinary technology to make neighborhoods safe, and it will be more cost effective.

OTHER: DOC has assessed people for ability to pay for electronic monitoring in the past. We are committed to having victim restitution and legal financial obligations paid first. Reports show that a small percentage of offenders are able to pay for electronic monitoring. Staff time spent assessing and collecting fees will exceed the amount of funds that could be collected, and would take time away from face-to-face supervision. Currently, we use electronic monitoring only for people who lack stable employment and housing, and by definition these offenders will not be able to pay. Over time we will increase the number of people on monitoring. The ISRB is a small agency. Collecting fees and assessing ability to pay would be a radically different job for the ISRB.

Persons Testifying: PRO: Representative Smith, prime sponsor.

OTHER: Anna Aylword, DOC; Margaret McKinney, Indeterminate Sentence Review Board.