

HOUSE BILL REPORT

SJM 8026

As Passed House:
February 28, 2010

Brief Description: Requesting the Interstate Commission for Adult Offender Supervision immediately initiate its emergency rule-making process.

Sponsors: Senators Regala, Hargrove, Brandland, Kohl-Welles, Stevens, Shin, Carrell, Hatfield, Jacobsen, Ranker, Oemig, Eide, Marr, McDermott, Haugen, Hobbs, Kilmer, Kline, Berkey, Kauffman, Prentice, Tom, Gordon, Fraser, McAuliffe, Franklin and Keiser.

Brief History:

Committee Activity:

Human Services: 2/17/10, 2/22/10 [DP].

Floor Activity:

Passed House: 2/28/10, 96-0.

Brief Summary of Bill

- Requests the Interstate Commission for Adult Offender Supervision to immediately initiate its emergency rule-making process to adopt rule amendments to provide the receiving state with more information about an offender and to authorize the receiving state to determine when it can no longer safely supervise an offender.

HOUSE COMMITTEE ON HUMAN SERVICES

Majority Report: Do pass. Signed by 8 members: Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Darneille, Green, Herrera, O'Brien and Walsh.

Staff: Linda Merelle (786-7092).

Background:

Interstate Compact for Supervision of Adult Offenders.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Many offenders are subject to some form of supervision once they are released from the Department of Corrections. While offenders may be permitted to travel to other states, courts have held that an individual's constitutional right to travel is extinguished by a valid conviction followed by imprisonment, and it remains so while the offender is on parole or probation.

Congress has expressly authorized states to enter into compacts or agreements such as the Interstate Compact for the Supervision of Adult Offenders (Interstate Compact). In 2001 pursuant to Substitute Senate Bill 5118, the Legislature enacted the Interstate Compact into Washington law. The Interstate Compact provides a formal means for controlling the interstate movement for offenders who are under the supervision of a member state's department of corrections. All member states act as both receiving and sending states for offenders. All 50 states plus Puerto Rico, the U.S. Virgin Islands, and the District of Columbia are members of the Interstate Compact.

Under the Interstate Compact, an Interstate Commission is created which establishes uniform procedures to manage the movement between states of adults placed under supervision. The Interstate Commission has the power to adopt bylaws governing the management and operation of the Interstate Commission and to make rules which have the force and effect of statutory law. Such rules are binding upon the states that are members of the Interstate Compact.

Pursuant to the Interstate Compact statute enacted in 2001 and the bylaws enacted by the Interstate Commission, once effective, the Interstate Compact shall continue in force and remain binding upon the compacting state unless the compacting state withdraws. A compacting state may only withdraw by repealing the statute which enacted the compact into law.

All states participating in the Interstate Compact have an equal vote in its governance.

Summary of Bill:

The Legislature requests that the Interstate Commission immediately initiate its emergency rule-making process to consider and adopt rule amendments to provide the receiving state with more information about the offender, as well as give the receiving state the authority to determine when it can no longer safely supervise an offender. Alternatively, it is requested that these issues be addressed through federal legislation.

Appropriation: None.

Fiscal Note: Not requested.

Staff Summary of Public Testimony:

(In support) This bill results from the terrible tragedy in Lakewood. Washington is a member of the Interstate Compact. If we withdraw, then we put ourselves in the vulnerable position of having offenders sent to our state without supervision. But when we look at the terrible tragedy in Lakewood, we could see that we and other states do not get sufficient information

to really know about someone whose supervision we are taking on to determine whether or not we have the full ability to supervise that person or whether we should return them to the sending state. It is very important to learn from and share the information from this terrible tragedy. The current charter for the Interstate Compact system dictates that the Interstate Commission will consider rule amendments every other year. The next scheduled time is 2011. This is an additional tool in our arsenal and allows us to demonstrate that it is imperative that we be given the opportunity to present and that they consider rule amendments as quickly as possible.

(Opposed) None.

Persons Testifying: Senator Regala, prime sponsor; and Scott Blonien, Department of Corrections.

Persons Signed In To Testify But Not Testifying: None.