

HOUSE BILL REPORT

HB 2171

As Reported By House Committee On:

Corrections

Title: An act relating to no-contact restrictions on sentences.

Brief Description: Extending no-contact restrictions on sentences to time in confinement.

Sponsors: Representatives McMahan, Sheahan, Delvin, Costa, Morris, Blanton, Quall, Dickerson, Thompson and Hargrove; by request of Department of Corrections.

Brief History:

Committee Activity:

Corrections: 1/12/96, 1/19/96 [DPS].

HOUSE COMMITTEE ON CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Ballasiotes, Chairman; Blanton, Vice Chairman; Sherstad, Vice Chairman; Quall, Ranking Minority Member; Tokuda, Assistant Ranking Minority Member; Cole; Dickerson; Koster; Schoesler and D. Sommers.

Staff: Diana Canzoneri (786-7156).

Background: The sentencing of adult felons is governed by Washington's Sentencing Reform Act (SRA). Under the SRA, a sentencing court may impose crime-related restrictions prohibiting the offender from having contact with a specific individual or with a specified class of individuals. This enables the court to restrict the offender's contact with persons who may be vulnerable to victimization by the offender. The no-contact prohibition must relate directly to the circumstances of the crime for which the offender has been convicted. The period of no-contact may not exceed the maximum allowable sentence for the crime.

As the law is currently written, no-contact restrictions imposed by the court clearly apply during the term of community supervision. However, the law does not state explicitly whether no-contact restrictions may also apply during incarceration.

Summary of Substitute Bill: Current law is clarified and revised to require the period of no-contact to commence upon the signing of the judgment and sentence. Any order that a sentencing court issues prohibiting an offender from having contact with other individuals or classes of individuals will take effect as soon as the judgment and sentence is signed.

The Legislature's stated intention is that the act be given retroactive effect to the greatest extent consistent with the defendants' constitutional rights.

Substitute Bill Compared to Original Bill: The substitute bill added the language on legislative intent and retroactivity.

A technical amendment is also made to correct an inaccurate reference.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The law governing when no-contact restrictions take effect is ambiguous. The Department of Corrections may be vulnerable to lawsuits if it attempts to impose no-contact restrictions during confinement if the judgment and sentence form listed no-contact restrictions only under the conditions of community supervision. As a result, sex offenders and other types of offenders are able to continue to have contact with past and potential victims while incarcerated. This bill is needed to ensure that offenders with no-contact restrictions will not have the opportunity to continue contacting past and potential victims while incarcerated. Language should be added to the bill to ensure that its provisions apply to offenders who have already been sentenced as well as to those sentenced in the future.

Testimony Against: None.

Testified: Representative Lois McMahan (Pro); and Janet Barbour, Superintendent of Twin Rivers Corrections Center (Pro).