

SENATE BILL REPORT

ESHB 1357

As Reported By Senate Committee On:
Human Services & Corrections, March 30, 1995

Title: An act relating to supervision of offenders placed on probation.

Brief Description: Authorizing counties to supervise misdemeanor offenders placed on probation.

Sponsors: House Committee on Corrections (originally sponsored by Representatives Ballasiotes, Sherstad, Cole, Costa, Blanton, Quall, Veloria, Radcliff, Campbell and Dickerson).

Brief History:

Committee Activity: Human Services & Corrections: 3/22/95, 3/30/95 [DPA].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass as amended.

Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Long, Palmer, Schow, Smith and Strannigan.

Staff: Andrea McNamara (786-7483)

Background: Generally, the Department of Corrections (DOC) is responsible for supervising felony offenders when sentences are imposed by superior courts, and counties are responsible for supervising misdemeanants and gross misdemeanants when sentences are imposed by district courts.

Historically, the state has also funded and administered the supervision of misdemeanor probationers when those sentences are imposed by superior courts. The division of community custody within DOC has had responsibility for these offenders pursuant to statutes that were enacted prior to the adoption of the Sentencing Reform Act.

During the 1994 legislative session, a proviso was added to the budget that prohibited DOC from supervising misdemeanor probationers sentenced by superior courts. Counties objected when DOC took steps to implement this change, arguing that DOC still had the responsibility for supervising these offenders because the substantive statutes had not been amended.

The Governor has ordered DOC to continue supervising superior court misdemeanants until another solution is finalized. The Washington State Law and Justice Advisory Council, a coalition of representatives from state and local agencies, has led the negotiations between counties and DOC and has proposed a solution for legislative consideration.

Summary of Amended Bill: When superior court judges order supervision of a misdemeanor or gross misdemeanor, the Department of Corrections is responsible for

supervising them. Superior court judges are no longer required to order supervision for misdemeanants who receive suspended sentences, but may continue to do so at their discretion.

The Washington State Law and Justice Advisory Council must develop standards for supervising superior court misdemeanant probationers based on recommendations from the department of corrections, county probation departments, superior and district court judges, and the Misdemeanant Corrections Association. The council must prepare its proposed standards by October 1, 1995, and the department must prepare a fiscal analysis by December 1, 1995, of how much it will cost to implement some or all of the standards.

The department is authorized to assess and collect monthly supervision fees of up to \$100 from the supervised offenders.

Amended Bill Compared to Substitute Bill: The striking amendment removes the process by which counties could elect to contract with the department to supervise superior court misdemeanants. It also removes the ability of counties to develop their own supervision standards and to collect supervision fees.

The amendment removes the directive to the council to consider the current level of available resources when developing the supervision standards, and adds the requirement that the department analyze the proposed standards for their fiscal impact.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on March 14, 1995.

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

Testimony For: The bill is in response to the current unsettled state of affairs with regard to supervising superior court misdemeanants and is necessary to help provide adequate supervision. It represents a compromise between the department and the counties, and included input from the judges. It is not likely that many counties would immediately contract to take over supervision, but it is important to have the process in place.

Testimony Against: None.

Testified: Representative Ballasiotes, original prime sponsor; Dave Savage, Director, Community Corrections (pro); Kurt Sharar, WA State Association of Counties (pro); Larry Erickson, WA Association of Sheriffs and Police Chiefs (pro); Martha Harden, Superior Court Judges Association (pro); Tom McBride, WA Association of Prosecuting Attorneys (pro).