

# SENATE BILL REPORT

## SB 5446

---

As of January 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:** Senators Smith, Schow, C. Anderson, Long, Haugen, Hargrove and Winsley.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 2/14/95.

---

### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Staff:** Andrea McNamara (786-7483)

**Background:** Historically, the state has funded and administered the supervision of misdemeanor probationers through the division of community custody. Recently, though, the state has attempted to require local authorities to take over this responsibility.

Current law does not specify whether the state Department of Corrections or local county governments are responsible for supervising misdemeanor offenders who are placed on probation.

**Summary of Bill:** The Department of Corrections is initially responsible for supervising misdemeanor probationers. The department, in consultation with county probation departments, superior and district court judges, and the misdemeanor corrections association shall establish standards for the supervision of misdemeanor offenders during their probation. These standards may establish classifications of probationers based on, among other things, the seriousness of the offense and the perceived risk to the community.

Local legislative authorities may elect, at the beginning of each biennium, to assume or continue responsibility for supervising misdemeanor probationers sentenced within their counties. When a county elects to assume or continue supervisory responsibility, the county and the department must enter into a contract that sets the maximum amount the department will pay the county for supervising the misdemeanor probationers. The county must also agree to comply with the standards of supervision established by the department.

The county is required to expend the contracted funds to cover the costs of supervision and must report to the department as requested regarding the expenditures. The department must disburse the contract payments to the county at the beginning of each fiscal year, unless the county has previously failed to apply the funds toward supervision of misdemeanor probationers or has failed to report to the department.

Counties that elect to assume or continue supervisory responsibilities may subcontract with other counties to receive or provide such probation services. Counties may also enter into partnership agreements with the department.

When a county elects not to assume or continue responsibility for supervising misdemeanor probationers, the department is required to maintain that responsibility. The department is authorized to charge misdemeanor probationers up to \$100 per month to apply toward the cost of their supervision.

Liability for any harm caused by the actions of a misdemeanor probationer is limited in the following circumstances: (1) neither the department nor the county is liable if the supervising authority has complied with the standards of supervision set by the department; (2) neither the department nor the county is liable if, for any reason, there are insufficient resources to comply with the standards of supervision; (3) the county is not liable if it has not assumed supervisory responsibility from the state; and (4) the department is not liable if the supervision provided by the county fails to meet the standards of supervision set by the department.

**Appropriation:** None.

**Fiscal Note:** Requested on January 28, 1995.

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