

# SENATE BILL REPORT

## SB 5205

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As Reported By Senate Committee On:  
Children & Family Services & Corrections, February 18, 2003

**Title:** An act relating to monitoring of sex offenders.

**Brief Description:** Providing for electronic monitoring for all level 2 and level 3 sex offenders.

**Sponsors:** Senators Roach, Shin, Hewitt, Horn, Thibaudeau, Schmidt, McCaslin, Benton, Franklin, Keiser, McAuliffe, Oke, Rasmussen, T. Sheldon and Eide.

**Brief History:**

**Committee Activity:** Children & Family Services & Corrections: 2/5/03, 2/18/03 [DPS].

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### SENATE COMMITTEE ON CHILDREN & FAMILY SERVICES & CORRECTIONS

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**Majority Report:** That Substitute Senate Bill No. 5205 be substituted therefor, and the substitute bill do pass.

Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove and McAuliffe.

**Staff:** Fara Daun (786-7459)

**Background:** Concerns have been expressed about the supervision of sex offenders in the community.

**Summary of Substitute Bill:** The Washington Association of Sheriffs and Police Chiefs (WASPC) must work with the Department of Corrections (DOC) and the Department of Social and Health Services (DSHS) to establish a pilot project to test the availability, reliability, and effectiveness of an electronic monitoring system based on passive data logging global positioning system (GPS) technology and must report back to the appropriate committees of the Legislature by December 1, 2003.

The pilot must be of sufficient size to test the system in a variety of geographical areas and under a variety of supervision conditions. The persons to be monitored are level III sex offenders over whom DOC has the authority to set conditions of supervision or who are subject to court ordered electronic monitoring as a condition of civil commitment.

The WASPC report must include a description of the technology used and of the various types of GPS technology that are actually available and appropriate for monitoring sex offenders, the availability, reliability, limitations, training requirements, costs, staffing requirements, feasibility for different populations, and a recommendation about frequency and timing of monitoring reports.

Neither DSHS nor DOC are subject to civil liability for the decision to include or exclude an individual from the pilot project. WASPC and its employees are not subject to civil liability for discretionary decisions made pursuant to the pilot project unless WASPC or its employee acted with gross negligence or in bad faith.

**Substitute Bill Compared to Original Bill:** The original bill was not considered.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** While GPS-based monitoring has worked in Florida, the geography there is significantly different and it is not clear that GPS-based monitoring will work the same way in Washington. A pilot project will answer many questions that cannot otherwise be answered. This is an additional supervision tool and may be effective as an adjunct to regular supervision.

**Testimony Against:** The costs for monitoring large populations are tremendous and it doesn't stop crimes. Although passive GPS monitoring may make crimes easier to solve, it will not prevent any crimes because it only tells DOC where an offender has been. There are areas that don't get cell phone or radio signals and it is unknown whether they would get a GPS signal. Electronic monitoring could create a false sense of security in the public. Concerns were expressed about the tendency for measures originally intended for high risk offenders to be applied to lower risk populations over time.

**Testified:** Senator Pam Roach, sponsor; Kathleen Swan, citizen (concerns); Tim Schellberg, Washington Association of Sheriffs & Police Chiefs (pro-substitute); Julie Koruce, Concerned Citizens of Auburn and Federal Way (con); Suzanne Brown, Washington Coalition of Sexual Assault Programs (pro substitute); Lin Miller, DOC (pro substitute); Ann Fiala, DOC (pro substitute).