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**SUBSTITUTE SENATE BILL 5205**

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**State of Washington**

**58th Legislature**

**2003 Regular Session**

**By** Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators Roach, Shin, Hewitt, Horn, Thibaudeau, Schmidt, McCaslin, Benton, Franklin, Keiser, McAuliffe, Oke, Rasmussen, T. Sheldon and Eide)

READ FIRST TIME 02/19/03.

1 AN ACT Relating to a pilot project for the electronic monitoring of  
2 sex offenders; and creating new sections.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature finds that the appropriate  
5 monitoring of level three sex offenders may increase public safety and  
6 that global positioning system based electronic monitoring holds  
7 promise as an adjunct to traditional methods of supervision in the  
8 community. The legislature also finds, however, that information it  
9 has been presented regarding the actual availability, reliability,  
10 price, and effectiveness of electronic monitoring based on global  
11 positioning system technology is conflicting and inconclusive. The  
12 legislature notes that some vendors have proposed systems in which no  
13 production models have yet been built or tested. Consequently, the  
14 legislature intends that a pilot project be undertaken to assess the  
15 viability of passive data logging global positioning system based  
16 electronic monitoring.

17 NEW SECTION. **Sec. 2.** (1) The Washington association of sheriffs  
18 and police chiefs shall work with the department of corrections and the

1 department of social and health services to establish a pilot project  
2 to test the availability, reliability, and effectiveness of an  
3 electronic monitoring system based on passive data logging global  
4 positioning system technology.

5 (2) The pilot project shall be of sufficient size to test the  
6 reliability of the technology in a variety of geographical  
7 circumstances including both urban and rural locations.

8 (3) The pilot project shall test the system using sex or kidnapping  
9 offenders under the jurisdiction of the department of corrections and  
10 persons civilly committed under chapter 71.09 RCW under a variety of  
11 supervision circumstances. Offenders included in the pilot project  
12 shall be offenders over whom the department of corrections has  
13 authority to establish conditions of supervision or persons who have  
14 been ordered to be electronically monitored by the court in a  
15 proceeding under chapter 71.09 RCW and who have been classified as  
16 level three offenders by the end of sentence review committee.

17 (4) The pilot project shall specifically examine the feasibility of  
18 electronic monitoring for level three sex offenders or kidnapping  
19 offenders who register as homeless or transient.

20 NEW SECTION. **Sec. 3.** (1) The Washington association of sheriffs  
21 and police chiefs shall report to the appropriate committees of the  
22 legislature and the governor on the results of the pilot project by  
23 December 1, 2003.

24 (2) The report shall discuss:

25 (a) The availability of the technology, including a description of  
26 the system used and a discussion of the various types of global  
27 positioning system based monitoring available and appropriate for a sex  
28 offender population;

29 (b) Any geographic limitations posed by the technology;

30 (c) The reliability, including the false alarm rate of the  
31 technology;

32 (d) Any training requirements for department of corrections staff  
33 or supervised persons;

34 (e) Any distinctions in effectiveness or feasibility for different  
35 supervision populations; and

36 (f) Costs, including equipment costs, monitoring fees, and any  
37 changes to department of corrections staffing levels.

1           (3) The association shall make a recommendation in the report about  
2 the frequency and timing of monitoring reports.

3           NEW SECTION.   **Sec. 4.** (1) A decision by the department of  
4 corrections or the department of social and health services to include  
5 or exclude a person from the pilot project does not provide a basis for  
6 imposition of civil damages and a decision not to include a supervised  
7 offender in the pilot project does not constitute negligent  
8 supervision.

9           (2) The Washington association of sheriffs and police chiefs and  
10 its employees working on this pilot project are immune from civil  
11 liability for damages for any discretionary decisions made pursuant to  
12 the pilot project, unless it is shown that the association or its  
13 employee acted with gross negligence or in bad faith.

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