

SENATE BILL REPORT

ESHB 1402

As Reported By Senate Committee On:
Human Services & Corrections, March 31, 2005
Ways & Means, April 4, 2005

Title: An act relating to supervision of offenders who travel or transfer to or from another state.

Brief Description: Regulating supervision of offenders who travel or transfer to or from another state.

Sponsors: House Committee on Criminal Justice & Corrections (originally sponsored by Representative O'Brien; by request of Sentencing Guidelines Commission).

Brief History: Passed House: 3/14/05, 97-0.

Committee Activity: Human Services & Corrections: 3/29/05, 3/31/05 [DPA-WM].
Ways & Means: 4/1/05, 4/4/05 [DPA(HSC)].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass as amended and be referred to Committee on Ways & Means.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell and Thibaudeau.

Staff: Fara Daun (786-7459)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended by Committee on Human Services & Corrections.

Signed by Senators Prentice, Chair; Doumit, Vice Chair; Fraser, Vice Chair; Zarelli, Ranking Minority Member; Brandland, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Thibaudeau.

Staff: Chelsea Buchanan (786-7446)

Background: Washington is a party to the Interstate Compact for Adult Offender Supervision (2002 Compact) that took effect in 2002. Washington was also a party to the prior compact that took effect in 1937 and remains a party to the 1937 Compact with regard to the state of Massachusetts and the US Virgin Islands, who are not parties to the 2002 Compact. Both Compacts govern the interstate transfer or travel of adult offenders and require a transfer agreement for each offender under supervision who moves between states. The 2002 Compact contains provisions with penalties for non-compliance by the states. Under these provisions there has been a reduction in the number of offenders entering Washington for supervision and currently the number of offenders seeking to enter and the number seeking to leave are roughly equal. Under the 1937 Compact, about three offenders entered Washington

for every offender that left. Under the 2002 Compact, states are permitted to charge offenders fees for processing the transfer.

The 2002 Compact requires that non-felony offenders with one or more years of supervision and whose conviction is for an offense in which a person has incurred direct or threatened physical or psychological harm, an offense involving use or possession of a firearm, a second or subsequent conviction for driving under the influence of drugs or alcohol or a sex offense be transferred under the provisions of the compact. Washington does not currently have a process to comply with the requirement to transfer the specified non-felony offenders.

Summary of Amended Bill: The Department of Corrections (DOC) may supervise and transfer non-felony offenders who are subject to the 2002 Compact. DOC must process applications for non-felony offenders to travel and transfer to another state and may charge the offender a processing fee. DOC has the authority to supervise non-felony offenders that travel to or are transferred to Washington under the 2002 Compact.

When a non-felony offender with a period of supervision over one year asks to travel or transfer to another state, his or her local corrections officer must determine whether the offender is subject to the 2002 Compact and, if so, notify DOC of the request and provide DOC with the requested information. The local corrections officer must also notify the offender of the application fee and cease supervision of the person while he or she is being supervised by the other state. If the offender returns to Washington with time remaining under supervision the local corrections officer must resume supervision.

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

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains an emergency clause and takes effect on July 1, 2005.

Testimony For (Human Services & Corrections): The bill brings us into compliance with the Compact. We are currently out of compliance only with one provision and that is the misdemeanor offender provision. Originally this provision covered all misdemeanants, but our Compact administrator worked hard to limit the provision to a subset of misdemeanants who potentially present a higher risk to the community.

Testimony Against (Human Services & Corrections): None.

Who Testified (Human Services & Corrections): PRO: Representative Al O'Brien, prime sponsor; Ida Leggett, Sentencing Guidelines Commission; Lonnie Johns-Brown, Washington Coalition of Sexual Assault Programs; Doreen Geiger, DOC.

Testimony For (Ways & Means): The current compact has teeth; financial penalties can be imposed upon the state for lack of compliance. This is already happening to Tennessee. This legislation is needed now. Washington is in compliance with all but the non-felony portion of the compact. Washington and other states tried to negotiate compact rules that would not require supervision of non-felony offenders; a compromise was made such that only certain non-felony offenders were subject to the compact.

Testimony Against (Ways & Means): None.

Who Testified (Ways & Means): PRO: Ida Leggett, Sentencing Guidelines Commission;
Doreen Geiger, Department of Corrections.