

SENATE BILL REPORT

SB 5375

As Reported By Senate Committee On:
Human Services & Corrections, February 24, 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: Senators Kline and Rockefeller; by request of Sentencing Guidelines Commission.

Brief History:

Committee Activity: Human Services & Corrections: 1/27/05, 2/24/05 [DPS-WM].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5375 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe and Thibaudeau.

Staff: Fara Daun (786-7459)

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 Substitute 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 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.

Substitute Bill Compared to Original Bill: Strikes provision in the deferred prosecution statute because persons under deferred prosecution do not come under the compact and adds provisions in the district court and municipal court chapters so that the intent of the bill is in all the appropriate places. Adds an emergency clause. Adds clarification that the provisions apply both retroactively and prospectively.

Appropriation: None.

Fiscal Note: Requested on January 25, 2005.

Committee/Commission/Task Force Created: No.

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

Testimony For: This bill provides the structure to comply with the 2002 Compact. Under Washington participation in the Compact rule making, the rule on misdemeanor transfers was successfully limited from the original rule which was for all misdemeanants. The Governor included \$7 million in his budget for this purpose. The cost of not complying could exceed the cost of complying because under the 2003 Compact, the Compact that we adopted into statute, the Compact Council can fine the state, take the state to federal court to enforce compliance, and even expel the state from the Compact. If the state were to be expelled, the state would lose the ability to prevent any offenders from coming to Washington and would have a difficult time transferring offenders to other states.

Testimony Against: None.

Who Testified: PRO: Senator Adam Kline, prime sponsor; Anne Fiala, DOC; Doreen Geiger, DOC; Dick Van Wagenen, OFM; Ida Leggett, Sentencing Guidelines Commission.