
Public Safety Committee

HB 2638

Brief Description: Creating a graduated reentry program of partial confinement for certain offenders.

Sponsors: Representatives Goodman, Pettigrew, Appleton and Ortiz-Self; by request of Department of Corrections.

Brief Summary of Bill

- Increases the allowable period for work release from the final six to the final 12 months of an offender's term of confinement.
- Creates the Graduated Reentry Program for certain offenders to serve up to six months of the end of their term of confinement in home detention under electronic home monitoring.

Hearing Date: 1/23/18

Staff: Kelly Leonard (786-7147).

Background:

Release from Full Confinement Prior to the Expiration of Sentences. When a person is convicted of a felony and sentenced to a term longer than one year, he or she is committed to the Department of Corrections (DOC). An offender sentenced to DOC custody is not authorized to leave a correctional facility or be released prior to the expiration date of his or her sentence, unless a specific statutory exception applies. This includes, for example: partial confinement in work release program to aid the offender in finding work and reestablishing himself or herself in the community for up to six months; partial confinement as part of the parenting program for up to 12 months; or partial confinement as part of an authorized sentencing alternative for a specified term. Partial confinement refers to work release, home detention, work crew, electronic home monitoring, or a combination of those programs.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Work Release. An offender with six months left to serve on his/her sentence may be eligible to spend those last months in a work release facility. According to the DOC rule, only offenders with minimum security status may be transferred to a work release program. Work release may be authorized for any of the following:

- to participate in full-time employment or part-time employment at specialized programs;
- to participate in a vocational training program, including attendance at an accredited college;
- to secure services to support transition back to the community; or
- as a sanction for violating community supervision conditions.

An offender's compliance with the conditions of the program is monitored by the DOC.

Eligibility for Partial Confinement. Certain offenders may not qualify for transfer to work release or other partial confinement programs. For example, offenders serving sentences for offenses with mandatory minimums cannot be released to partial confinement prior to serving the minimum prescribed sentence. Offenders serving indeterminate sentences may not be released to partial confinement until a qualifying period before a release date established by the Indeterminate Sentence Review Board. There may be additional eligibility criteria which must be met in order to qualify for a particular partial confinement program.

Summary of Bill:

Work Release. The allowable term for work release is increased to the final 12 months of an offender's term of confinement.

Graduated Reentry Program. If an offender is not participating in work release, he or she may serve up to six months of end of his or her sentence in home detention under the graduated reentry program (program). To qualify, the DOC must find that the program is an appropriate placement and must assist the offender's transition from confinement to the community. The offender must have an approved residence and living arrangement. While participating in the program, the DOC must:

- require the offender to be placed on electronic home monitoring;
- require the offender to participate in programming and treatment; and
- assign a community corrections officer who will monitor the offender's compliance with conditions of partial confinement and programming requirements.

The DOC may issue rental vouchers for a period not to exceed six months for an offender participating in the program if an approved address cannot be obtained without the assistance of a voucher.

An offender may be returned to total confinement by the DOC for any reason, including, but not limited to, the offender's noncompliance with any sentence requirement.

In administering the program, the DOC is performing a quasi-judicial function. The DOC is not liable for the acts of offenders participating in the program unless the DOC acted with willful and wanton disregard.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.