

HOUSE BILL REPORT

SB 6292

As Reported by House Committee On:
Public Safety

Title: An act relating to electronic monitoring of domestic violence perpetrators.

Brief Description: Concerning electronic monitoring of domestic violence perpetrators.

Sponsors: Senators Wilson, Rivers and Keiser.

Brief History:

Committee Activity:

Public Safety: 2/15/18, 2/20/18, 2/22/18 [DPA].

Brief Summary of Bill
(As Amended by Committee)

- Provides that electronic monitoring imposed as part of a domestic violence protection order or no-contact order may include real-time global positioning monitoring with victim notification.
- Requires, subject to appropriation, that the Administrative Office of the Courts provide funding to counties for electronic monitoring with victim notification technology.
- Limits state and local governmental liability for damages associated with the use of electronic monitoring as a condition of a domestic violence protection or no-contact order.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: Do pass as amended. Signed by 11 members: Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton, Chapman, Griffey, Holy, Orwall, Pettigrew and Van Werven.

Staff: Omeara Harrington (786-7136).

Background:

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.

Electronic Monitoring.

"Electronic monitoring" is defined in statute as tracking the location of an individual through the use of technology that is capable of determining or identifying the monitored individual's presence or absence at a particular location. This technology may include, but is not limited to: (1) radio frequency signaling technology, which detects if the monitored individual is or is not at an approved location and provides information accordingly to the monitoring agency; and (2) active or passive global positioning system technology, which detects the location of the monitored individual and notifies the monitoring agency of the individual's location.

Protective Orders and Electronic Monitoring.

There are various protective orders a court may issue prohibiting a defendant or respondent from contacting certain persons or visiting or remaining within certain locations, including civil protection orders and restraining orders, and no-contact orders entered in the context of criminal proceedings. Specialized orders are available in cases involving certain conduct, including domestic violence, stalking, sexual assault, harassment, trafficking, promoting prostitution, and abuse of vulnerable adults. A violation of a specialized protection order or no-contact order is a crime.

Domestic violence protection orders are available to those who have been subject to physical harm, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking by a family or household member. A court may grant an ex parte temporary protection order and, upon a full hearing, a final order that lasts for a fixed term or is permanent. Additionally, courts may issue no-contact orders to protect victims during the pendency of criminal proceedings involving domestic violence, and these orders may also be imposed or extended as a condition of release or sentence.

In entering a domestic violence protection order or no-contact order, or a stalking no-contact order, a judge may require the respondent or defendant to submit to electronic monitoring. Additionally, a court may require a respondent or defendant to submit to electronic monitoring upon violation of a wide range of protection and no-contact orders. The statutory authorization for courts to impose electronic monitoring in conjunction with a stalking no-contact order indicates that such monitoring includes real-time global position monitoring with victim notification.

Generally, the defendant or respondent may be required to pay for the cost of electronic monitoring.

Summary of Amended Bill:

Electronic monitoring imposed as part of a domestic violence protection order or no-contact order may include real-time global positioning monitoring with victim notification. Subject to appropriated funds, the Administrative Office of the Courts (AOC) must provide funding to counties to cover the cost of electronic monitoring with victim notification technology when the respondent is unable to pay for electronic monitoring.

The state and local governments, as well as state and local government employees, are immune from civil liability for damages arising from incidents involving persons who are placed on electronic monitoring as part of a domestic violence protection order or no-contact order, except upon a showing of gross negligence or bad faith.

Amended Bill Compared to Original Bill:

Provisions are retained that: (1) apply the statutory definition of electronic monitoring to the chapter of the RCW addressing criminal proceedings involving domestic violence; (2) require, subject to appropriated funding, that the AOC provide funding to counties for electronic monitoring in cases in which the defendant is unable to pay; and (3) limit civil liability for governmental entities for damages arising from incidents involving persons who are placed on electronic monitoring as a condition of a domestic violence protection order or domestic violence no-contact order.

Additionally, electronic monitoring imposed as a condition of a domestic violence protection order or domestic violence no-contact order may include monitoring with real-time global positioning system monitoring with victim notification.

All other provisions are removed including those that: (1) modified the statutory definition of "electronic monitoring" to include electronic monitoring with victim notification technology; (2) applied the statutory definition of electronic monitoring to the statutes governing stalking and sexual assault no-contact orders; and (3) required the AOC to take specified measures related to providing access to electronic monitoring with victim notification technology, such as contracting with or developing a list of vendors to provide electronic monitoring with victim notification technology and developing an informational handout regarding access to this technology.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This bill is mostly about domestic violence, and expands the current option of electronic monitoring to include real-time victim notification. There is a law like this in Maryland. The technology proposed in this bill can be used on smartphones, and will give the victim a few minutes to prepare and make a decision about leaving the area. Also, an informational pamphlet will be provided to victims letting them know the technology is available. Statistics reiterate the need for this legislation. In 2014 domestic violence offenses made up 51 percent of all crimes against persons in the state, 8,500 of which were violations of protection and no contact orders. There were 854 domestic violence homicides last year. Domestic violence is an equal opportunity offense. Offenders have some common

traits, like failure to take responsibility and use of certain tactics to obtain and maintain control. Victims are scared on a daily basis, and should be given an opportunity to feel they have greater control.

(Opposed) None.

Persons Testifying: Senator Wilson, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.