

# HOUSE BILL REPORT

## ESSB 5245

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**As Reported by House Committee On:**  
Public Safety

**Title:** An act relating to the safety of crime victims.

**Brief Description:** Concerning the safety of crime victims.

**Sponsors:** Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Senators Brown, Wilson, L., Rolfes and Wagoner).

**Brief History:**

**Committee Activity:**

Public Safety: 3/12/21, 3/18/21 [DP].

**Brief Summary of Engrossed Substitute Bill**

- Requires the Department of Corrections to provide notification of the parole, release, community custody, work release placement, furlough, or escape of inmates convicted of an expanded list of crimes.
- Provides that victim and witness notifications requirements do not apply to a release ordered pursuant to felony resentencing proceedings.

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### HOUSE COMMITTEE ON PUBLIC SAFETY

**Majority Report:** Do pass. Signed by 13 members: Representatives Goodman, Chair; Johnson, J., Vice Chair; Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Davis, Graham, Griffey, Hackney, Lovick, Orwall, Ramos, Simmons and Young.

**Staff:** Cassie Jones (786-7303).

**Background:**

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

### Victim and Witness Notification Program.

The Department of Corrections (DOC) is required to send written notice to certain persons regarding the parole, release, community custody, work release placement, furlough, or escape of a specific inmate convicted of a violent offense, a sex offense, a domestic violence court order violation, or a felony harassment offense. Except in the event of escape or emergency furloughs, the notice must be sent at the earliest possible date and no later than 30 days before release.

The persons to whom the notice must be sent include:

- the chief of police to the city in which the inmate will reside or in which placement will be made in a work release program;
- the sheriff of the county in which the inmate will reside or in which placement will be made in a work release program;
- the sheriff of a county where the offender was convicted if the DOC does not know where the offender will reside;
- the Washington State Patrol for the release of all sex offenders; and
- to the following persons if the notice was requested in writing:
  - the victim of the crime for which the inmate was convicted or the victim's next of kin if the crime was a homicide;
  - any witnesses who testified against the inmate in any court proceedings involving the violent offense;
  - any person specified in writing by the prosecuting attorney; and
  - any person who requests such notice about a specific inmate convicted of a sex offense at least 60 days prior to the expected release date of the offender.

If an inmate convicted of a violent offense, sex offense, domestic violence court order violation, or felony harassment escapes from a correctional facility, the DOC must immediately notify the chief of police of the city and sheriff of the county in which the inmate resided immediately before the inmate's arrest and conviction. If previously requested, the DOC must also notify the witnesses and the victim of the crime for which the inmate was convicted. If the inmate is recaptured, the DOC must send notice to such persons as soon as possible but no later than two working days after the DOC learns of the recapture.

### Felony Resentencing.

The prosecutor of the county in which an offender was sentenced for a felony offense may petition the sentencing court to resentence the offender if the original sentence no longer advances the interests of justice. The court may grant or deny the petition. If the court grants the petition, the court must resentence the defendant in the same matter as if the offender had not previously been sentenced but the sentence may not be greater than the initial sentence.

The prosecuting attorney must make reasonable efforts to notify victims and survivors of victims of the petition for resentencing and the date of the resentencing hearing. The

prosecuting attorney must provide victims and survivors of victims access to available victim advocates and other related services. The court must provide an opportunity for victims and survivors of victims of any crimes for which the offender has been convicted to present a statement personally or by representation.

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**Summary of Engrossed Substitute Bill:**

The DOC is required to send written notice to certain persons regarding the parole, release, community custody, work release placement, furlough, or escape of a specific inmate convicted of the following additional crimes:

- domestic violence offenses;
- assault in the third degree;
- unlawful imprisonment;
- vehicular homicide by disregard for the safety of others; and
- controlled substance homicide.

Victim and witness notification requirements do not apply when an offender is released due to a court order pursuant to felony resentencing proceedings.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) More notification to domestic violence victims is better because it allows victims to put in place safety measures that make them feel more comfortable. Current law mandates notification to witnesses and victims enrolled in the notification program at least 30 days before of the release or transfer to partial confinement of certain offenders. This bill expands the crimes eligible for the notification program in important ways. Adding controlled substance homicide means that all homicides are eligible for the notification program. Adding all domestic violence offenses recognizes the risk of recidivism and the serious safety concerns of victims of domestic violence. These expansions are necessary to help victims feel safe and take precautionary measures.

(Opposed) None.

**Persons Testifying:** Senator Brown, prime sponsor; and Sheila Lewallen, Department of

Corrections.

**Persons Signed In To Testify But Not Testifying:** None.