

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

DEPARTMENT OF CORRECTIONS

(agency name)

Administrative Order No. 82-09

(1) I, Amos E. Reed, director of Department of Corrections

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to:

New Chapter 137-65 WAC, Cost of Supervision - - Probation and Parole

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. filed with the code reviser on. Such rules shall take effect:

- pursuant to RCW 34.04.040(2).
at a later date, such date being

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, Amos E. Reed, Secretary, find that

an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is:

This rule is necessary to implement chapter 207, Laws of 1982. This chapter will add to the general welfare by requiring the collection of fees for parole and probation supervision.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026 that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" (fill in statement (a), (b), or (c) as appropriate):

[X] (a) This rule is promulgated pursuant to RCW 72.04A and 9.94A as amended by Chapter 207 Laws of 1982 and is intended to administratively implement that statute.

[] (b) This rule is promulgated pursuant to RCW which directs that the

(agency)

has authority to implement the provisions of

(name of act or RCW citation)

[] (c) This rule is promulgated under the general rule-making authority of the

(agency)

as authorized in RCW

(4) The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

(5) This order after being first recorded in the order register of this agency is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED June 29 19 82 By Amos E. Reed, Secretary Title

JUN 29 1982

CODE REVISER'S OFFICE WSR 82-14-034

Chapter 137-65 WAC

COST OF SUPERVISION--PROBATION AND PAROLE

NEW SECTION

WAC 137-65-010 PURPOSE. The purpose of this regulation is to provide administrative rules and standards pursuant to chapters 9.94A and 72.04A RCW, as now or hereafter amended which require a cost-of-supervision assessment for certain felony probationers and parolees.

NEW SECTION

WAC 137-65-020 SCOPE. This regulation shall apply to every person convicted of a felony in the state of Washington and placed on probation (community supervision) or parole effective July 1, 1982 when such convicted person is required by the sentencing court or the board of prison terms and paroles to pay a monthly cost of supervision fee (assessment) to the state.

NEW SECTION

WAC 137-65-030 FEE. The assessed cost of supervision fee shall be fifteen dollars per month for each month an offender is on active probation or parole supervision, if so ordered as a special condition of probation by the sentencing court or as a special condition of parole by the board of prison terms and paroles. Convicted persons serving probation and parole simultaneously may be assessed thirty dollars per month, or up to fifty dollars per month for high supervision costs (intensive supervision).

NEW SECTION

WAC 137-65-040 P.S.I. REPORT. The probation and parole officer preparing the presentence investigation report shall recommend that the sentencing court make the monthly cost of supervision assessment a condition of probation unless the officer finds one or more of the following:

(1) The offender has diligently attempted but has been unable to obtain employment which provides the offender sufficient income to make such payments.

(2) The offender is a student in a school, college, university, or a course of vocational or technical training designed to fit the student for gainful employment.

(3) The offender has an employment handicap, as determined by an examination acceptable to or ordered by the court.

(4) The offender's age prevents him from obtaining employment.

(5) The offender is responsible for the support of dependents and the payment of the assessment constitutes an undue hardship on the offender.

(6) Other extenuating circumstances as determined by the court.

Reasons for recommending exemption from the assessment shall be stipulated in the presentence report. In cases where a presentence investigation is not conducted but the court wishes a recommendation, a special report may be used.

NEW SECTION

WAC 137-65-050 P.P.I. REPORT. The probation and parole officer preparing the preparole investigation report shall recommend that the board of prison terms and paroles make the monthly cost of supervision assessment a condition of parole unless the officer finds one or more of the following:

(1) The offender has diligently attempted but has been unable to obtain employment which provides the offender sufficient income to make such payments.

(2) The offender is a student in a school, college, university, or a course of vocational or technical training designed to fit the student for gainful employment.

(3) The offender has an employment handicap, as determined by an examination acceptable to or ordered by the court.

(4) The offender's age prevents him from obtaining employment.

(5) The offender is responsible for the support of dependents and the payment of the assessment constitutes an undue hardship on the offender.

(6) Other extenuating circumstances as determined by the board of prison terms and paroles.

Reasons for recommending exemptions from the assessment shall be stipulated in the preparole investigation report.

NEW SECTION

WAC 137-65-060 INSTRUCTIONS. When ordered by the sentencing court or the board of prison terms and paroles to pay the monthly cost of supervision assessment, the subject offender will receive written instructions specifying terms of payment.

NEW SECTION

WAC 137-65-070 EXCEPTION. The cost of supervision assessment shall not apply to cases supervised exclusively under the interstate compact.

NEW SECTION

WAC 137-65-080 VIOLATION. Failure to comply with a cost of supervision assessment order imposed by the sentencing court or board of prison terms and paroles shall be treated as any other violation of probation or parole and brought to the attention of the court or board in a standard violation report. Limited discretion is authorized in responding to late payments if in the officer's judgment circumstances

warrant, and if the subject offender is earnestly trying to meet his financial obligations.