

SENATE BILL REPORT

SB 5852

AS REPORTED BY COMMITTEE ON LAW & JUSTICE, MARCH 5, 1991

Brief Description: Authorizing work crews for criminal offenders.

SPONSORS: Senators Nelson and Thorsness; by request of Sentencing Guidelines Commission.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5852 be substituted therefor, and the substitute bill do pass.

Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, Madsen, Newhouse, and Rasmussen.

Staff: Ben Barnes (786-7465)

Hearing Dates: March 4, 1991; March 5, 1991

BACKGROUND:

Under current determinate sentencing laws, intermediate punishment options for felons sentenced for less than one year can include partial confinement. Partial confinement refers to the use of nonjail punishment such as home detention or work release. Current statutes do not include inmate work crews as part of a sentencing option for partial confinement.

Inmate work crews provide labor in low skilled and labor intensive projects such as picking up litter in parks and along roadways or landscaping. Inmate work crews vary in size depending on the nature of the project, available transportation and amount of available trained supervisors. Inmate work crew programs can relieve jail crowding, reduce inmate idleness, reduce inmate tension and mischief, and provide inmates with a meaningful work experience. In addition, offender work crews can help local county governments operate more cost effectively by providing low cost labor on civic projects.

Offender work crews have been effectively used as a sentencing alternative in Clark County since 1983. The Clark County program reported that inmate work crews provided 60,583 hours of offender labor to the county and saved \$310,755 of county government funds in 1990. Other local communities around the country also use work crews as a low cost labor resource and as a sentencing alternative for reducing jail overcrowding.

A recent study conducted by the Sentencing Guidelines Commission suggests that jail overcrowding is a significant problem for local jails. This problem is the result of a rapid increase in the number of sentenced felons and a

corresponding reduction in the use of nonjail punishment for felons.

It is recommended that current law be amended to include work crews as an intermediate sentencing option.

SUMMARY:

The definition of partial confinement is modified to include "work crew" as an intermediate sentencing option. Courts can impose an obligation on selected felony offenders to participate in supervised work crews. All inmate work crew programs must operate not less than seven hours per day five days per week. Programs must also limit jobs to unskilled labor on public lands. Work crew participants must abstain from alcohol and controlled substances, perform adequate work, and maintain a verifiable residence.

Offenders sentenced from nine months to one year must serve at least 30 days in total confinement before they are eligible for the work crew program. Offenders earn credit towards the work crew sentence after 30 days of work crew employment, at a rate of up to three days per week for every seven hour day spent working in verified employment. To earn this credit, however, the offender must complete two or more days per week of work crew labor in addition to their verified job. Substance abuse counseling and/or job skills training may be part of the seven hours per week of work crew assignment.

EFFECT OF PROPOSED SUBSTITUTE:

The residency requirement for an offender sentenced to partial confinement is expanded.

The definition of "work crew" is clarified.

Work crew programs are limited to public property or private property that is owned or operated by a non-profit organization.

An offender must participate in a work crew for 35 hours per week for four weeks, before he/she can earn credit for employment. The offender can earn credit for verifiable employment for up to 24 hours per week. Credit can only be earned, however, if he/she continues to participate in the work crew until the work crew sentence is completed.

Work crews may not be engaged in any construction projects related to municipal public works building and construction contracts.

All offenders who participate in a work crew program must pay a monthly assessment to the Department of Corrections while working in an approved verified job.

An offender may participate in a work crew in lieu of confinement in a facility if the work crew sentence complies with the conditions of original sentence. The court may

impose sanctions if the offender does not comply with the program requirements of the work crew.

Appropriation: none

Revenue: none

Fiscal Note: available

TESTIMONY FOR:

The bill would reduce jail overcrowding, provide low cost labor for counties, and provide a meaningful work experience for inmates.

TESTIMONY AGAINST: None

TESTIFIED: PRO: Don Moore, Eileen Farley, Sentencing Guidelines Commission; Kurt Sharar, WA State Assn. of Counties; Jim White, Clark County Corrections