

HOUSE BILL REPORT

HB 2524

As Reported by House Committee On:
Criminal Justice & Corrections

Title: An act relating to creating a joint select committee to study the supervision of offenders in the community by the department of corrections.

Brief Description: Creating a joint select committee on supervision of offenders in the community.

Sponsors: Representatives Carrell, O'Brien, Cox, Pettigrew, Cairnes, McMahan and Santos.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 1/27/04, 2/4/04 [DPS].

Brief Summary of Substitute Bill

- Establishes a joint select committee to review and make recommendations regarding changing the manner in which the Department of Corrections supervises certain offenders in the community.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives O'Brien, Chair; Darneille, Vice Chair; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi, Pearson and Veloria.

Staff: Jim Morishima (786-7191).

Background:

A felony offender may be sentenced to a term of supervision in the community after his or her term of incarceration ends. Depending on the type of offense and when it was committed, the supervision in the community may be in the form of community supervision, community custody, post-release supervision, or both community custody and post-release supervision. However, it should be noted that all supervision in the

community for felony offenders who commit their crimes on or after July 1, 2000, is in the form of community custody.

The Department of Corrections (DOC) is responsible for supervising in the community all felony offenders who have been evaluated by the DOC as posing high risk to the community; i.e., offenders who have been placed in the two highest risk categories by the DOC. In addition, the DOC must supervise all felony offenders, regardless of risk to the community, who:

- Have a current or prior conviction for a sex offense; a violent offense; a crime against persons; felony domestic violence; residential burglary; manufacture, delivery, or possession with the intent to deliver methamphetamine (or an attempt, solicitation, or conspiracy to do so); or delivery of a controlled substance to a minor (or an attempt, solicitation, or conspiracy to do so);
- Have conditions relating to chemical dependency in their sentences;
- Were sentenced pursuant to the Special Sex Offender Sentencing Alternative or the First Time Offender Waiver; or
- Are subject to supervision under the Interstate Compact for Adult Offender Supervision.

The DOC may not supervise any other type of felony offender.

In addition to felony supervision, the DOC is responsible for supervising offenders convicted of misdemeanors and gross misdemeanors in superior court.

Summary of Substitute Bill:

The Joint Select Committee on the Supervision of Offenders in the Community (JSCSOC) is established. The purpose of the committee is to review and make recommendations regarding the manner in which the DOC supervises offenders in the two highest risk categories. In conducting the review, the joint select committee must focus on maximizing public safety within available resources through an effective program of supervision and consider research on best practices regarding the supervision of offenders in the community. The committee may, where feasible, consult with individuals from the public and private sector when carrying out its duties.

The JSCSOC consists of the following members:

- One member from each of the two largest caucuses of the House of Representatives, appointed by the Speaker of the House;
- One member from each of the two largest caucuses of the Senate, appointed by the President of the Senate;
- The Secretary of the DOC, or his or her designee;
- A member appointed by the Governor;
- A member representing crime victims appointed jointly by the Speaker of the House

- and the President of the Senate;
- A member representing local law enforcement appointed by the Washington Association of Sheriffs and Police Chiefs.
 - A member who is a community corrections officer appointed by the Washington Federation of State Employees; and
 - A member who is an expert on mental health and co-occurring disorders appointed by an organization representing such experts.

The JCSOC is to be chaired by a legislative member chosen by the membership of the committee and to be staffed by the Office of Program Research and Senate Committee Services. The committee must present a report of its findings to the Governor and appropriate standing committees of the Legislature no later than December 1, 2004.

Substitute Bill Compared to Original Bill:

The substitute adds two members to the joint select committee:

- A member who is a community corrections officer appointed by the Washington Federation of State Employees; and
- A member who is an expert on mental health and co-occurring disorders appointed by an organization representing such experts.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Recent statutory changes to the manner in which the DOC supervises offenders have had unintended consequences. The FBI has reported that two-thirds of recidivism happens within the first two years of release. We can give offenders a chance to succeed if we can get people started on the right track immediately by making sure they get where they are supposed to be regarding treatment, housing, and employment. Given the budget crisis, it is important to find a way to better use the funds being spent on community supervision. One lost opportunity in corrections is providing intensive services to offenders when they leave prison.

(Neutral) There are successes at the local level that could be shared with the state. Persons representing community corrections officers and experts on mental health and co-occurring disorders should be added to the committee.

Testimony Against: None.

Persons Testifying: (In support) Representative Carrell, prime sponsor; and Joe Lehman, Secretary, Department of Corrections.

(Neutral) Peter Lukevich, Washington State Partners in Crisis; and Bev Herman, Washington Federation of State Employees.

Persons Signed In To Testify But Not Testifying: None.