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**Criminal Justice & Corrections  
Committee**

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**HB 1341**

**Brief Description:** Restricting access to work programs for offenders who pose a threat to minors.

**Sponsors:** Representatives Orcutt, O'Brien, Mielke, Lovick and Anderson.

**Brief Summary of Bill**

- Prohibits sex offenders and offenders convicted of crimes against minors from participating in work crew or work release programs or projects that are located in or near school grounds during hours when children are present.
- Requires correctional agencies to perform background checks on offenders that they authorize to participate in work crew or work release programs or projects located in or near school grounds during hours when children are present.

**Hearing Date:** 2/4/03

**Staff:** Yvonne Walker (786-7841).

**Background:**

Partial confinement is defined as confinement for no more than one-year in a facility operated or under contract by local or state government. An offender sentenced to a term of partial confinement must be confined in the facility for at least eight hours per day. The offender must be required as a condition of partial confinement to report to the facility at designated times. During the period of partial confinement, an offender may be required to comply with crime-related prohibitions and affirmative conditions imposed by the court or the Department of Corrections. Partial confinement can include such programs as work release, home detention, work crew, and a combination of work crew and home detention.

Work Crew. A work crew is generally defined as a program of partial confinement consisting of civic improvement tasks for the benefit of the community. Civic improvement tasks conducted by a work crew are prohibited from negatively impact the local labor force, existing private industries, or people with developmental disabilities contracted through a

sheltered workshop. All work crew programs that perform civic improvement tasks are required to limit jobs to unskilled labor on public lands, on private land owned or operated by a nonprofit entity, or on private property to conduct emergency snow removal only.

Most offenders participating in work crews are required to pay a monthly fee to the agency administering the program. The fee is considered a payment for the cost of providing the work crew program to the offender.

Participation in a work crew is conditioned upon meeting strict standards such as abstaining from alcohol and controlled substances, performing adequate work, and maintaining a verifiable residence. In some situations, a work crew sentence may be imposed simultaneously with electronic home detention. Offenders convicted of sex crimes cannot participate in work crew programs.

*Work Release.* Work release is defined as a program of partial confinement available to county and state incarcerated offenders who are employed or engaged as a student in a regular course of study at school. Offenders participating in a work release program are allowed to leave the prison or jail facility for specified hours of each day for employment, job seeking, education, training, treatment, or other approved activities.

Although the Department of Corrections is required to establish, by rule, inmate eligibility standards for participation in their work release programs, participation in most work release programs are generally conditioned upon the offender attending work or school at regularly defined hours and abiding by the rules of the work release facility. Offenders participating in the program are also expected to contribute to their room and board costs. Inmates that are classified as persistent offenders cannot participate in a work release program.

### **Summary of Bill:**

The list of standards for participation in work crew and work release programs are extended. Any offender convicted of a sex offense, a crime against a minor, or that has any other court imposed restriction denying them access to minors, is prohibited from participating in any work crew or work release program or project that is in or near the buildings, grounds, or facilities of schools during hours when minor children are present.

Any state or local corrections agency that authorizes an offender to participate in a work crew or work release program or project that is in or near the buildings, grounds, or facilities of schools during hours when minor children are present, must perform a complete and thorough criminal background check on such offender.

**Appropriation:** None.

**Fiscal Note:** Available.

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