

SENATE BILL REPORT

ESB 6290

As Passed Senate, March 3, 2004

Title: An act relating to misdemeanors and gross misdemeanors.

Brief Description: Revising provisions relating to the use of risk assessments in the supervision of offenders who committed misdemeanors and gross misdemeanors.

Sponsors: Senators Stevens, Hargrove, Winsley and Rasmussen; by request of Office of Financial Management.

Brief History:

Committee Activity: Children & Family Services & Corrections: 1/27/04 [DP].

Passed Senate: 3/3/04, 48-0.

SENATE COMMITTEE ON CHILDREN & FAMILY SERVICES & CORRECTIONS

Majority Report: Do pass.

Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Staff: Lilah Amos (786-7429)

Background: The Department of Corrections (DOC) currently supervises felony offenders sentenced to a term of community custody, as well as those convicted of misdemeanors or gross misdemeanors who were sentenced to probation in superior court (probationers).

In 2003, the Legislature passed ESSB 5990, which eliminated DOC supervision over certain felony offenders. DOC is now required to perform a risk assessment on felony offenders, and must classify those offenders into one of four risk management classifications. DOC is only allowed to supervise those felony offenders classified in the two highest risk management classifications, and must also supervise those offenders (regardless of risk classification) who have convictions for specified offenses or who have treatment requirements, first time offender waivers, or whose supervision was transferred to Washington from another state.

DOC is not allowed to supervise any convicted felon who does not meet these requirements. Similar supervision limitations were not imposed on those probationers sentenced for gross misdemeanors or misdemeanors in superior court.

Summary of Bill: The 2003 changes to felony offender supervision are extended to cover misdemeanor and gross misdemeanor probationers who are sentenced to DOC supervision. DOC may supervise only those probationers who:

- are classified in the two highest risk categories; or
- have been convicted of a
 - sex offense;
 - violent offense;

- crime against persons;
- residential burglary
- felony domestic violence;
- methamphetamine manufacture, delivery or possession with intent to deliver; or
- delivering a controlled substance to a minor;
- are required to participate in drug or sex offender treatment;
- have had their supervision transferred to Washington under the Interstate Compact for Adult Offender Supervision.

DOC may not supervise any other type of probationer. This change to existing law expires on July 1, 2010.

Appropriation: None.

Fiscal Note: Requested on January 23, 2004.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: This bill will promote consistency in DOC supervisory duties for felons and those convicted of gross misdemeanors, and will have a favorable fiscal impact. The offenders who will not be supervised are likely to be lower risk than the felons who were removed from supervision requirements in 2003.

Testimony Against: None.

Testified: PRO: Tom McBride, WA Assn. of Pros. Attorneys; Anne Fiala, DOC; Dick VanWagenen, OFM; NEUTRAL: Sophia Byrd, Assn. of Washington Counties.