

HOUSE BILL REPORT

HB 2282

As Passed Legislature

Title: An act relating to the costs of transporting offender property upon transfer.

Brief Description: Addressing the costs of transporting offender property.

Sponsors: By Representatives Sommers, O'Brien, Haler and Skinner; by request of Department of Corrections.

Brief History:

Committee Activity:

Appropriations: 3/5/05 [DP].

Floor Activity:

Passed House: 3/11/05, 91-2.

Passed Senate: 4/12/05, 44-0.

Passed Legislature.

Brief Summary of Bill

- Authorizes the Department of Corrections to determine the types and amounts of offender property that the department will transport between institutions or to other jurisdictions at the agency's expense.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass. Signed by 26 members: Representatives Sommers, Chair; Fromhold, Vice Chair; Alexander, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Armstrong, Bailey, Buri, Clements, Cody, Conway, Darneille, Dunshee, Grant, Haigh, Hinkle, Hunter, Kagi, Kenney, Kessler, Linville, McDermott, Miloscia, Pearson, Priest, Schual-Berke and Talcott.

Minority Report: Do not pass. Signed by 2 members: Representatives Anderson, Assistant Ranking Minority Member; and Walsh.

Staff: Bernard Dean (786-7130).

Background:

On January 13, 2005, the state Supreme Court in *Burton et al. v. Lehman* held that the Department of Corrections (DOC) "is required to physically convey all the personal property of convicted persons, which is held in the custody of the DOC superintendents, to the

receiving superintendent when such convicted persons are transferred between the DOC institutions."

Previously, the DOC's policy was to transport two boxes of offender property free of charge when an offender transfers from location to location. The DOC excluded a number of items from the two-box limit, including state-issued transport and clothing bags, typewriters, musical instruments, electronics, and medically-issued items. All other excess property was the responsibility of the offender and was either shipped at the inmate's expense, donated, or destroyed. The Supreme Court ruled that this policy violated the state statute that required the DOC to deliver an offender's property to them when they are released from the confines of an institution as a result of being paroled, transferred, or discharged.

The Supreme Court's decision in *Burton* makes the DOC physically and financially responsible for transporting offender property. The additional shipments are estimated to cost an additional \$330,000 per year.

Summary of Bill:

The DOC is provided the authority to determine the types and amounts of property that convicted persons may possess in department facilities. Additionally, the DOC may determine what property will be transported between institutions or to other jurisdictions at the agency's expense.

If a convicted person fails to pay the costs of transporting any excess property within 90 days from the date of transfer, the excess property will be presumed abandoned and may be destroyed in accordance with the law.

A clarification is made that specifies that the DOC will deliver all funds and valuable personal property to an offender when they are released from the custody of the DOC to community placement, community custody, or community supervision.

Appropriation: None.

Fiscal Note: Requested on March 4, 2005.

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

Testimony For: This bill would simply restore the same practice that has been in place at the Department of Corrections for at least the last 15 years.

Testimony Against: None.

Persons Testifying: Eldon Vail, Department of Corrections.

Persons Signed In To Testify But Not Testifying: None.