

# FINAL BILL REPORT

## HB 1136

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### PARTIAL VETO

C 435 L 05

Synopsis as Enacted

**Brief Description:** Ordering a study of electronic monitoring systems.

**Sponsors:** By Representatives O'Brien, Darneille, Kirby, Miloscia, Lovick and Chase.

**House Committee on Criminal Justice & Corrections**

**Senate Committee on Human Services & Corrections**

#### **Background:**

A range of terminology is used when describing electronic supervision. One of the most frequently used terms is electronic monitoring, which is generally associated with technologies that determine whether an offender is at home (or other location) as stipulated by his or her condition of supervision. Other terms that are frequently used when referring to electronic monitoring include electronic bracelets, home detention, home arrest, and home confinement.

The electronic monitoring program uses electronic equipment to monitor a person's presence at a particular location from a remote location. It works like a cordless phone. During specified times, one has to be at the location where the monitor sends a signal to the base. The base connects over a modem to a remote station and delivers data of the offender's whereabouts. It is a device the size of a regular pager. A rubber strip (with a metal cord inside) attaches the monitor to the person's leg. If that person steps outside of the monitored range an alarm or other signal can go off.

Electronic monitoring is often used by the courts as well as local and state correctional entities to ensure an offender's compliance with a condition or requirement of a sentence. Offenders can be charged a fee for this special service (alternative to incarceration sentence) of electronic monitoring to help offset the cost of supervision.

#### **Summary:**

**Electronic Monitoring Study.** The Washington Association of Sheriffs and Police Chiefs (WASPC) must conduct a study on electronic monitoring in every state. The study must analyze each state's activity regarding electronic monitoring and must review the following issues:

- how often electronic monitoring is used;
- a description of laws and circumstances of when an offender is placed on electronic monitoring;
- the discovery and analysis of specific programs used to promote electronic monitoring and how they are operated;

- the type of electronic monitoring technology used;
- an evaluation of offender pay programs and the amount of money recovered from these programs;
- overall perceptions of electronic monitoring from the criminal justice community, and any real or perceived problems or concerns with electronic monitoring; and
- any estimates on savings realized by utilizing electronic monitoring.

The WASPC must place its findings and recommendations into a final report and present it to the Legislature by December 31, 2005.

**Placement of Offenders on Electronic Monitoring.** The Department of Corrections (DOC) must work with the WASPC to establish and operate an electronic monitoring program for low-risk offenders who violate the terms of their community custody. Between January 1, 2006, and December 31, 2006, the DOC must endeavor to place at least one hundred low-risk community custody violators on the electronic monitoring program per day if there are at least that many low-risk offenders who qualify for the electronic monitoring program.

Local governments, their subdivisions and employees, the DOC and its employees, and the WASPC and its employees are immune from civil liability for damages arising from incidents involving low-risk offenders who are placed on electronic monitoring unless it is shown that an employee acted with gross negligence or bad faith.

If specific funding is not provided for the study, that portion of the act becomes null and void. The entire act expires on December 31, 2005.

**Votes on Final Passage:**

House	95	0	
Senate	49	0	(Senate amended)
House	95	0	(House concurred)

**Effective:** July 24, 2005

**Partial Veto Summary:** The Governor vetoed the section that required the entire act to expire on December 31, 2005.