

HOUSE BILL REPORT

HB 3161

As Passed House:

February 12, 2008

Title: An act relating to requiring certain sex offenders to pay the costs of electronic monitoring.

Brief Description: Requiring certain sex offenders to pay the costs of electronic monitoring.

Sponsors: By Representatives Smith, O'Brien, McDonald, McCune, Takko, Pearson, Bailey, Ahern, Herrera, Kristiansen, Haler, Warnick, Schindler, Sump, Orcutt, Kretz, Walsh, Hasegawa, Jarrett, Roach, Williams, Simpson, Morrell, Rodne, Kelley, Dunn and Hurst.

Brief History:

Committee Activity:

Public Safety & Emergency Preparedness: 1/31/08 [DP].

Floor Activity:

Passed House: 2/12/08, 97-0.

Brief Summary of Bill

- Requires sex offenders to pay the costs of electronic monitoring to the extent they are financially able.

HOUSE COMMITTEE ON PUBLIC SAFETY & EMERGENCY PREPAREDNESS

Majority Report: Do pass. Signed by 7 members: Representatives O'Brien, Chair; Hurst, Vice Chair; Pearson, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Ahern, Goodman and Kirby.

Staff: Jim Morishima (786-7191).

Background:

Sex offenders may be sentenced to a term of community custody under a variety of circumstances. For example, a court may impose up to a year of community custody for an offender sentenced to a year or less in jail. A court must impose 36 - 48 months of community custody for most offenders sentenced to more than a year in prison. Offenders sentenced to

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"determinate plus" sentences are sentenced to a term of community custody up to the statutory maximum for their offenses.

While on community custody, offenders are subject to a variety of conditions. For example, unless waived by the court, the terms of an offender's community custody must include:

- reporting to a community corrections officer;
- working at the Department of Corrections (DOC) approved education, employment, or community restitution;
- refraining from possessing or consuming controlled substances;
- paying supervision fees; and
- obtaining prior DOC approval for residence location and living arrangements.

The court may impose a variety of conditions of community custody, including:

- remaining within, or outside of, specified geographical boundaries;
- refraining from contacting the victim or a specified class of individuals;
- participating in counseling;
- refraining from consuming alcohol; or
- complying with crime-related conditions.

In addition, the DOC is also authorized to impose conditions of community custody as long as they do not conflict with any court-ordered conditions. For a sex offender who is not under the authority of the Indeterminate Sentence Review Board (ISRB), the conditions the DOC may order include electronic monitoring. For a sex offender under the authority of the ISRB pursuant to a "determinate-plus" sentence, the DOC may recommend, and the ISRB may order, the offender to be placed on electronic monitoring.

Summary of Bill:

The DOC, or the ISRB, depending on which has authority over the offender, must recover the costs of any electronic monitoring from the offender to the extent that the offender is financially able.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This is a straightforward piece of legislation. If someone has committed a sex offense and is electronically monitored, he or she should ease the burden on the taxpayers by paying for the monitoring if he or she has the means.

(Opposed) None.

Persons Testifying: Representative Smith, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.