SENATE BILL REPORT
SB 5438

As of February 4, 2009

Title: An act relating to allowing crime victims to submit input to the department of corrections regarding an offender's placement in work release.

Brief Description: Allowing crime victims to submit input to the department of corrections regarding an offender's placement in work release.

Sponsors: Senators Rockefeller and Marr.

Brief History:
  Committee Activity: Human Services & Corrections: 2/03/09.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Shani Bauer (786-7468)

Background: The Department of Corrections (DOC) is authorized to convert up to six months of an offender's sentence to work release. Work release is a form of partial confinement in which offenders are allowed into the community under certain restrictions for employment or to attend school. DOC is required, at least 30 days prior to an offender's placement in work release, to notify the victim of the offender's crime of the work release placement if: (1) the offender was convicted of a sex offense, a violent offense, or felony harassment; and (2) the victim has requested such notification in writing.

When an offender is released to community custody, DOC may not approve a residence location that is not in the offender's county of origin unless the offender's return to his or her county of origin would be inappropriate considering any court-ordered condition of the offender's sentence, victim safety concerns, negative influences on the offender in the community, or the location of family or other sponsoring persons or organizations that will support the offender.

Summary of Bill: When a victim of a crime or the victim's next of kin requests notice regarding a specific inmate, DOC must advise the requester of the possibility that part of the sentence may be served in a work release facility and on how to submit input to DOC regarding the inmate's placement.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

When DOC notifies a crime victim about an offender's placement in work release, it must again instruct the victim on how to submit input regarding the offender's placement. DOC must consider any input that is received at least seven days prior to the offender's work release placement. If input is received less than seven days prior to the offender's work release placement, DOC may consider the input. DOC is authorized to alter its placement decision based on victim input.

Appropriation: None.

Fiscal Note: Requested on January 22, 2009.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill allows the victim to have input into an offender's placement in work release. While DOC is currently required to give notice to a victim when an offender is released to work release (when requested), there is no mechanism for the victim to express concern as to the placement. The focus of the current law is on the safety of the victim when an offender is released to community custody. There is a glitch in the system in that the victim is not necessarily considered when an offender is placed in work release.

Victims should have a voice in where an offender is placed. Offenders should be placed in the community far from their victim when some space is needed to allow the victim to heal. The sooner that DOC can get information as to victims' concerns, the better able they will be to address those concerns. Changes have been made since last year to attempt to make contact with the victim earlier in the process.

Persons Testifying: PRO: Senator Rockefeller, prime sponsor; Nora Sizemore, mother of victim; Dave Johnson, Washington Coalition of Crime Victim Advocates; Steve Eckstrom, DOC.