

FINAL BILL REPORT

HB 2838

C 108 L 16
Synopsis as Enacted

Brief Description: Clarifying the department of corrections' authority to impose conditions prohibiting contact with other persons, even if the offender is not a sex offender.

Sponsors: Representatives Klippert and Hayes; by request of Department of Corrections.

House Committee on Public Safety
Senate Committee on Law & Justice

Background:

Community Custody is Imposed by the Court.

Community custody may be ordered by the court as part of an offender's sentence, and allows the offender to be in the community while under the supervision of the Department of Corrections (DOC). An offender receives a specified term of community custody for select crimes.

When a court sentences an offender to a term of community custody, it may impose conditions at its discretion, such as requiring the offender to refrain from direct contact with the victim of the crime. By contrast, some conditions are automatically imposed unless the court waives them, such as requiring the offender to refrain from consuming controlled substances.

The Department of Corrections Supervises Offenders in Community Custody.

An offender who is sentenced to a period of community custody must report to the DOC. The DOC must then assess the offender's risk to the community and may establish and modify additional conditions based on the offender's risk. However, these additional conditions may not contradict or decrease those imposed by the court. An offender is required to comply with both sets of conditions, regardless of whether they are imposed by the court of the DOC.

At a minimum, the DOC must require the offender to complete specified tasks, such as report to a community corrections officer and pay the supervision fee assignment.

If the offender was sentenced as the result of a conviction for a sex offense, the DOC may impose electronic monitoring, and require the offender to avoid direct or indirect contact with

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the victim of the crime or an immediate family member of the victim. If a victim, parent, or guardian of a minor victim speaking on the victim's behalf or an immediate family member of the victim requests that the offender not contact him or her, the DOC must require the offender to refrain from contact.

The DOC must notify the offender of any conditions in addition to those imposed by the court unless an emergency requires the DOC to immediately impose a condition to prevent the offender from committing a crime. The offender may request an administrative hearing to challenge any condition imposed by the DOC.

Summary:

The DOC may impose no-contact conditions on offenders in community custody if the conditions are based on risk to community safety.

Votes on Final Passage:

House	84	13
Senate	47	2

Effective: June 9, 2016