

HOUSE BILL REPORT

SHB 2900

As Passed Legislature

Title: An act relating to prohibiting marijuana, alcohol, or other intoxicant, or a cell phone while confined or incarcerated in a state correctional institution.

Brief Description: Prohibiting marijuana, alcohol, or other intoxicant, or a cell phone while confined or incarcerated in a state, county, or local correctional institution.

Sponsors: House Committee on Public Safety (originally sponsored by Representatives Klippert and Haler).

Brief History:

Committee Activity:

Public Safety: 2/2/16, 2/5/16 [DPS].

Floor Activity:

Passed House: 2/16/16, 97-0.

Passed Senate: 3/1/16, 45-1.

Passed Legislature.

Brief Summary of Substitute Bill

- Prohibits a person from accruing earned early release time on that portion of an offender's sentence that is for a conviction for possessing contraband inside of a correctional facility.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton, Griffey, Moscoso, Pettigrew and Wilson.

Staff: Yvonne Walker (786-7841).

Background:

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.

It is a class C felony offense, if a person serving a sentence in a state, county, or local correctional institution, knowingly possesses or carries under his or her control, any narcotic drug or controlled substance: (1) while in the institution; (2) while being conveyed to or from the institution; (3) while in the custody of institution officials; or (4) while on the premises of the institution. The sentence imposed for such violations must be in addition to any other sentence being served.

State and local correctional institutions may reduce an offender's term of confinement through earned release time. Earned release time may be granted for good behavior and good performance and can be taken away for disciplinary reasons. In the case of an offender convicted of a serious violent offense or a class A felony sex offense, the earned release time may not exceed 15 percent of the sentence. For all other offenders, the aggregate earned release time may not exceed 33 percent of the sentence.

Summary of Substitute Bill:

The crime of possessing contraband is expanded. An inmate possessing or carrying under his or her control alcohol, marijuana, other intoxicants, cell phones, and other forms of electronic telecommunication devices is guilty of class C felony offense. An offender that is serving a term of incarceration is not eligible and cannot accrue earned early release time on that portion of his or her sentence that is a conviction for possessing or carrying contraband inside or on the premises of a correctional facility.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) There was a female who was arrested in Benton county and she had three large rocks of methamphetamine hidden in the private areas of her body. Even cell phones allow inmates to continue their criminal activities from inside the facilities. Inmates have a lot of power and influence with other inmates if they are able to sneak contraband in correctional facilities.

Over the years there has been a significant increase of contraband inside local jails. Although quite a bit of contraband is found at the control points of the facilities, contraband is still making its way inside the facilities. Contraband is dangerous not only in the facilities but it can also injure staff. The current contraband statute only covers the act of transmission or bringing contraband inside the facility, but it does not cover the act of actual possession of contraband. This is an issue that warrants attention.

(Opposed) Family members that visit offenders have to walk through metal detectors. The fact that contraband like cell phones are being brought in by a visitor is very unlikely. During a visit, offenders are not allowed to defecate. Even if something could be handed off

to an inmate, there is no place for them to tuck it away. There are drug dogs that walk around the visiting room; then at the end of family visitation sessions inmates must go through a complete strip search before they can return to their cell room. This leads one to believe that the only people that could bring in contraband is staff and correctional guards.

Offenders are being convicted of a new crime and they are already serving time. Studies show that if you go too far with punishment it is not helpful. There are other ways to address this problem then by taking away "good time." Also cutting "good time" would be an additional expense to the state.

Persons Testifying: (In support) Representative Klippert, prime sponsor; Joshua Combs, Benton County Sheriff's Office; and James McMahan, Washington Association of Sheriffs and Police Chiefs.

(Opposed) Sarah McFadden, Washington Association of Criminal Defense Lawyers and Washington Defender Association; Julie Tackett; and Terri Campbell.

Persons Signed In To Testify But Not Testifying: None.