

SENATE BILL REPORT

SHB 2900

As Reported by Senate Committee On:
Law & Justice, February 26, 2016

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

Committee Activity: Law & Justice: 2/24/16, 2/26/16 [DP].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Darneille, Frockt, Pearson and Roach.

Staff: Tim Ford (786-7423)

Background: 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.

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.

Summary of Bill: The crime of possessing contraband is expanded to include alcohol, marijuana, other intoxicants, cell phones, and other forms of electronic telecommunication devices. An offender that is convicted for possession of contraband inside of a facility cannot accrue or be credited with earned release time on that portion of an offender's sentence that is a conviction for possession of contraband.

Appropriation: None.

Fiscal Note: Available.

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: There is a gap in the law regarding contraband in prisons and jails. Administrative sanctions are not adequate to address the smuggling of contraband into prisons and jails. This bill will create an additional crime of possession of contraband like drugs, cell phones, etc., and make correctional facilities safer.

CON: The elimination of good time credit for this new offense is counterproductive. It is inappropriate to deprive an inmate of good time because good time incentivizes good behavior.

Persons Testifying: PRO: Rep. Klippert, Prime Sponsor; James McMahan, WASPC.

CON: Amy Muth, WA Defenders Assoc. & WA Assoc. of Criminal Defense Lawyers.

Persons Signed in to Testify But Not Testifying: No one.