
Public Safety Committee

HB 2434

Brief Description: Concerning sanctions for violating community custody conditions.

Sponsors: Representative Klippert.

Brief Summary of Bill

- Modifies sanctions for violations of community custody by specifying that the Department of Corrections has discretion to treat a person's sixth and subsequent low-level violation the same as a high-level violation, rather than mandating the practice as provided in current law.

Hearing Date: 1/21/20

Staff: Kelly Leonard (786-7147).

Background:

Community Custody. Community custody is the portion of a person's criminal sentence served in the community under the supervision of the Department of Corrections (DOC) following his or her release from confinement in a state correctional facility. Courts are mandated to order community custody for persons convicted of certain crimes. The term of community custody varies depending upon the underlying offense and the person's risk to reoffend.

While on community custody, a person is subject to conditions imposed by the court and the DOC. The DOC may establish and modify conditions based on risks to community safety. The DOC may issue warrants for the arrest of any person who violates a condition of community custody. If a person violates the conditions, he or she may be subject to sanctions.

Sanctions. In 2012 the state established statutory requirements for sanctioning violations of community custody, commonly referred to as "swift and certain" (SAC). The SAC requirements generally rely upon immediate and brief confinement sanctions in lieu of long-term confinement sanctions. The DOC is required to adopt rules classifying types of violations as "low level" or

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"high level," as well as rules for aggravating and mitigating factors. The statutory requirements then direct certain sanctions based on those classifications and factors, as follows:

- For the first low-level violation, the DOC may impose one or more nonconfinement sanctions;
- For the second, third, fourth, and fifth low-level violation, the DOC may impose up to three days of confinement;
- For the sixth and subsequent low-level violation, any low-level violation with aggravating factors, and any high-level violation, the DOC may impose up to 30 days of confinement, subject to a hearing.

Summary of Bill:

For a sixth or subsequent low-level violation of community custody conditions, DOC has the discretion to treat it as a high-level violation. This allows DOC to impose either low-level sanctions (up to three days of confinement) or high-level sanctions (up to 30 days of confinement, subject to a hearing).

Appropriation: None.

Fiscal Note: Not requested.

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