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## Public Safety Committee

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### 2SSB 5149

**Brief Description:** Concerning electronic monitoring with victim notification technology.

**Sponsors:** Senate Committee on Law & Justice (originally sponsored by Senators Wilson, L., Becker, Kuderer, Short and Takko).

#### Brief Summary of Second Substitute Bill

- Modifies the Sentencing Reform Act (SRA) definition of "electronic monitoring" to include electronic monitoring with victim notification technology.
- Applies the SRA definition of electronic monitoring to the statutes governing certain no-contact orders.
- Requires the Administrative Office of the Courts to take specified measures related to providing access to electronic monitoring with victim notification technology.

**Hearing Date:** 2/20/20

**Staff:** Omeara Harrington (786-7136).

#### **Background:**

##### Electronic Monitoring.

The Sentencing Reform Act (SRA) contains the provisions governing felony sentences. As defined in the SRA, "electronic monitoring" means tracking the location of an individual through the use of technology that is capable of determining or identifying the monitored individual's presence or absence at a particular location. This technology may include, but is not limited to: (1) radio frequency signaling technology, which detects if the monitored individual is or is not at an approved location and provides information accordingly to the monitoring agency; and (2) active or passive global positioning system technology, which detects the location of the monitored individual and notifies the monitoring agency of the individual's location.

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*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.*

A person may be ordered to submit to electronic monitoring as defined under the SRA in a variety of situations. Examples of circumstances in which electronic monitoring may be required include:

- when a person is ordered to community custody, home detention, or partial confinement;
- as a sanction for violation of a condition of sentence;
- in conjunction with an order for extraordinary medical placement;
- during pretrial release; and
- as a condition of, or upon violation for, certain protective orders.

The agency supervising an individual subject to electronic monitoring must establish the terms and conditions of the electronic monitoring for that individual and communicate those terms and conditions to the monitoring agency. A monitoring agency must report known violations of law or court-ordered conditions to the supervising agency, and must notify the court or supervising agency when certain incidents occur, including the monitored individual being unaccounted for or remaining outside of geographic boundaries.

#### Protective Orders and Electronic Monitoring.

There are various protective orders a court may issue prohibiting a defendant or respondent from contacting certain persons or visiting or remaining within certain locations, including civil protection orders and restraining orders, and no-contact orders entered in the context of criminal proceedings. Specialized orders are available in cases involving certain conduct, including domestic violence, stalking, sexual assault, harassment, trafficking, promoting prostitution, and abuse of vulnerable adults.

A court issuing a stalking no-contact order, a sexual assault no-contact order, or a domestic violence protection order or no contact order may require that the defendant or respondent submit to electronic monitoring. In addition, the court may impose an electronic monitoring requirement upon violation of a wide range of protective orders.

#### **Summary of Bill:**

The SRA definition of electronic monitoring is expanded, and may include electronic monitoring with victim notification technology that is capable of notifying a victim or protected party when the monitored individual is at or near a restricted location. Notification may be direct or through a monitoring agency. Provisions are added to the statutes governing criminal no-contact orders entered in stalking, sexual assault, and domestic violence cases to indicate that electronic monitoring for purposes of those statutes is defined according to the SRA definition.

The Administrative Office of the Courts (AOC) must develop a list of vendors or enter into a contract with a vendor that provides electronic monitoring with victim notification technology, and must provide outreach to counties informing as to how courts may access these vendors. The AOC must also create an informational handout for distribution to persons seeking protection orders regarding the opportunity to request, where available, electronic monitoring with victim notification technology. The information must include a description of the technology, requirements for accessing the technology, and instruction as to how to request the technology, as well as a description of limitations on how the technology may or may not assist the person in maintaining safety.

Appointed or elected public officials, public employees, public agencies, and units of local government and their employees, are immune from civil liability for damages resulting from the use of electronic monitoring with victim notification technology, absent gross negligence or bad faith.

The official name of the act is the Tiffany Hill Act.

**Appropriation:** None.

**Fiscal Note:** Requested on February 18, 2020.

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