
Public Safety Committee

HB 1126

Brief Description: Limiting tolling of community custody terms.

Sponsors: Representatives Goodman, Simmons, Ormsby and Davis; by request of Department of Corrections.

Brief Summary of Bill

- Requires the Department of Corrections to toll a person's term of community custody for any time a secretary's warrant or bench warrant is issued and any time the person is incarcerated for the original sentence.
- Eliminates the requirement to toll a person's term of community custody for any time the person is absent from supervision, and eliminates the separate tolling requirements and exceptions for different categories of criminal offenses.

Hearing Date: 1/22/21

Staff: Corey Patton (786-7388).

Background:

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 release from confinement in a state correctional facility. While on community custody, a person is subject to conditions imposed by the DOC and the sentencing court. The Secretary of the DOC may issue a warrant for the arrest of any person who violates a condition of community custody. A person who violates a condition of community custody may be subject to sanctions.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

The DOC must toll a person's term of community custody for any time the person is absent from supervision without prior approval from the supervising entity.

If a person is serving a sentence for a sex offense, the DOC must toll the term of community custody for any time the person is in confinement for any reason. If a person is serving a sentence for any other type of offense, the DOC must toll the term of community custody for any time the person is in confinement, except for:

- the period of detainment prior to a hearing on an alleged violation of community custody conditions; or
- confinement time imposed as a sanction for violation of sentence conditions, if the sanction is not the imposition of the remaining sentence or the original sentence.

Summary of Bill:

The Department of Corrections (DOC) must toll a person's term of community custody, irrespective of the category of the underlying offense, for any time the person is:

- subject to a warrant issued by the Secretary of the DOC;
- subject to a bench warrant; or
- serving confinement time as a part the original sentence, including confinement time imposed as a sanction from the remaining sentence.

The requirement to toll a person's term of community custody for any time the person is absent from supervision without prior approval from the supervising entity is eliminated. The separate tolling requirements and exceptions for different categories of criminal offenses are eliminated.

Appropriation: None.

Fiscal Note: Requested on January 15, 2021.

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