
Community Safety Committee

HB 1192

Brief Description: Concerning disciplinary hearings held by the department of corrections.

Sponsors: Representatives Simmons and Peterson.

Brief Summary of Bill

- Establishes beyond a reasonable doubt as the standard of proof for the Department of Corrections (DOC) disciplinary hearings for alleged violations of community custody conditions and disciplinary rules of partial confinement.
- Establishes preponderance of the evidence as the standard of proof for the DOC disciplinary hearings for alleged violations of disciplinary rules of total confinement.

Hearing Date: 1/14/25

Staff: Lena Langer (786-7192).

Background:

Community Custody.

Community custody is the portion of a person's criminal sentence served in the community under the Department of Corrections' (DOC) supervision following their release from confinement in a state correctional facility. There are certain crimes for which community custody must be imposed by the courts. While on community custody, individuals are subject to conditions imposed by the DOC, the sentencing court, and the Indeterminate Sentence Review Board, in certain circumstances. The Secretary of the DOC may issue a warrant for the arrest of any person who violates a condition of community custody. Sanctions vary depending on the type of violation, the underlying offense, and other conditions. There are nonconfinement and

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confinement sanctions. Under DOC rule, the standard of proof for a disciplinary hearing for an alleged violation of community custody conditions is preponderance of the evidence.

Total Confinement.

Total confinement is confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for 24 hours a day. The DOC's written rules of conduct for incarcerated individuals specifies prohibited acts and penalties that will be imposed for various degrees of violation. Sanctions include loss of privileges, loss of good conduct time credits, and loss of earned time credits. Per the DOC Statewide Orientation Handbook, the standard of proof for a disciplinary hearing of an alleged violation in total confinement is some evidence.

Partial Confinement.

For certain persons, a term of total confinement may be converted to partial confinement. Partial confinement is confinement up to one year in a facility operated or contracted by the state or other unit of government, or in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement may include work release, home detention, work crew, or electronic monitoring.

Home detention is a program of partial confinement in which the offender is confined in a private residence 24 hours a day, unless otherwise authorized by the court or other supervising agency, and is subject to electronic monitoring.

Work release is a program of partial confinement available to persons who are employed or engaged as a student in a regular course of study at school.

During the period of partial confinement, a person may be required to comply with crime-related prohibitions and affirmative conditions imposed by the court or the DOC. If the rules of the partial confinement program are violated, the person may be required to serve the remainder of the term in total confinement. Under DOC rule, the standard for a disciplinary hearing for an alleged violation in partial confinement is preponderance of the evidence.

Summary of Bill:

The standard of proof for a DOC disciplinary hearing is:

- beyond a reasonable doubt for alleged violations of community custody conditions;
- beyond a reasonable doubt for alleged violations of partial confinement disciplinary rules or conditions; and
- preponderance of the evidence for alleged violations of total confinement disciplinary rules.

The DOC must adopt rules to implement the new standards. The DOC must ensure that the incentive system for an incarcerated person's behavior and participation in education and work programs conforms to the new standards.

Appropriation: None.

Fiscal Note: Requested on January 9, 2025.

Effective Date: The bill takes effect on January 1, 2026.