
Community Safety Committee

HB 1668

Brief Description: Concerning community custody.

Sponsors: Representatives Davis, Griffey, Richards and Nance.

Brief Summary of Bill

- Modifies community custody policies regarding sanctions, electronic monitoring, treatment, polygraphs, and apprehending supervised individuals who have absconded.
- Increases the seriousness level for Escape from Community Custody and removes specified offender scoring for the offense.

Hearing Date: 2/13/25

Staff: Michelle Rusk (786-7153).

Background:

Community Custody.

Supervision.

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 the person's 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 also issue warrants for the arrest of any person who violates a condition of community

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custody. If a person violates the conditions, he or she may be subject to sanctions.

Sanctions.

Statutory requirements have been established for sanctioning violations of community custody.

The DOC is required to adopt rules classifying types of violations as "low level" or "high level," as well as rules for aggravating and mitigating factors. For example, once someone has committed and been sanctioned for five low level violations, subsequent violations may be considered high level violations. The statutory requirements then direct certain sanctions based on those classifications and factors:

- For a low-level violation, the DOC may impose one or more nonconfinement sanctions or not more than three days in total confinement.
- For a high-level violation, the DOC may impose not more than 30 days in total confinement.

Escape from Community Custody.

A person under community custody who willfully discontinues making themselves available to the DOC for supervision by making their whereabouts unknown, or failing to maintain contact with the DOC as required by the community corrections officer, is deemed an escapee and fugitive from justice, and is guilty of a class C, seriousness level II felony.

Treatment.

Individuals receiving court-ordered or DOC-ordered mental health, chemical dependency, or domestic violence treatment must disclose to the provider whether they are supervised by the DOC.

Electronic Monitoring.

In lieu of a sanction of confinement, a supervised individual may be sanctioned with electronic monitoring. Electronic monitoring includes use of technology that is capable of determining the monitored person's presence or absence at a particular location and notifies the monitoring agency if the person leaves the approved location, or tampers with or removes the monitoring device. It also includes GPS technology to detect the monitored person's location and may include capabilities to notify a victim or protected party if the monitored person enters within a restricted distance of the victim or protected party.

Offender Score.

The Sentencing Reform Act provides a determinate sentencing system in which sentencing courts generally impose sentences within a standard range. The standard range for a person is determined by reference to a grid, which provides a base sentence according to the person's offender score and the seriousness level of the present offense. The offender score is a point total based on the person's prior convictions.

If someone's present conviction is for Escape from Community Custody, then for purposes of counting points for the offender score, courts must only count prior adult Escape from Community Custody convictions, which must be counted as one point.

Summary of Bill:

Community Custody.

Within five days of the DOC issuing an arrest warrant for someone on community custody who has absconded from supervision or violated any supervision conditions, community corrections officers must take all reasonable efforts to locate and apprehend the individual, including coordinating with new department liaisons. The DOC Community Corrections Division (Division) must create this new liaison position to foster relationships between the Division's field offices and local law enforcement agencies to support law enforcement with apprehending supervised individuals subject to a warrant.

The Division must also develop and implement an information-sharing mechanism between the DOC and local law enforcement agencies to facilitate law enforcement's ability to assist with looking for and apprehending individuals subject to a warrant. The focus of the partnership and data-sharing must be on apprehending supervised individuals who pose a substantial risk to public safety, or who have willfully absconded for a prolonged period of time or under concerning circumstances.

Sanctions.

An individual accused of committing a high level violation may receive a sanction of greater than 30 days in total confinement if a request is made for such a sanction. The DOC must establish a process whereby a community corrections officer may request, and the DOC may impose, the sanction of greater than 30 days in total confinement if an individual poses a substantial risk to public safety or has absconded for a prolonged period of time or under concerning circumstances.

Escape from Community Custody.

The seriousness level for the offense of Escape from Community Custody is increased to a level V. Additionally, the DOC must exercise discretion when deciding to recommend to a prosecuting authority the charging of Escape from Community Custody. This discretion includes not recommending a charge for every instance of an individual failing to make themselves available to the DOC. Instead, the DOC should consider the severity of the circumstances, and prioritize recommending charging in more egregious instances, including when the individual poses a substantial risk to public safety, or when the individual has willfully absconded for a prolonged period or under concerning circumstances.

Treatment.

When mental health or substance use disorder treatment is a condition of a supervised person's sentence or a condition imposed by the DOC, applicable behavioral health service providers must give updates about the supervised person's compliance with their treatment plan to the supervised person's community corrections officer.

Polygraphs.

The DOC must develop and implement a system to track scheduled polygraph tests imposed on

supervised individuals as part of monitoring the person's compliance with court-imposed conditions and supervision conditions and collect data on the number of times a person misses a scheduled polygraph. The system the DOC implements must include and use capabilities for reminding community corrections officers of scheduled polygraphs for people under the officers' supervision.

Electronic Monitoring.

The DOC must ensure that electronic monitoring capabilities for individuals under DOC supervision include:

- real-time monitoring that can occur without relying on community corrections officers to proactively check for violations;
- steel reinforced ankle bracelets with sensor technology that can send an immediate tamper alert to law enforcement with the supervised person's location;
- victim notification technology; and
- alcohol monitoring bracelets that use transdermal analysis to measure alcohol levels in insensible perspiration on the skin.

Offender Score.

The specified offender scoring when someone's present conviction is for Escape from Community Custody is removed.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

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