

SENATE BILL REPORT

ESB 6103

AS PASSED SENATE, FEBRUARY 13, 1992

Brief Description: Allowing electronic monitoring as a condition of release or condition of probation.

SPONSORS: Senators Nelson, Rasmussen, Thorsness, M. Kreidler, Sutherland and Erwin

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, M. Kreidler, and Rasmussen.

Staff: Susan Carlson (786-7418)

Hearing Dates: January 28, 1992; January 29, 1992

BACKGROUND:

Electronic monitoring programs are now available for use in many jurisdictions in Washington. These devices can be used to monitor a defendant's presence at a particular location. Electronic monitoring has been used most often as a sanction imposed at the time of sentencing, but can also be useful as a condition of release from custody while charges are impending.

Current statutes do not specifically address the use of electronic monitoring for misdemeanor level crimes or the court's authority to require a defendant to pay the costs of the monitoring. Further, it has been suggested that the court's authority to require electronic monitoring should be clarified in relation to cases involving domestic violence charges and restraining orders.

SUMMARY:

In an order granting probation for a misdemeanor or gross misdemeanor, after consideration of the defendant's ability to pay, the court may order the defendant to pay for the costs of electronic monitoring imposed as a condition of probation, and for the costs of monitoring previously imposed as a condition of release for that crime.

At the time of arraignment on a domestic violence charge, the court may include in a no-contact order a condition that the defendant submit to electronic monitoring. If the defendant is subsequently convicted of the offense, the court may require reimbursement of the costs of the pre-trial monitoring as a condition of the sentence. Electronic monitoring may also be imposed as a sanction for the offense. The court must

specify the terms under which the monitoring is to be performed and may require the defendant pay for the costs of the monitoring. The court must consider the ability of the defendant to pay monitoring costs.

At the time of the hearing on a petition for a domestic violence order for protection, the court may include in any relief granted a condition that the respondent submit to electronic monitoring. The order may also include a requirement that the respondent pay the costs of monitoring. If convicted of a misdemeanor level violation of the order for protection, the penalty may include submission to electronic monitoring and payment of the costs of the monitoring. The court must consider ability to pay monitoring costs before ordering payment.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

The concept of using new technology such as electronic monitoring should be examined to determine its possible usefulness in relation to monitoring compliance with restraining orders, and deterring violations of those orders.

TESTIMONY AGAINST: None

TESTIFIED: Mike Ryherd, Human Services Roundtable (pro)