

HOUSE BILL REPORT

HB 2363

As Reported by House Committee On:

Criminal Justice & Corrections

Appropriations

Title: An act relating to eliminating the supervision of certain probationers by the department of corrections.

Brief Description: Eliminating the supervision of certain probationers by the department of corrections.

Sponsors: Representatives Kagi, Dickerson, Sommers and Edwards.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 1/20/04, 2/3/04 [DPS];

Appropriations: 2/9/04 [DPS(CJC)].

Brief Summary of Substitute Bill

- Eliminates the Department of Corrections supervision of certain probationers convicted of misdemeanors and gross misdemeanors.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 4 members: Representatives O'Brien, Chair; Darneille, Vice Chair; Kagi and Veloria.

Minority Report: Do not pass. Signed by 3 members: Representatives Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; and Pearson.

Staff: Jim Morishima (786-7191).

Background:

The Department of Corrections (DOC) supervises felony offenders sentenced to a term of community custody as well as offenders convicted of misdemeanors or gross misdemeanors who were sentenced to a term of probation in Superior Court (probationers).

In 2003, the Legislature passed ESSB 5990, which eliminated the DOC supervision over certain felony offenders subject to a term of community custody. The legislation required the DOC only to supervise offenders who:

- Are classified in the two highest risk categories;
- Have a current or prior offense (regardless of risk category) for a sex offense, a violent offense, a crime against persons, felony domestic violence, residential burglary, delivery or possession with intent to deliver methamphetamine (or an attempt, solicitation, or conspiracy to do so), or delivery of a controlled substance to a minor (or an attempt, solicitation, or conspiracy to do so); or
- Have conditions relating to chemical dependency treatment as part of their sentence (regardless of risk category).

The DOC may not supervise any other type of offender. Similar supervision requirements were not imposed on the DOC for probationers.

Summary of Substitute Bill:

The criteria imposed by ESSB 5990 regarding the DOC supervision felony offenders are extended to cover probationers under the DOC supervision. The DOC may only supervise such probationers who:

- Are classified in the two highest risk categories;
- Have a current or prior offense (regardless of risk category) for a sex offense, a violent offense, a crime against persons, felony domestic violence, residential burglary, delivery or possession with intent to deliver methamphetamine (or an attempt, solicitation, or conspiracy to do so), or delivery of a controlled substance to a minor (or an attempt, solicitation, or conspiracy to do so); or
- Have conditions relating to chemical dependency treatment as part of their sentence (regardless of risk category).

The DOC may not supervise any other type of probationer.

Substitute Bill Compared to Original Bill:

The substitute bill has an emergency clause and takes effect immediately upon enactment.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill contains an emergency clause and takes effect immediately.

Testimony For: This bill applies the same supervision criteria on persons convicted of misdemeanors and gross misdemeanors as are applied to persons convicted of felonies. This can be considered a technical correction. Last year, the Legislature clearly intended to eliminate the DOC supervision on all low risk offenders. The population of unsupervised offenders was selected carefully; only non-violent, non-sex, non-crime against persons, low risk offenders are to be unsupervised. However, the change was only made for felony

offenders despite the fact that the budget assumed savings from ending supervision on persons convicted of misdemeanors and gross misdemeanors as well. If this bill does not pass, an additional appropriation will therefore have to be made. Under this bill, the DOC would continue to supervise high risk offenders who have a current or prior conviction for certain crimes.

(In support with concerns) The risk assessment portion of the bill may be unnecessary given the fact that offenders with current or prior convictions for certain crimes must be supervised.

Testimony Against: None.

Persons Testifying: (In support) Representative Kagi, prime sponsor; Dick VanWagenen, Governor's Policy Office; and Ann Fiala, Department of Corrections.

(In support with concerns) Bill Jaquette, Washington Defenders Association.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill by Committee on Criminal Justice & Corrections be substituted therefor and the substitute bill do pass. Signed by 23 members: Representatives Sommers, Chair; Fromhold, Vice Chair; Sehlin, Ranking Minority Member; Buck, Chandler, Clements, Cody, Conway, Cox, Dunshee, Grant, Hunter, Kagi, Kenney, Kessler, Linville, McDonald, McIntire, Miloscia, Ruderman, Schual-Berke, Sump and Talcott.

Minority Report: Do not pass. Signed by 4 members: Representatives Pearson, Assistant Ranking Minority Member; Alexander, Anderson and Boldt.

Staff: Bernard Dean (786-7130).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Criminal Justice & Corrections:

No new changes were recommended.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill contains an emergency clause and takes effect immediately.

Testimony For: This savings was assumed in the budget that was enacted last year, but ESSB 5990 did not include the language necessary to apply to misdemeanors the same supervision criteria that we now provide to felons. This bill conforms the statute to the funding that was provided last session.

This bill would allow the Department of Corrections to use one classification system on all of the offenders supervised by the agency.

Testimony Against: None.

Persons Testifying: Anne Fiala, Department of Corrections; and Dick VanWagenen, Office of Financial Management.

Persons Signed In To Testify But Not Testifying: None.