

HOUSE BILL REPORT

SSB 6548

As Passed House:
February 28, 2010

Title: An act relating to offenders on parole or probation.

Brief Description: Suspending the parole or probation of an offender who is charged with a new felony offense in certain conditions.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Carrell, Stevens, Kauffman and Roach).

Brief History:

Committee Activity:

Human Services: 2/17/10, 2/22/10 [DP].

Floor Activity:

Passed House: 2/28/10, 94-0.

Senate Refused to Concur.

Passed House - Amended: 3/9/10, 97-0.

Brief Summary of Substitute Bill

- Allows the suspension of the parole or probation of an offender who is charged with a new felony if the offender is on parole or under the supervision of the Department of Corrections pursuant to the Interstate Compact for Adult Offender Supervision; during the suspension, the offender may be placed in total confinement pending the disposition of the new criminal charges; the section of the act is applied retrospectively.
- Requires the Department of Corrections (DOC) to identify the states from which it receives the highest number of offenders for supervision; determine the feasibility and cost of establishing memoranda of understanding with those states; and report back to the Legislature by December 1, 2010.
- Requires Washington representatives, at the next meeting of the Interstate Commission, to seek a resolution regarding any inequitable distribution of costs, benefits, and obligations; the scope of the mandatory acceptance policy; and the authority of the receiving state to determine when it can no longer supervise an offender.

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

- Requires the DOC to examine the feasibility and cost of withdrawal from the Interstate Compact and report back to the Legislature by December 1, 2010.

HOUSE COMMITTEE ON HUMAN SERVICES

Majority Report: Do pass. Signed by 8 members: Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Darneille, Green, Herrera, O'Brien and Walsh.

Staff: Linda Merelle (786-7092).

Background:

Parole.

Offenders who committed offenses before July 1, 1984, or offenders sentenced to certain sex offenses on or after September 1, 2001, are subject to parole under the jurisdiction of the Indeterminate Sentencing Review Board (Board). The Board may take a variety of actions when an offender violates the terms of his or her parole, including suspension of parole pending the disposition of new criminal charges.

Interstate Compact for Adult Offender Supervision.

Congress has expressly authorized states to enter into compacts or agreements such as the Interstate Compact for the Supervision of Adult Offenders (Interstate Compact). In 2001 pursuant to Substitute Senate Bill 5118, the Legislature enacted the Interstate Compact into Washington law. The Interstate Compact provides a formal means for controlling the interstate movement for offenders who are under the supervision of a member state's department of corrections. All 50 states plus Puerto Rico, the U.S. Virgin Islands, and the District of Columbia are members of the Interstate Compact.

Under the Interstate Compact, an Interstate Commission is created which establishes uniform procedures to manage the movement between states of adults placed under supervision. The Interstate Commission has the power to adopt bylaws governing the management and operation of the Interstate Commission and to make rules which have the force and effect of statutory law. Such rules are binding upon the states that are members of the Interstate Compact.

Summary of Bill:

Suspension of Parole on Supervision.

The Indeterminate Sentencing Review Board who has jurisdiction over a parolee or the Department of Corrections, supervising an offender pursuant to the Interstate Compact, may suspend the parole or supervision of an offender, respectively, if he or she is charged with a new felony offense. During the suspension, the offender may be placed in total confinement

pending the disposition of the new charges. The act makes it clear that offenders from out-of-state are supervised and subject to the same conditions and sanctions as Washington offenders.

The section regarding the suspension of parole or probation applies retrospectively, and thus to all offenders who committed their crimes before, on, or after its effective date.

Interstate Compact for Adult Offender Supervision.

The Legislature has determined that it is necessary to examine patterns related to the exchange of out-of-state offenders needing supervision. The Department of Corrections must identify the states from which it receives adult supervision and examine the feasibility and cost of establishing memoranda of understanding with the states that send the highest number of offenders for supervision to Washington with the goal of achieving more balanced and equitable obligations under the Interstate Compact.

At the next meeting of the Interstate Commission, Washington's representatives on the Interstate Commission must seek a resolution regarding any inequitable distribution of costs, benefits, and obligations affecting Washington under the Interstate Compact. They must also seek a resolution regarding the scope of the mandatory acceptance policy and the authority of the receiving state to determine when it can no longer supervise an offender. The DOC must examine the feasibility and cost of withdrawal from the Interstate Compact.

By December 1, 2010, the DOC must report back to the Legislature regarding (1) the development of memoranda of understanding with the states that send the highest number of offenders to Washington; (2) any resolutions by the Interstate Commission regarding the inequitable distribution of costs, benefits and obligations affecting Washington under the Interstate Compact, the scope of the mandatory acceptance policy, and the ability of Washington to determine when it can no longer supervise an out-of-state offender; and (3) the feasibility and cost of withdrawal from the Interstate Compact.

The provisions of the bill regarding the Interstate Compact and the Interstate Commission are subject to an emergency clause.

Appropriation: None.

Fiscal Note: Not requested.

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

Staff Summary of Public Testimony:

(In support) The bill gives the Department of Corrections authority that it did not have in the Clemmons matter. The Department of Corrections would be able to hold an offender on a department hold rather than a hold by the sending state. This bill applies to individuals on parole rather than community supervision.

(Opposed) None.

Persons Testifying: Scott Blonien, Department of Corrections.

Persons Signed In To Testify But Not Testifying: None.