

HOUSE BILL REPORT

HB 1208

*As Reported By House Committee on:
Human Services*

Title: An act relating to authorizing a compact with adjacent states concerning jurisdiction over inmates while outside the state of conviction.

Brief Description: Authorizing an interstate forest fire suppression compact.

Sponsor(s): Representatives Belcher, Hargrove, Jones, Beck, Winsley, Nealey, R. King and Haugen; by request of Department of Corrections.

Brief History:

Reported by House Committee on:
Human Services, March 4, 1991, DPS.

**HOUSE COMMITTEE ON
HUMAN SERVICES**

Majority Report: *That Substitute House Bill No. 1208 be substituted therefor, and the substitute bill do pass.*
Signed by 10 members: Representatives Leonard, Chair; Winsley, Ranking Minority Member; Tate, Assistant Ranking Minority Member; Anderson; Beck; Brekke; Hargrove; Hochstatter; R. King; and H. Myers.

Staff: Antonio Sanchez (786-7383).

Background: The Department of Corrections does not have the authority to transport any offender in their custody across the state boundaries without an approved extrication. No interstate agreements currently exist that allow other adjoining states to transport their inmates into Washington without an extradition.

This requirement poses some difficulties for the Department of Corrections. Unexpected road closures create delays in transporting inmates, even though other out of state routes exist that are accessible, available, and can save valuable time. There are opportunities when inmate fire fighting crews are needed in other adjoining states, or when the state boundary needs to be crossed to access a very remote in-state forest fire.

The department has a forest fire suppression training program for inmates. Currently, the program has approximately 430 inmates available to work on fire crews. Washington, Oregon, and Idaho, each rely on prison inmates to provide fire fighting assistance within their respective states in the event they are called upon. Forest fires in Washington, Oregon, and Idaho federal and state lands are a common occurrence. Some forest fires are intense enough to require fire fighting personnel beyond the states' existing capabilities, however, currently inmate forest fire suppression crews do not work on forest fires outside their respective states or on federal lands. Budget cutbacks in federal fire suppression has increased the potential need to rely on local and regional fire suppression crews.

Summary of Substitute Bill: The State of Washington is allowed to enter into an Interstate Forest Fire Suppression Compact with the states of Idaho and Oregon. The compact is valid when any two of the three states of Washington, Idaho, and Oregon have enacted the compact into law. The compact will remain binding until any one of the states sends written notice of their intent to withdraw.

The compact gives the Department of Corrections authority to transport offenders to the party states for fire suppression efforts, and in emergency situations due to bad weather road closures.

The Department of Corrections must appoint a liaison to coordinate and develop the inmate fire suppression units. Inmates working on forest fire suppression in other states will be under the jurisdiction of the sending state, unless the inmate has escaped. If the inmate has escaped, he/she will be under the jurisdiction of both the sending state and the receiving state. Inmates suspected of a criminal offense while working in another state, will be returned to the sending state only if they are discharged from prosecution or other form of proceeding, imprisonment, or detention from the offense.

The Department of Corrections can contract with the federal government to fight fires on federal land with state inmate forest fire suppression crews. The inmate forest fire crews can be a Class I Correctional Industries program when fighting forest fires on federal lands.

Substitute Bill Compared to Original Bill: The ability for the Class I Corrections Industries program to contract with government entities is eliminated. A new section is added, apart from the Interstate Compact Agreement, that allows the Department of Corrections to contract with the federal government for inmate forest fire suppression crews to work

on federal lands. The inmate forest fire suppression crews can be considered a Class I Corrections program while working on federal land.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Each year, inmates are used in our State to put out many forest fires. Inmates are an essential and respected part of the state's forest fire suppression program. These crews do a good job and save the State many dollars. Expanding the capability of these forest fire suppression crews would enhance the program and provide more protection to the forests in our State.

Testimony Against: None.

Witnesses: Tom Rolfs, Department of Corrections; and Ted Price, Department of Natural Resources.