

FINAL BILL REPORT

ESHB 2490

C 75 L 92

Synopsis As Enacted

Brief Description: Making escape from community placement or supervision a class C felony.

By House Committee on Judiciary (originally sponsored by Representatives Padden, Morris, D. Sommers, Hochstatter, Forner, Brough, Broback, Silver, Fuhrman, Horn, P. Johnson, Bowman, Wynne, Morton, Carlson, Chandler, Mitchell and Tate).

House Committee on Judiciary
House Committee on Appropriations
Senate Committee on Law & Justice

Background: An offender who is released from prison may be charged with escape if the offender is in "community custody" and "wilfully fails to comply with any one or more of the controls placed on the inmate's movements by the department of corrections." The offense is a class C felony.

The crime of escaping from community custody is an "unranked" offense which means the presumptive sentencing range is up to one year in jail. The presumptive sentence for a "ranked" felony is determined by the ranking level of the crime and the number of criminal history points the offender has previously accumulated. When calculating offender points for similar escape-related offenses, such as willful failure to return from furlough or work release, the offender gets points only if the offender has previous escape offenses.

When the court sentences an offender convicted of a sex offense or a serious violent offender to the department, the court must impose a term of community placement upon release. The court must impose a variety of conditions unless the court waives those conditions. In addition, the court may impose special conditions. One special condition a court may impose on a sex offender is that the offender obtain the department's prior approval of the offender's residence location and living arrangements. The provision is not mandatory and does not apply to serious violent offenders.

Summary: The definition of escape is changed to mean that the inmate willfully discontinues making himself or herself available to the Department of Corrections for supervision by making his or her whereabouts unknown or by failing to maintain contact with the department as directed by the community corrections officer. The crime is ranked at seriousness level two, which carries a presumptive sentence of 0-90 days in jail for a first-time offender. Only prior escape convictions are counted as criminal history in calculating offender points for an offender's second or subsequent escape conviction. A number of technical changes are made as needed in the Sentencing Reform Act.

The court must require that sex and serious violent offenders obtain the department's approval of the offender's living arrangements and residence location during any period of community placement.

Votes on Final Passage:

House	98	0
Senate	49	0

Effective: June 11, 1992