

# HOUSE BILL REPORT

## ESSB 5825

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*As Passed Legislature*

**Title:** An act relating to restricting possession of firearms by offenders under the supervision of the department of corrections.

**Brief Description:** Restricting offenders' possession of firearms.

**Sponsor(s):** Senate Committee on Law & Justice (originally sponsored by Senators Nelson, Madsen, Thorsness, Erwin, Rasmussen, Oke and L. Kreidler; by request of Department of Corrections).

**Brief History:**

Reported by House Committee on:  
Human Services, April 3, 1991, DP;  
House amended;  
Passed House, April 11, 1991, 87-8;  
House receded;  
Passed Legislature, 96-0.

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**HOUSE COMMITTEE ON  
HUMAN SERVICES**

**Majority Report:** *Do pass.* Signed by 10 members: Representatives Leonard, Chair; Riley, Vice Chair; Winsley, Ranking Minority Member; Tate, Assistant Ranking Minority Member; Anderson; Beck; Brekke; Hargrove; Hochstatter; and H. Myers.

**Staff:** Antonio Sanchez (786-7383).

**Background:** The Division of Community Corrections, within the Department of Corrections, is responsible for managing felony offenders within local communities. Community correction officers monitor offender behavior and direct offenders towards acceptable lifestyles through involvement in community-based rehabilitative programs. The programs are: Community Supervision, Work Training Release, and Victim/Witness Notification. The Division of Community Corrections operates 44 field offices that serve 39 counties of Washington. There are 457 staff, of which 311 are community corrections officers. These officers indicate that a growing number of the offenders under their supervision are in possession of firearms or ammunition.

The Division of Community Corrections currently has 53,930 total field cases, 35,145 of which are on active supervision and 738 on work release. The Department of Corrections has expressed concern about the safety of their community supervision officers and recommends that all offenders under their supervision be prohibited from possessing firearms or ammunition.

Currently, judges are able to impose sentencing restrictions on offenders possessing firearms and ammunition, however, it is not mandatory.

**Summary of Bill:** Offenders sentenced to terms requiring community supervision, community service, or community placement under the Department of Corrections, are not allowed to own, use, or possess firearms or ammunition.

Offenders found in actual or constructive possession of firearms or ammunition, are subject to a class C felony and modification of their judgment and sentence. Constructive possession refers to the power and intent to control the firearm or ammunition.

The firearms or ammunition owned, used, or possessed by offenders may be confiscated by community corrections officers and turned over to the Washington State Patrol for appropriate disposal.

**Fiscal Note:** Available.

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

**Testimony For:** The safety of community corrections officers will be enhanced if we can keep guns out of the hands of felons. It is important to send a message, at the time of sentencing, that the felony offender should not have weapons.

**Testimony Against:** None.

**Witnesses:** Dave Savage, Department of Corrections; Ted Cowan, National Association to Keep and Bear Arms; Mike Redman, Washington Association of Prosecuting Attorneys; Bev Hermenson, Washington Federation of State Employees; and Trish Tobis, citizen.