

**SENATE BILL REPORT**

**SB 5128**

**AS REPORTED BY COMMITTEE ON WAYS & MEANS, MARCH 11, 1991**

**Brief Description:** Requiring notification to witnesses upon release or escape of serious drug offenders.

**SPONSORS:** Senators Madsen, Jesernig and Rasmussen.

**SENATE COMMITTEE ON LAW & JUSTICE**

**Majority Report:** Do pass and be referred to Committee on Ways & Means.

Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, L. Kreidler, Madsen, Newhouse, and A. Smith.

**Staff:** Jon Carlson (786-7459)

**Hearing Dates:** February 14, 1991; February 19, 1991

**SENATE COMMITTEE ON WAYS & MEANS**

**Majority Report:** That Substitute Senate Bill No. 5128 be substituted therefor, and the substitute bill do pass.

Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Matson, Metcalf, Murray, Newhouse, Niemi, Owen, Rinehart, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

**Staff:** Cindi Holmstrom (786-7715)

**Hearing Dates:** March 8, 1991; March 11, 1991

**BACKGROUND:**

The victim, witness, and police notification programs that currently exist require the Department of Social and Health Services (DSHS) and the Department of Corrections to notify victims and witnesses of the release of juvenile and adult violent or sex offenders. The police are sent the notices as a matter of course, but victims and witnesses must request notice of the release of such offenders in writing.

A similar notification program is suggested for witnesses who have testified against persons convicted of serious drug offenses and who are about to be released by the Department of Corrections.

**SUMMARY:**

Upon written request, the Department of Corrections must notify those witnesses who testified against an inmate in a court proceeding involving a serious drug offense if the

inmate is about to be released from total confinement. The notification must take place at the earliest possible date, and in no event later than ten days before release.

The department is also required to notify the appropriate witnesses whenever an inmate convicted of a serious drug offense escapes or is recaptured.

Other persons specified in writing by the prosecuting attorney must also receive notice of a serious drug offender's release, escape, or recapture.

"Serious drug offense" means a violation of the Controlled Substances Act involving Schedule I or II narcotic drugs or counterfeit substances that are narcotic drugs.

**EFFECT OF PROPOSED SUBSTITUTE:**

Language is added which makes the act contingent upon funding in the Omnibus Appropriations Act.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** available

**TESTIMONY FOR (Law & Justice):**

A serious drug offender who is no longer in total confinement poses a threat to the safety of those witnesses who testified against the offender at trial. These witnesses should have the opportunity to be alerted to the offender's release or escape.

**TESTIMONY AGAINST (Law & Justice):** None

**TESTIFIED (Law & Justice):** Ted Fix, citizen (pro); Stephanie Carter, Washington Association of Prosecuting Attorneys (pro)

**TESTIMONY FOR (Ways & Means):**

This bill appropriately supports the witnesses' right for notification upon the release or escape of an offender.

**TESTIMONY AGAINST (Ways & Means):** None

**TESTIFIED (Ways & Means):** Stephanie Carter, WA Assn. of Prosecuting Attorneys (pro)