

HOUSE BILL REPORT

HB 2197

As Reported By House Committee On:
Corrections

Title: An act relating to the department of corrections.

Brief Description: Concerning the notification of a witness or victim upon the release of an inmate.

Sponsors: Representatives Ballasiotes, Appelwick, Wood, Kessler, Ballard, Karahalios, Reams, Wineberry, Foreman, Dyer, Jones, Casada, B. Thomas, Long, Campbell, Van Luven, Silver, Schmidt, Brumsickle, Brough, Edmondson, Cooke, J. Kohl, King, Flemming, Roland, Kremen, Sheldon, Chandler, Eide, Johanson, Springer and Mastin.

Brief History:

Reported by House Committee on:
Corrections, February 3, 1994, DPS.

HOUSE COMMITTEE ON CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Morris, Chair; Mastin, Vice Chair; Long, Ranking Minority Member; Edmondson, Assistant Ranking Minority Member; G. Cole; L. Johnson; Moak and Padden.

Staff: Rick Neidhardt (786-7841).

Background: Washington law gives victims and witnesses of certain crimes the right to request to be notified before inmates are released from prison. The right also extends to certain other individuals specified in writing by the prosecutor. The crimes to which this right applies are violent offenses, sex offenses and felony harassment offenses.

An individual requests notification by submitting a written request to the Department of Corrections. Upon receiving this request the department must give as much advance notice as possible prior to the offender's release, parole, community placement, work release placement or furlough. At a minimum, 10 days' advance notice must be provided. In the event of an escape or an emergency furlough (such as for a medical emergency), the department is not required to meet the 10-day notice requirement, but must still notify the

individuals who requested this notice at the earliest possible date.

The Department of Corrections' records regarding these requests for notification are confidential. Washington law does not currently require the department to retain these records for any particular length of time. The department's present practice is to retain records for one year following any particular notification. The department then destroys the records.

Summary of Substitute Bill: The Department of Corrections must retain, for a period of two years following an inmate's release, two types of documents:

- (1) a signed request by an individual to be included in the notification program; and
- (2) a receipt showing that the department mailed the notice to the requesting party's last known address.

The Department of Corrections shall attempt alternative methods of notification whenever a mailed notice is returned as being undeliverable.

Substitute Bill Compared to Original Bill: The substitute bill added the requirement that the Department of Corrections attempt alternative methods of notification when a mailed notice is returned as being undeliverable.

Fiscal Note: Available.

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

Testimony For: Victims and their families may be exposed to danger and may suffer great emotional harm if they are not notified of an inmate's release. Victims and witnesses rely on receiving notification of inmate releases. Retention of records results in greater accountability.

Testimony Against: None.

Witnesses: Representative Ballasiotes, prime sponsor (pro); Diane Peters, Redmond, WA (pro); and Bill Stutz, Department of Corrections (not opposed).