

SENATE BILL REPORT

SHB 1578

AS REPORTED BY COMMITTEE ON LAW & JUSTICE, MARCH 24, 1993

Brief Description: Revising provisions relating to offenders under the jurisdiction of the department of corrections.

SPONSORS: House Committee on Corrections (originally sponsored by Representatives L. Johnson, Morris, G. Cole, Padden, Riley, Edmondson, Mastin, Johanson, Jones, Basich, King, Valle, Campbell, Long, Shin, Springer, Karahalios, Roland, Rayburn, Conway, Kremen, Ogden, Cothorn and H. Myers; by request of Department of Corrections)

HOUSE COMMITTEE ON CORRECTIONS

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators A. Smith, Chairman; Hargrove, McCaslin, Nelson, Niemi, and Spanel.

Staff: Susan Carlson (786-7418)

Hearing Dates: March 24, 1993

BACKGROUND:

The Department of Corrections (DOC) has proposed revisions to the statutes relating to the tracking of felons, tolling of supervision for absconders, fees for special supervision services, and supervision of criminally insane offenders on conditional release.

By statute, DOC has responsibility to track all felony convictions. The department does not receive conviction information for a small number of offenders who are not placed under its jurisdiction and cannot track those offenders.

The Sentencing Reform Act requires that the court toll supervision sentences for periods an offender has absconded or is in confinement. It has been suggested that the department's records would allow the agency to better determine periods that should be tolled than the courts.

As part of supervision of offenders, DOC uses various special services including electronic monitoring, day reporting, or telephonic reporting. Although the department currently has the authority to charge offenders for special supervision services, specific statutory authority would eliminate the possibility of court challenges.

Offenders who are criminally insane may be placed on conditional release supervised by DOC. While on conditional

release, the supervising officer must provide monthly reports to the court, the Department of Social and Health Services (DSHS), and the prosecuting attorney. The statutes relating to criminally insane persons have not been updated since DOC and DSHS were combined agencies. Also, in 1992, the U.S. Supreme Court held that detention of insanity acquittees based on future dangerousness, who are not mentally ill, violates the due process clause.

SUMMARY:

The Department of Corrections is responsible for tracking only those felony cases involving offenders sentenced to prison or ordered under the supervision of the department.

The date for tolling of a sentence when an offender has absconded or is in confinement is determined by the Department of Corrections.

The Department of Corrections may require offenders to pay for special services, including electronic monitoring, day reporting, and telephone reporting, depending upon the offender's ability to pay. The department may pay for such services if the offender is unable to pay.

If an offender who has been determined to be criminally insane is ordered on conditional release, the order must specify that the person is under the supervision of DOC and that he or she shall follow the instructions of his or her community corrections officer. While on conditional release, progress reports must be submitted monthly for the first six months after release and semiannually thereafter.

When reviewing an application for final discharge, the Secretary of the Department of Social and Health Services may consider reports from the supervising entities and other professionals familiar with the case. In order to receive a final discharge, a criminally insane defendant must show that he or she no longer presents, as a result of a mental disease or defect, a substantial danger to other persons.

Other technical amendments are made updating references to gender, job titles, and departments.

Appropriation: none

Revenue: none

Fiscal Note: available

TESTIMONY FOR:

The bill was requested by the Department of Corrections to clarify their responsibility for tracking felony offenders, requiring offenders to pay for special services and determine dates for tolling of supervision.

The bill also amends the criminally insane statutes to bring Washington into compliance with a recent U.S. Supreme Court case and makes other technical changes updating those statutes.

TESTIMONY AGAINST: None

TESTIFIED: Representative L. Johnson, prime sponsor