

**SENATE BILL REPORT**

**SB 5652**

**AS REPORTED BY COMMITTEE ON LAW & JUSTICE, FEBRUARY 19, 1993**

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

**SPONSORS:** Senators Hargrove, A. Smith and Nelson; by request of Department of Corrections

**SENATE COMMITTEE ON LAW & JUSTICE**

**Majority Report:** That Substitute Senate Bill No. 5652 be substituted therefor, and the substitute bill do pass.

Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Rinehart, Roach, and Spanel.

**Staff:** Susan Carlson (786-7418)

**Hearing Dates:** February 16, 1993; February 19, 1993

**BACKGROUND:**

The Department of Corrections (DOC) has proposed revisions to the statutes relating to 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 is therefore unable to 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 manage tolling in a more efficient manner 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.

**SUMMARY:**

The Department of Corrections (DOC) is responsible for tracking all 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 shall be determined by DOC.

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 they shall follow the instructions of their 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.

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

**EFFECT OF PROPOSED SUBSTITUTE:**

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.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** available

**TESTIMONY FOR:**

Amendments to provisions on tracking and supervision of felons will assist the Department of Corrections in its day-to-day operations. The criminally insane provisions are updated and clarified to conform with changes in the sentencing laws and the ruling in a recent U.S. Supreme Court case.

**TESTIMONY AGAINST:** None

**TESTIFIED:** PRO: Mike Gray, Dept. of Corrections; Alex Barkis,  
Washington Association of Prosecuting Attorneys