

HOUSE BILL REPORT

HB 1388

As Amended by the Senate

Title: An act relating to siting of work release programs.

Brief Description: Requiring that private organizations that contract with the department to operate work release facilities go through the siting process.

Sponsors: By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Conway, Ballasiotes, Sullivan, Dickerson, Cairnes, Quall, Robertson, Wood, Blalock, O'Brien, Scott, Wensman, Cooper, Costa and Ogden).

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/4/97, 2/12/97 [DP].

Floor Activity:

Passed House: 3/11/97, 96-0.

Senate Amended.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 11 members: Representatives Ballasiotes, Chairman; Benson, Vice Chairman; Koster, Vice Chairman; Quall, Ranking Minority Member; O'Brien, Assistant Ranking Minority Member; Blalock; Cairnes; Dickerson; Hickel; Mitchell; and Sullivan.

Staff: Yvonne Walker (786-7841).

Background: The Department of Corrections operates work release programs at various locations around the state. The department also contracts with a number of private sector businesses to operate several of the programs.

These programs allow inmates to leave the prison facility for a specified amount of hours each day in order to work or otherwise re-establish themselves in the community. The inmates return to the facility for the rest of the day.

Prison inmates are limited to serving no more than their final six months of confinement in a work release program. Current law does not restrict which types of offenders the department may place in a work release program.

Facility Siting Process. The department is required to provide sufficient notice to the public relating to the construction or relocation of a work release facility. The process includes:

- holding public meetings in the community where the work release site will be located in order to receive public comments on the proposed site;
- providing copies of site proposals and any alternatives;
- notifying the local media, schools, libraries, and government offices where the facility will be located;
- upon request, providing notices to local chambers of commerce, economic development agencies, and any other local organizations;
- providing written notification to all residents and property owners located within a half mile where the site is proposed;
- holding public hearings in the communities where the final three sites are being considered; and
- providing additional notification and public hearings in the community where the final site is being proposed.

It is unclear whether this provision applies to private businesses that contract with the Department of Corrections.

Summary of Bill: Facility Siting Process. An expressed provision is added to ensure private organizations contracting with the Department of Corrections for the operation of a work release program follow the same facility siting process as the department and any other state agencies. Private businesses planning to build or relocate a work release facility must provide sufficient notice to the entire community located within a half mile radius.

EFFECT OF SENATE AMENDMENT(S): The Senate amendment requires organizations contracting with the Department of Corrections for the operation or relocation of a work release program or other community-based facility to follow the same public notification and public hearing requirements as the department and other state agencies. The requirement to comply with the state's facility siting process must be part of the Department of Corrections' contract with the contracting entity.

The Senate, accordingly, amends the title of the bill.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Due to the location of a number of work release facilities and the types of offenders that will be participating in the program, it makes good public policy to inform the local communities when numerous convicted felons will be working right in their back yards. It has been found that many of the prospective locations selected for these facilities were being placed near daycare centers, parks, or senior citizen buildings. Currently, it is unclear whether private organizations contracting with the Department of Corrections must adhere to the same facility siting laws as other state agencies, however, the public notification requirement is just one step in helping private organizations and the department to maintain a good neighborly relationship with local communities.

Testimony Against: None.

Testified: Representative Conway, prime sponsor (pro); Jan Bejarano, Oakland Madronna Business District (pro); Ray Pedersen (pro); and Michael McClintick, Lucks Food Decorating Company and the Oakland Madronna Business District (pro).