

HOUSE BILL ANALYSIS

SB 5519

Title: An act relating to assuring compliance with sentence conditions.

Brief Description: Enhancing compliance with sentence conditions.

Sponsors: Senators Sellar and Oke.

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

Staff: Yvonne Walker (786-7841)

Background: Sentencing conditions known as crime-related prohibitions are commonly imposed by courts on offenders who are placed on community supervision, community placement, partial confinement, or the sex offender sentencing alternative. These conditions prohibit conduct that directly relates to the circumstances of the crime for which the offender was convicted, such as requiring a drug offender to not unlawfully possess or use controlled substances.

Current law states that crime-related prohibitions cannot direct an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. This provision has been read by one state appellate court to mean that the Department of Corrections may not order an offender to undergo a polygraph test to determine compliance with sentence conditions. However, another state appellate court has disagreed with this position.

Trial courts are currently authorized to impose affirmative acts as conditions in specified circumstances, such as for sex offenders, who can be ordered to participate in crime-related treatment or counseling.

Summary: The department is authorized to require an offender to perform affirmative acts, such as drug or polygraph tests, necessary to monitor compliance with crime-related prohibitions and other sentence conditions.

Require the Exercise of Rule- Making Powers: No

Fiscal Note: Received on March 20, 1997.

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