

# SENATE BILL REPORT

## 2SHB 2794

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As Reported By Senate Committee On:  
Law & Justice, February 27, 1998

**Title:** An act relating to conditions of sentences.

**Brief Description:** Requiring offenders under the supervision of the department of corrections to obey all laws.

**Sponsors:** House Committee on Appropriations (originally sponsored by Representatives McCune, Sheahan, Sterk and D. Sommers).

**Brief History:**

**Committee Activity:** Law & Justice: 2/27/98 [DP].

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass.

Signed by Senators Roach, Chair; Hargrove, Kline, Long, McCaslin, Stevens, Thibaudeau and Zarelli.

**Staff:** Aldo Melchiori (786-7439)

**Background:** There are no statutory provisions requiring offenders, as a condition of a non-custodial sentence, to obey all laws or to refrain from committing additional offenses. Because this is not a condition of their sentences, an additional violation of law does not constitute a violation of the sentencing conditions, and therefore cannot be used to revoke or change the terms of the sentence.

**Summary of Bill:** Offenders sentenced to terms involving community supervision, community service, community placement, or legal financial obligation must be instructed by the Department of Corrections to obey all laws. In addition to firearms restrictions, offenders who receive non-custodial sentences must also obey all laws.

The court must order an offender convicted of a felony committed after the effective date of the act to refrain from committing new offenses as a condition of community supervision or community placement. Offenders who commit new offenses are subject to appropriate violation and sanction process, in addition to prosecution for the offense.

A court may impose crime-related prohibitions and conditions on offenders sentenced to community supervision. The definition of "crime-related prohibition" includes a court order directing an offender affirmatively to participate in rehabilitative programs or to perform other affirmative conduct, as well as order affirmative acts by the Department of Corrections necessary to monitor compliance with the court's order.

The court may order an offender to participate in rehabilitative programs or otherwise to perform affirmative conduct reasonably related to the circumstances of the crime as a part of, or in addition to, any other sentence term permitted or required when reasonably necessary or beneficial to the offender and the community in rehabilitating the offender or preventing the offender from committing the same or a similar crime in the future.

A court may impose such orders as a part of any sentence which is not wholly comprised of jail or prison confinement, including a suspended sentence.

The bill is null and void unless funded in the budget.

**Appropriation:** None.

**Fiscal Note:** Available. Fiscal note requested on the second substitute on February 8, 1998.

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

**Testimony For:** It is a travesty that criminals are not currently required not to commit new crimes. We need to get habitual criminals off the street. By making new crimes a violation, the criminal can be taken off the street using an administrative procedure, then the prosecutor can decide whether to independently charge the crime.

**Testimony Against:** Revocation can occur for even very minor violations of the law.

**Testified:** PRO: Dave Savage, Department of Corrections; Mike Patrick, Washington State Counsel of Police Officers; CON: Washington Defender's Association.