

SENATE BILL REPORT

SB 5134

As of January 27, 1997

Title: An act relating to sanctions for sex offenders who violate community custody conditions.

Brief Description: Penalizing sex offenders who violate community custody.

Sponsors: Senators Zarelli and Stevens.

Brief History:

Committee Activity: Human Services & Corrections: 1/28/97.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Andrea McNamara (786-7483)

Background: Current law allows the Department of Corrections (DOC) to return inmates who violate the terms of their community custody to a more restrictive setting for up to the remainder of their maximum term of confinement.

For most inmates, community custody status consists only of the period of time they have accrued through earned early release credits while incarcerated at DOC. Sanctions for these inmates often involve being revoked from the community into a work release or pre-release facility.

DOC is financially responsible for the costs of incarcerating inmates who are sanctioned for violations during community custody, including the time spent in local jails awaiting transfer back to a DOC facility.

As a result of legislation passed in 1996, community custody status for sex offenders who commit their crimes after June 6, 1996, can consist of time spent on supervision as a result of several circumstances, including suspended sentences, earned early release, and after release from a maximum term of confinement.

Last year's legislation authorized DOC to sanction sex offenders for up to 60 days or the maximum term of their sentence for violating the conditions of their community custody, depending on when the violation occurs. The sanction time may be served in either a local jail or a state facility, again depending on when the violation occurred.

When a violation occurs during a suspended sentence (in the case of sex offenders under the Special Sex Offender Sentencing Alternative, SSOSA), sanction time must be served in a local jail at the expense of the local jurisdiction.

When a violation occurs after a sex offender's maximum term of total confinement, the department may sanction the offender for up to 60 days in a local jail at the expense of the local jurisdiction.

Summary of Bill: The Department of Corrections (DOC) is authorized to sanction sex offenders who violate community custody conditions to either state or local correctional facilities, regardless of when the violation occurred.

DOC is financially responsible for the costs of confinement related to these community custody violations when the offenders are sanctioned to either state or local facilities.

This additional authority and financial responsibility applies to community custody violations occurring at any point of an offender's sentence, including the time an offender is on supervision during a suspended SSOSA sentence, during earned early release, and during the time an offender is on community custody after completing his or her maximum term of total confinement.

Appropriation: None.

Fiscal Note: Requested on January 20, 1997.

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