

HOUSE BILL ANALYSIS

HB 2796

Brief Description: Changing responsibility for the costs of confinement of certain offenders.

Sponsors: Representatives Alexander and Ballasiotes.

Hearing: February 2, 2000

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

BACKGROUND:

A sentence of more than one year is served in a state facility. A sentence of one year or less is generally served in a county facility. However, an offender who is sentenced for a felony to a term of one year or less who is then subsequently incarcerated on another felony serves all terms of confinement in a state facility.

The Department of Corrections (the department) is responsible for supervising offenders who are serving terms of community custody or community placement. An offender who violates a condition of community custody or community placement can be arrested and placed in jail pending disposition of the violation. The department must compensate local jurisdictions at the Office of Financial Management's adjudicated rates. These rates are reestablished each even-numbered year.

Some offenders who have been sanctioned for community custody violations remain in the local correctional facility for the complete term of the confinement sanction. The department is financially responsible for some of these offenders, and the local jurisdiction is responsible for others. Under the Offender Accountability Act, the department is responsible for compensating local jurisdictions for any increase (over 1998 numbers) in the number of offenders serving certain violation sanctions in that jurisdiction at the per diem rate equal to the lowest rate charged by the county under its contract with a municipal government.

Offenders who violate a term of postrelease supervision can be ordered confined in the county jail for up to 60 days. Local jurisdictions are reimbursed for the confinement of these offenders at the Office of Financial Management's adjudicated rates.

SUMMARY OF BILL:

An offender who, at any period in time, has a total consecutive period of confinement greater than one year must serve that confinement in a state facility. This includes terms of confinement from more than one sentence, as well as terms of confinement for misdemeanors and gross misdemeanors if they add up to more than one year.

All offenders in community custody status who are detained or confined in a local correctional facility for a violation of community custody are the financial responsibility of the Department of Corrections. The department must compensate the local jurisdiction for the cost of confinement at the Office of Financial Management's adjudicated rates. These rates must be established in consultation with the Washington Association of Sheriffs and Police Chiefs and reflect the weighted state-wide average cost of housing an offender, or the average annual cost per inmate incurred by the department, whichever is less. The cost of housing includes medical care.

The Legislature must, by appropriation, assume responsibility for other jail costs currently handled by local governments. These costs are as follows: (1) costs incurred as a result of serving out-of-state and out-of-county warrants; (2) costs incurred from holding prisoners arrested by a state entity, such as the Washington State Patrol, the Department of Fish and Wildlife, a college or university police force, or the state parks department; and (3) costs incurred as a result of holding prisoners who are denied bail due to a statutory requirement.

It is clarified that this is a transfer of existing local government responsibilities for the purposes of adjusting the spending limit under RCW 43.135.060. The obligation of the state to assume these responsibilities does not extend to any time period other than that for which the appropriation is made.

FISCAL NOTE: Requested on January 10, 2000.

EFFECTIVE DATE: Ninety days after adjournment of a session in which bill is passed.