

# SENATE BILL REPORT

## E2SHB 1252

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As Reported By Senate Committee On:  
Human Services & Corrections, April 1, 1999  
Ways & Means, April 5, 1999

**Title:** An act relating to the supervision of offenders in the community.

**Brief Description:** Enhancing supervision of offenders.

**Sponsors:** House Committee on Appropriations (originally sponsored by Representatives Ballasiotes, Lovick, McDonald, O'Brien, Cooper, Voloria, Kessler, Poulsen, Dickerson, McIntire, Scott, Edmonds, Wood, Conway, Cody, Rockefeller, Tokuda, Hurst, Santos, Haigh, Kenney, Campbell, Wolfe and Lantz; by request of Governor Locke).

**Brief History:**

**Committee Activity:** Human Services & Corrections: 4/1/99 [DPA-WM].  
Ways & Means: 4/2/99, 4/5/99 [DPA].

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** Do pass as amended and be referred to Committee on Ways & Means.  
Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

**Staff:** Fara Daun (786-7459)

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### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** Do pass as amended.

Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, West, Winsley and Wojahn.

**Staff:** Bryon Moore (786-7726)

**Background:** The Sentencing Reform Act of 1984 abolished Washington's parole system. The Legislature now requires the Department of Corrections (DOC) to supervise several classes of offenders following release but has not revised DOC's supervisory tools. The existing community supervision structure is very complex. Concern exists that the current structure reflects neither the risks posed by offenders in the community nor public expectations of the department's role.

**Summary of Amended Bill:** All sex offenses, violent offenses, crimes against persons, and felony drug offenses committed after July 1, 2000, are subject to a term of community custody. Conditions of community custody and levels of supervision are based on risk.

Stalking, custodial assault, and felony violations of domestic violence protection orders are added to the list of crimes against persons. The Sentencing Guidelines Commission must establish community custody ranges and make recommendations to the Legislature by December 31, 1999. The commission may make recommendations for modifications annually. The recommendations become law unless the Legislature acts.

The court must sentence offenders subject to community custody to a community custody range. It may impose conditions of supervision, including affirmative conditions, based on reasonable relation to the circumstances of the offense, the risk of recidivism, or community safety. The court may also impose conditions on sex offenders beyond the end of the term of community custody. DOC is not required to monitor conditions beyond the end of community custody.

DOC may establish and modify additional conditions based on risk to community safety. DOC must provide the offender written notice of any modifications to conditions. DOC may not impose conditions contrary to conditions set by the court and may not contravene or reduce any court imposed conditions. DOC may discharge an offender from community custody between the end of the earned release and the end of the range specified by the court but not before the end of the period of earned release.

DOC must perform offender risk assessments with a validated risk assessment tool. A sentencing court may require the initial risk assessment prior to sentencing. If not done prior to sentencing, the initial risk assessment is performed when an offender is placed in a DOC facility. DOC must also perform a risk assessment prior to release. Risk assessment results cannot be based on unconfirmed allegations. DOC has jurisdiction over offenders on community custody status and may enforce the conditions through sanctions for violations. DOC must develop a structure of graduated sanctions for violations up to and including a return to full confinement.

Offenders subject to sanctions for violations have the right to a hearing, unless they waive the right. A violation finding cannot be based on unconfirmed allegations. Hearing officers and CCOs must report through separate chains of command. Due process protections include notice, timelines for hearings, the right to testify or remain silent, to call and question witnesses, and present documentary evidence. The sanction is overturned if it is not reasonably related to the conviction, violation, or community safety.

DOC may transfer the duties of collecting legal financial obligations to county clerks or other entities. Post-release supervision for purposes of collecting LFOs is no longer tolled when the offender is not available for supervision. The year term of community supervision for unranked felonies becomes a term of community custody. The First Time Offender Waiver becomes a term of community custody, includes conditions of supervision and is reduced to one year.

DOC, in consultation with the Washington Association of Sheriffs and Police Chiefs and counties, must establish a jail bed utilization rate based on calendar year 1998. DOC reimburses counties for excess use at the county's lowest municipal rate.

Where the police chief or town marshal is the chief law enforcement officer of a jurisdiction, the police chief or town marshal shall verify sex offender addresses.

Except as otherwise prohibited, DOC has the authority to access records maintained by public agencies and may require periodic reports from service providers. DOC must develop and monitor transition and relapse prevention strategies for sex offenders. DOC must also, to the degree practicable, deploy CCOs on the basis of the geographic distribution of offenders and establish a systematic means of assessing the risk to community safety. The Washington State Institute for Public Policy must conduct a study of the effect of the act on recidivism and other outcomes and report annually to the Legislature.

**Ways & Means Amended Bill Compared to Human Services & Corrections Amended Bill:** The provision requiring the Department of Corrections to conduct an evaluation of whether community corrections officers should be reclassified as a result of this bill is removed.

**Human Services & Corrections Amended Bill Compared to Substitute Bill:** The amendment phases in the conversion to the first time offender waiver; permits the police chief or town marshal to verify sex offender addresses if the police chief or town marshal is the chief law enforcement officer in the jurisdiction where the offender resides; and requires DOC to evaluate whether community corrections officers should be reclassified as a result of this act and report to the Department of Personnel. There are also technical and clarifying changes.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of session in which bill is passed except section 10, which takes effect July 1, 2000.

**Testimony For:** This is a companion to the Senate bill and is substantially similar in most respects.

**Testimony Against:** It permits DOC to impose conditions which should be an exclusive role of the court.

**Testified:** PRO: Representative Ida Ballasiotes, prime sponsor; Bill Jaquette, Washington Defenders Association (concerns).