

HOUSE BILL REPORT

SSB 5118

As Reported by House Committee On:

Criminal Justice & Corrections

Title: An act relating to the interstate compact for adult offender supervision.

Brief Description: Enacting the interstate compact for adult offender supervision.

Sponsors: By Senate Committee on Ways & Means (originally sponsored by Senators Costa, Long, Hargrove, Fairley and Oke).

Brief History:

Committee Activity:

Criminal Justice & Corrections: 3/19/01, 3/28/01 [DP].

Brief Summary of Substitute Bill

- Updates the Interstate Compact for Adult Offender Supervision which is a system of reciprocity for supervising offenders who move from one state to another.
- Authorizes Washington to join the Interstate Commission consisting of compact administrators from all states having adopted the new updated compact.
- Authorizes the Interstate Commission to resolve disputes between compacting states and to offer states technical assistance in meeting their obligations.
- Requires the Sentencing Guidelines Commission (SGC) to serve as the State Council for Interstate Adult Supervision.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 7 members: Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Kagi, Kirby and Morell.

Minority Report: Do not pass. Signed by 1 member: Representative Cairnes.

Staff: Yvonne Walker (786-7841).

Background:

Under Washington and other states' laws, criminal sentences commonly require a period of supervision after release from jail or prison. In Washington, the supervision of adult felony offenders is the responsibility of the Department of Corrections (DOC).

Offenders under supervision sometimes request to move from one state to another. For example, an offender may have family ties, job opportunities, or may have a residence in another state. For many years, states have recognized the desirability of permitting this movement while continuing to supervise these offenders.

In 1937 the Legislature enacted the Interstate Compact for the Supervision of Parolees and Probationers (Revised Code of Washington (RCW) 9.95.270), joining with 50 other states including the District of Columbia, Puerto Rico, and the Virgin Islands to create a system of reciprocity in supervising offenders who move from one state to another. The compact permits each state (as a "sending state") to authorize offenders under supervision to move to other states when appropriate, after notifying the other state and securing its approval. It also requires each state (as a "receiving state") to approve such moves for appropriate reasons, and to supervise the offenders on behalf of the states where they were sentenced. The compact requires receiving states to notify sending states when offenders violate conditions of supervision, and permits the sending states to bring them back for sanctions authorized under the sending state's law, subject to the receiving state's right to prosecute any new crimes they may have committed.

Each state has a compact administrator who maintains contact with counterparts in other states and handles requests for supervision, violation reports, and other business related to the compact. At the end of 1999, the DOC was supervising 2,146 offenders on behalf of other states under the compact, while other states were supervising 695 offenders on Washington's behalf.

After several hearings, national surveys, meetings of the Council of State Governments, and a study by a task force appointed by the National Institute of Corrections, it was recommended that the original 1937 interstate compact be amended. As a result, the Parole and Probation Compact Administrators Association, consisting of compact administrators in all the states, undertook a two-year project to rewrite and update the compact. Assistance was also provided by the National Institute of Corrections and the Council of State Governments. The result was a proposed new compact called the "Interstate Compact for Adult Offender Supervision" that does the following:

- creates a structure to ensure that states abide by the interstate transfer rules that they mutually agree upon;
- creates a system of administration for states to provide current notification and case information about probationers and parolees authorized to be in another state; and
- creates a system with the authority to facilitate and make rules for the movement of offenders across state lines.

The new proposed compact will take effect when it has been adopted by 35 states, but no sooner than July 2001.

In the 2000 legislative session, (pursuant to Senate Bill 6621) Washington created a task force that was charged with the responsibility of studying the new compact and making a recommendation to the Legislature as to whether adopting the new compact was in the state's best interest.

Summary of Bill:

Washington will join the new Interstate Commission consisting of compact administrators from all states having adopted the new updated compact.

The Interstate Compact for Adult Offender Supervision which will take effect when it has been adopted by 35 states, but no sooner than July 2001, is based on the same principles of reciprocity as the current compact that includes requiring:

- "sending states" to notify "receiving states" and seeking their approval before offenders move there; and
- "receiving states" to approve such moves when the reasons are appropriate, and to supervise the offenders on behalf of the "sending states", notifying them of violations.

In addition, the new Interstate Compact for Adult Offender Supervision adds three more components:

- State Oversight. The compact requires each state to have a compact administrator and to create a State Council for Interstate Adult Supervision, consisting of representatives of the three branches of government, crime victims, and compact administrators. The State Council appoints the compact administrator and oversees administration of the compact in its own state. The SGC serves as the State Council in Washington and must report annually to the Legislature on the progress of the compact. The DOC must provide staffing and support services to the SGC to help the commission in performing its functions as the State Council.
- National Oversight. The compact creates an Interstate Commission for Adult Offender Supervision, consisting of the compact administrators of all the states having adopted the new compact, each having one vote. The commission must also include several nonvoting members such as a member of the National Organizations of Governors, legislators, state chief justices, attorneys general, and crime victims. Furthermore, the commission must establish bylaws and meet annually unless additional meetings are requested by a minimum of 27 states. However, when the Interstate Commission is not in session, an executive committee will oversee the day-to-day activities of the commission. All meetings of the commission are open to the public unless otherwise stated by two-thirds vote.

The commission is charged with establishing procedures to manage the movement between states of adults placed under community supervision and released to the community under the jurisdiction of courts, paroling authorities, corrections, or other criminal justice agencies. In addition, the commission's duties include making rules for administering the compact which will have the force of law in compacting states unless rejected by a majority of the legislatures of the member states. The commission also has a staff, may assess member states for its operating budget, can sue and be sued, and must overall perform any and all functions as may be necessary or appropriate to achieve the purposes of the compact.

- **Enforcement Mechanism.** The Interstate Commission for Adult Offender Supervision monitors compliance with rules governing interstate movement of offenders and initiates interventions to address and correct noncompliance. In addition, the compact authorizes the Interstate Commission to try to resolve disputes between compacting states and to offer states technical assistance in meeting their obligations. The commission may also find that a state is defaulting in performing its duties under the compact, and may impose fines, suspend or terminate the state's membership, or sue in court to enforce compliance.

The Interstate Commission must collect an annual assessment from each compacting state to cover the cost of the internal operations and activities of the Interstate Commission and its staff (based upon Washington's size and volume of offender movement the cost could be approximately \$40,000 per year).

Once the compact is adopted and in force, it will remain binding upon each and every compacting state until such state enacts a statute specifically repealing the statute.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect on July 1, 2001.

Testimony For: Washington has been working under the current compact since 1937. The old compact has had no substantial change to it since its original enactment and it contains no enforcement mechanism if states are not supervising offenders the way Washington feels they should, or share information as the state feels that the other states should.

The new compact will become effective once 35 states join, but no sooner than July 1, 2001. Currently 15 states have already adopted the compact and another 20 states have it currently pending before their state's Legislature. The problem is if Washington is not one of the first 35 states to enact the compact then we will lose our ability to help

establish the guidelines under which the new compact will work.

Washington supervises more offenders than any other state and that is basically due to the economy and employment opportunities within this state.

Testimony Against: None.

Testified: Senator Costa, prime sponsor; Representative O'Brien; Anne Fiala, Department of Corrections; and Dick VanWagenen, Governor's Policy Office.