
Criminal Justice & Corrections Committee

HB 2599

Brief Description: Restricting access to work programs for offenders who pose a threat to minors.

Sponsors: Representatives Orcutt, O'Brien, Ahern, Kagi, Doumit, Chandler, Sump, Benson, Barlean, Nixon, Carrell, Roach, Talcott, Lisk, Mulliken, Lysen, Kirby, Pearson and Casada.

Brief Summary of Bill

- Prohibits any offender convicted of a sex offense or any offense involving a minor child from participating in a work crew near the grounds where minor children are present.

Hearing Date: 2/6/02

Staff: Yvonne Walker (786-7841).

Background:

Work Crews: Work crews can be defined as a program of partial confinement consisting of civic improvement tasks for the benefit of the community. Inmate work crews provide labor in low skilled and labor intensive projects such as picking up litter in parks and along roadways or providing landscaping work. They vary in size depending on the nature of the project, available transportation, and amount of available trained supervision. The hours served as part of a work crew sentence may include substance abuse counseling and job skills training.

Work crews programs have been used by local jails to relieve jail crowding, reduce inmate idleness, reduce inmate tension and mischief, and provide inmates with a meaningful work experience. In addition, offender work crews are used to help local county governments operate more cost effectively by providing low-cost labor on civic projects.

Any offender participating in a work crew must abstain from alcohol and controlled substances. Work crew may be imposed simultaneously with electronic home detention.

Offenders sentenced for a sex offense are not eligible for the work crew program.

Partial Confinement: Partial confinement means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention.

Work Release: Work release can be defined as a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school. The Department of Corrections (DOC) and many local jails operate work release programs at various locations around the state. The DOC also contracts with a number of private sector businesses to operate several of the programs.

Work release programs allow inmates to leave an incarceration facility for a specified number of hours each day to work or otherwise re-establish themselves in the community. Although most inmates maintain jobs while on work release status, others are released for job seeking, educational programming, training, treatment, or other approved activities. Inmates are expected to return to the facility for the rest of the day following their daily work release program. Generally, offenders participating in work release are inmates transitioning from total confinement to the community, and participation in the program is based upon behavior. If a work release inmate violates the conditions of his or her custody, the inmate may be required to spend the remainder of his or her sentence in confinement and may lose any earned early release reduction of his or her sentence.

Summary of Bill:

Work Crews: Certain offenders may not participate in a work crew where he or she may be working in or near buildings, grounds, or facilities of schools during hours when minor children are present. These offenders include any person that:

- has been convicted of a sex offense;
- has been convicted of any offense involving a minor child; or
- has a court order denying them access to minors.

The DOC and all local correctional agencies must perform a complete and thorough criminal background check on any offender that is authorized to be employed on a work crew that is located in or near the grounds where minor children are present.

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The DOC and all local correctional agencies must perform a complete and thorough criminal background check on any offender that is authorized to participate in a partial confinement

program that is located in or near the grounds where minor children are present.

Work Release: An inmate sentenced to a state prison for crimes that were committed before July 1, 1984, or an inmate sentenced to a city or county jail, may not participate in a work release program that is in or near buildings, grounds, or facilities of schools during hours when minor children are present. These offenders include any person that:

- has been convicted of a sex offense;
- has been convicted of any offense involving a minor child; or
- has a court order denying them access to minors.

Appropriation: None.

Fiscal Note: Available.

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