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## Judiciary Committee

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### HB 2712

**Title:** An act relating to supervision of offenders.

**Brief Description:** Changing provisions relating to supervision of offenders.

**Sponsors:** Representative Sommers; by request of Department of Corrections.

#### Brief Summary of Bill

- Authorizes the Department of Corrections (DOC) to terminate a court-ordered term of community custody, community placement, or community supervision for offenders classified at the lowest risk level.
- Provides immunity to the DOC for offender risk classifications and for decisions to terminate an offender's term of community custody, community placement, or community supervision.
- Terminates the DOC's responsibility for supervising offenders for legal financial obligations and provides that they may supervise for financial obligations while the offender is under DOC supervision for community custody, community placement, or community supervision.
- Provides that a community corrections officer has no duty to arrest an offender for a violation of a sentence condition if the DOC has eliminated or terminated supervision of the offender.
- Requires current work release programs to be managed and operated by contract with private organizations.

**Hearing Date:** 2/14/02

**Staff:** Edie Adams (786-7180).

**Background:**

Offender Accountability Act

In 1999, the Legislature enacted the Offender Accountability Act (OAA), which represents a

significant change in the manner of supervision of offenders by the DOC. The key components of the OAA are: focusing resources on high-risk offenders through the use of a risk assessment system; holding offenders accountable by providing the DOC more authority to establish and modify conditions of supervision and administratively sanction violations; and developing a community-oriented approach to offender management.

Under the OAA, certain offenses require a mandatory term of community custody within a community custody range. Conditions of community custody and levels of supervision are based on risk. The DOC may establish and modify additional conditions and impose sanctions for a violation of a term of community custody. In addition, the DOC may discharge an offender from community custody, after any period of earned release, depending on the performance of the offender and risk to the community.

One of the major components of the OAA is the requirement that the DOC concentrate supervision resources on the offenders with the highest level of risk according to a risk assessment. The DOC has developed a risk management identification system that considers both an offender's risk of re-offense and the nature of the harm done by the offender in determining how to rank the offender. The goal of the risk assessment is to identify the offenders that pose the greatest risk to the community, as opposed to just looking at those who are most likely to re-offend. The DOC's risk management identification system classifies offenders into four levels, Risk Management A-D, with level A being the highest level of risk.

#### Community Custody, Community Placement, and Community Supervision

When an offender is convicted of a crime, the court may, and sometimes must, sentence the offender to a term of community custody, community supervision, or community placement, depending on the type of offense committed and when the offense was committed.

For offenses committed on or after July 1, 2000, a mandatory term of community custody, within the community custody range, is required for sex offenses, violent offenses, crimes against persons, and drug offenses not sentenced under the Drug Offender Sentencing Alternative. The community custody ranges start at 9-12 months for drug offenses and go up to 3-4 years for sex offenses. In addition, the court may impose a term of community custody on sentences of confinement for one year or less, on sentences for unranked felonies, or for sentences under the first-time offender waiver.

For crimes committed prior to July 1, 2000, various terms of either community custody, community placement or community supervision are required, depending on the type of crime committed and when the crime was committed.

All offenders sentenced to terms of community custody, community placement, or community supervision are under the supervision of the DOC.

#### Legal Financial Obligations and Restitution

The DOC is responsible for supervising offenders who are under a sentence of legal financial obligations or restitution orders. The DOC must supervise an offender's compliance with

payment of the legal financial obligation for 10 years following conviction or 10 years after the offender is released from total confinement, regardless of the statutory maximum for the crime. The DOC is not responsible for supervising the offender during any subsequent period of time that the offender is under the court's supervision for payment of financial obligations or restitution.

### Community Corrections Officers

A community corrections officer may arrest an offender under the following circumstances: if the offender violates any condition or requirement of a sentence; if an arrest warrant has been issued against the offender for a violation of community custody or community placement; or if a probationer has violated a condition of probation. The corrections officer must report the violation to the court.

### Work Release

The DOC operates work release programs at various locations around the state. The DOC contracts with a number of private sector businesses to operate all but one of these programs. The work release program allows inmates to leave the prison facility for a specified number of hours each day to work or otherwise re-establish themselves in the community. The inmates return to the facility for the rest of the day.

### Miscellaneous

When an offender has completed all requirements of a sentence, the sentencing court must discharge the offender, which has the effect of restoring all civil rights lost by the offender. The DOC is required to notify the sentencing court when an offender has completed the requirements of a sentence.

When a court enters a judgment for the payment of money, the court clerk must note satisfaction of the judgment whenever the clerk receives the payment or a third party files a satisfaction of judgment. In the case of criminal legal financial obligations, the clerk may note satisfaction whenever the clerk's records indicate payment in full or as directed by the court. The DOC is required to file a satisfaction of judgment with the court clerk for an offender under a legal financial obligation who does not pay money directly through the court.

### **Summary of Bill:**

A number of changes are made with respect to the DOC's supervision of offenders under a term of community custody, community placement, community supervision, or legal financial obligations. In addition, the bill provides that corrections officers do not have a duty to arrest and detain offenders if the DOC is no longer supervising the offender and requires work release programs to be managed and operated by contract with private organizations.

### Community Custody, Community Placement, and Community Supervision

The DOC may terminate or eliminate a term of community custody, community placement,

or community supervision imposed by a court, or any supervision ordered by a court as a condition of probation, if the offender is classified at the lowest risk level under a risk assessment by the DOC and the supervision was imposed under certain sentencing provisions. The DOC may not terminate a term of community custody imposed under a DOSA or SSOSA sentence or for a sex offense.

The state, the DOC, and DOC employees are not liable for the classification of an offender at the lowest risk level or for the decision to eliminate or terminate a term of community custody, community placement, or community supervision, unless there was intentional misconduct.

The decision to eliminate or terminate a term of community custody, community placement, or community supervision does not affect the court's jurisdiction over the offender.

#### Legal Financial Obligations and Restitution

The DOC's duty to supervise all offenders sentenced to terms involving community service, legal financial obligations, or restitution is removed. The DOC may continue to supervise for restitution or legal financial obligations during any term of community custody, community placement, or community supervision, but is not responsible for supervision during any subsequent period of time the offender remains under the court's jurisdiction.

#### Community Corrections Officers

If the DOC has eliminated or terminated supervision of an offender as the result of ranking the offender at the lowest risk level, a community corrections officer has no duty to arrest and detain the offender, or report a violation to the court, if the offender is violating a condition or requirement of the sentence, if an arrest warrant for such a violation has been issued, or whenever a parolee breaches a condition of parole.

#### Work Release

The secretary of the DOC may enter into private contracts with governmental agencies or private organizations for the management and operation of work release programs. Every work release program that exists on the effective date of this act must be managed and operated pursuant to a contract with a private organization. An amendment is made to the state civil service law attempting to exempt work release program contracts from the prohibition on entering into a contract that would have the effect of terminating classified employee positions.

#### Miscellaneous

The DOC has no obligation to notify the sentencing court when an offender has completed the requirements of a sentence if the offender is not under DOC supervision at the time the sentence requirements are completed.

The requirement that the DOC file a satisfaction of judgment with the court clerk for an offender under a legal financial obligation is removed.

The act applies retroactively to all sentences imposed and offenders on community custody, community placement, or community supervision prior to the effective date of the act.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect on July 1, 2002.