
**Criminal Justice & Corrections
Committee**

HB 1402

Brief Description: Regulating supervision of offenders who travel or transfer to or from another state.

Sponsors: Representative O'Brien; by request of Sentencing Guidelines Commission.

Brief Summary of Bill

- Authorizes the Department of Corrections to supervise nonfelony offenders transferring to Washington under the interstate compact.
- Requires probation officers and supervisors appointed to supervise nonfelony offenders to follow certain procedures when an offender requests permission to transfer to another state under the interstate compact.

Hearing Date: 2/3/05

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 all adult felony and some nonfelony 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 original Interstate Compact for the Supervision of Parolees and Probationers and joined with 49 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. After years of working with the compact, it was found that there were many problems with the old compact and that the old compact needed to be amended. As a result, nearly 60 years later, a new Interstate Compact was adopted and the Washington Legislature amended its statutory language in 2001 and consequently joined 35 other states in the new compact. As of the end of 2004, all 50 states have joined the new compact in order to take on the

responsibility for the supervision of adult offenders in the community who are authorized to travel across state lines both to and from compacting states.

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.

Compacting states are authorized to charge an application processing fee to offenders wishing to transfer his or her residence and supervision requirements to another state. In Washington, the DOC also charges offenders under the compact a supervision fee to help recoup a portion of the cost of supervision. The supervision fee that is normally charged to offenders ranges from \$3 per month for risk level D offenders to \$40 per month for misdemeanants offenders.

The authority for compact monitoring is under the Sentencing Guidelines Commission (SGC). The SGC's duties include reviewing the department's policies, recommending policies for the compact administrator, and reporting annually to the Legislature about the compact operations. In addition, each state has a compact administrator (Washington's compact administrator is located within the DOC), 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 2004, the DOC was supervising 2,500 offenders on behalf of other states under the compact, while other states were supervising approximately 1,000 offenders on Washington's behalf.

The compact requires compacting states to supervise all (felony and nonfelony) offenders transferred to their state. A receiving compacting state must take an offender if the offender meets the criteria under the compact. However, there are some very rare occasions when a "receiving" state can deny an application for supervision of an adult offender.

Summary of Bill:

The provisions relating to supervising offenders under the interstate compact is expanded. The DOC is authorized to supervise nonfelony offenders transferring to Washington under the interstate compact.

The DOC must process applications for any felony or nonfelony offender wishing to transfer to or from Washington and may charge that offender a reasonable fee for processing the application. If a misdemeanor probationer, petitioner, or defendant whose sentence has been deferred, requests permission to transfer to another state, his or her assigned probation officer (or in jurisdictions without a probation department, the supervisor appointed to supervise the offender) must determine whether the transfer request falls under the realm of the interstate compact. If the request is subject to the interstate compact for adult supervision, the probation officer or person designated to supervise the offender must:

- Notify the DOC of the probationer's request;
- Provide the DOC with supporting documentation it requests for processing the offender's application;

- Notify the offender of any fee due to the DOC for processing his or her application;
- Cease supervision of the offender while the other state resumes supervision of the offender pursuant to the compact; and
- Resume supervision if the offender returns to Washington before his or her term of supervision has expired.

Any probationer, petitioner, or defendant that transfers to another state under the interstate compact must receive credit for any time served while being supervised by the other state.

Appropriation: None.

Fiscal Note: Requested on January 24, 2005.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.