

SENATE BILL REPORT

HB 1136

As Reported By Senate Committee On:
Human Services & Corrections, March 31, 2005

Title: An act relating to studying electronic monitoring as an alternative to incarceration.

Brief Description: Ordering a study of electronic monitoring systems.

Sponsors: Representatives O'Brien, Darneille, Kirby, Miloscia, Lovick and Chase.

Brief History: Passed House: 3/10/05, 95-0.

Committee Activity: Human Services & Corrections: 3/29/05, 3/31/05 [DPA].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass as amended.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell and Thibaudeau.

Staff: Kiki Keizer (786-7430)

Background: Electronic monitoring is currently used by the state's Department of Corrections (DOC) to monitor the whereabouts of certain offenders during community placement, community custody, and post-release supervision. The Department of Corrections also employs electronic monitoring, at times, if an offender is released into the community for extraordinary medical reasons.

Various local law enforcement agencies in Washington have used electronic monitoring in misdemeanor cases and some felony cases. In those cases, judges may sentence offenders to home detention subject to electronic monitoring in lieu of jail time.

Besides its application in the sentencing context and post-incarceration, electronic monitoring has been used pretrial. Instead of going to jail or raising funds to make bail, offenders are charged a fee to rent the equipment for pretrial monitoring.

Summary of Amended Bill: The bill requires the Washington Association of Sheriffs and Police Chiefs (WASPC) to do a comprehensive review and analysis of the use of electronic monitoring in other states. WASPC would be required to report any findings and recommendations to the legislature by the end of 2005.

In addition, the DOC must work with the WASPC to establish an electronic monitoring program for low-risk offenders who violate terms of their community custody. Between January 1, 2006 and December 31, 2006, the DOC must endeavor to place at least 100 low-risk community custody violators on the electronic monitoring program per day if there are at least that many low-risk offenders who qualify for the program. A civil immunity provision protects the DOC, the WASPC, local governments, and their employees from liability unless an employee acts with gross negligence or in bad faith.

Amended Bill Compared to Original Bill: The DOC must work with the WASPC to establish an electronic monitoring program for low-risk offenders who violate terms of their community custody. Between January 1, 2006 and December 31, 2006, the DOC must endeavor to place at least 100 low-risk community custody violators on the electronic monitoring program per day if there are at least that many low-risk offenders who qualify for the program. A civil immunity provision is added to protect the DOC, the WASPC, local governments, and their employees from liability unless an employee acts with gross negligence or in bad faith.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Testimony For: The Washington Association of Sheriffs and Police Chiefs supports the bill and the pilot program for Department of Corrections offenders.

Testimony Against: None.

Who Testified: PRO: Tim Schellberg, Washington Association of Sheriffs and Police Chiefs.