

SENATE BILL REPORT

HB 2282

As Reported By Senate Committee On:
Ways & Means, March 23, 2005

Title: An act relating to the costs of transporting offender property upon transfer.

Brief Description: Addressing the costs of transporting offender property.

Sponsors: Representatives Sommers, O'Brien, Haler and Skinner; by request of Department of Corrections.

Brief History: Passed House: 3/11/05, 91-2.

Committee Activity: Ways & Means: 3/22/05, 3/23/05 [DP].

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass.

Signed by Senators Prentice, Chair; Doumit, Vice Chair; Fraser, Vice Chair; Zarelli, Ranking Minority Member; Brandland, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Thibaudeau.

Staff: Chelsea Buchanan (786-7446)

Background: On January 13, 2005, the state Supreme Court in *Burton et al. v. Lehman* held that the Department of Corrections (DOC) "is required to physically convey all the personal property of convicted persons, which is held in the custody of the DOC superintendents, to the receiving superintendent when such convicted persons are transferred between the DOC institutions."

Previously, the DOC's policy was to transport two boxes of offender property free of charge when an offender transfers from location to location. All other excess property was the responsibility of the offender and was either shipped at the inmate's expense, donated, or destroyed. The Supreme Court ruled that this policy violated the state statute that required the DOC to deliver an offender's property to them when they are released from the confines of an institution as a result of being paroled, transferred, or discharged.

The Supreme Court's decision in *Burton* makes the DOC physically and financially responsible for transporting offender property. The additional shipments are estimated to cost the DOC \$330,000 per year.

Summary of Bill: Superintendents of facilities, subject to approval by the secretary of the DOC, are provided the authority to determine the types and amounts of property that convicted persons may possess in department facilities. This authority includes determining which property will be transported between institutions or to other jurisdictions at the DOC's expense.

If a convicted person fails to pay the costs of transporting any excess property within 90 days from the date of transfer, the excess property will be presumed abandoned and may be destroyed or donated to charity.

The statute is clarified and updated to require the DOC to deliver all funds and valuable personal property to an offender when they are released from the custody of the DOC to community placement, community custody, or community supervision. The current statute reads that such delivery occurs when a convicted person is released from an institution or on parole, but this does not reflect the full scope of current sentencing and supervision practice.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: The bill will allow the resumption of former DOC practice of transporting two boxes of property per offender, in addition to clothes, medical supplies, and legal papers. Offenders with excess property will have a chance to have family members pick it up and keep it for them.

Testimony Against: None.

Who Testified: Lynne De Lano, Department of Corrections.