

SENATE BILL REPORT

SB 6322

As Reported By Senate Committee On:
Human Services & Corrections, February 1, 2006

Title: An act relating to electronic monitoring of sex offenders.

Brief Description: Relating to electronic monitoring of sex offenders.

Sponsors: Senators Regala, Brandland, Kohl-Welles, Carrell, Kastama, Stevens, Keiser, Doumit, Rockefeller, Kline, Rasmussen, Berkey, Haugen, Shin, Jacobsen, McAuliffe, Pflug, Sheldon, Roach and Benton.

Brief History:

Committee Activity: Human Services & Corrections: 1/19/06, 2/1/06 [DPS].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 6322 be substituted therefor, and the substitute bill do pass.

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

Staff: Kiki Keizer (786-7430)

Background: A court is authorized to impose electronic monitoring as part of an offender's sentence. The Department of Corrections (DOC) may also impose electronic monitoring as part of an offender's terms of community custody, as long as the monitoring does not contravene one of the conditions imposed by the court.

Technology for electronic monitoring varies. Active and passive global positioning systems (GPS) are two possibilities. Active GPS reflects the geographical location of someone wearing an electronic monitoring device from moment to moment. Passive GPS stores information about the whereabouts of the person being monitored. That historical data may be downloaded and reviewed all at once.

Summary of Substitute Bill: The Department of Corrections, within available resources, may subject a person to electronic monitoring during the period of that person's community custody. "Electronic monitoring" is defined for purposes of the section. Immunity from civil liability is established for governmental entities and their employees for damages arising from incidents involving offenders on electronic monitoring unless employees acted with gross negligence or bad faith.

Substitute Bill Compared to Original Bill: Rather than having sheriffs select persons in their counties to be electronically monitored with passive GPS, the Department of Corrections, within available resources, may subject a person to electronic monitoring during the period of that person's community custody. "Electronic monitoring" is defined for

purposes of the section. Immunity from civil liability is established for governmental entities and their employees for damages arising from incidents involving offenders on electronic monitoring unless employees acted with gross negligence or 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: Electronic monitoring is a valuable tool for supervising offenders but not an absolute preventer of crime. It's important to target the use of electronic monitoring so that the most appropriate technology is used, given an offender's particular circumstances. Use of active GPS might trigger law enforcement's duty to respond immediately, whenever a transmission signal is lost, for example. A first offense of failure to register might be best addressed by a year on supervision with electronic monitoring.

Testimony Against: A study on passive GPS in Florida has shown that passive GPS technology did not provide the kind of surveillance desired. It was also very staff-intensive, requiring a ratio of one officer for every seven offenders on electronic monitoring. This was not cost-effective. The bill also gives sheriffs too much discretion.

Who Testified: PRO: Don Pierce, Washington Association of Sheriffs and Police Chiefs; James McMahan, Washington Association of Sheriffs and Police Chiefs.

CON: Ted Vosk, Washington Association of Criminal Defense Attorneys.