

HB 1136 - DIGEST

(DIGEST AS ENACTED)

Requires the Washington association of sheriffs and police chiefs to conduct a comprehensive study on electronic monitoring in every state. The study shall review and analyze each state's activity regarding electronic monitoring. Specifically, the study shall include: (1) How often electronic monitoring is used;

(2) A description of laws and circumstances of when an offender is placed on electronic monitoring;

(3) The discovery and analysis of specific programs used to promote electronic monitoring and how they are operated;

(4) The type of electronic monitoring technology used;

(5) Evaluation of offender pay programs and the amount of money recovered from these programs;

(6) Overall perceptions of electronic monitoring from the criminal justice community, and any real or perceived problems or concerns with electronic monitoring;

(7) Estimates on savings realized by utilizing electronic monitoring.

Requires the findings and any recommendations from the study to be placed into a final report and presented to the legislature no later than December 31, 2005.

Directs the department to work with the Washington association of sheriffs and police chiefs to establish and operate an electronic monitoring program for low-risk offenders who violate the terms of their community custody. Between January 1, 2006, and December 31, 2006, the department shall endeavor to place at least one hundred 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 electronic monitoring program.

Provides that local governments, their subdivisions and employees, the department and its employees, and the Washington association of sheriffs and police chiefs and its employees shall be immune from civil liability for damages arising from incidents involving low-risk offenders who are placed on electronic monitoring unless it is shown that an employee acted with gross negligence or bad faith.

Provides that the act shall be null and void if appropriations are not approved.

VETO MESSAGE ON HB 1136

May 13, 2005

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Section 4, House Bill No. 1136 entitled:

"AN ACT Relating to studying electronic monitoring as an alternative to incarceration;"

Section 3 of the bill requires the Department of Corrections to operate an electronic monitoring program beginning on January 1, 2006. In its entirety, Section 4 states: "This act expires December 31, 2005." Section 4 was apparently left in the bill inadvertently after Section 3 was added. Section 3 cannot be effective if Section 4 remains in the bill.

For these reasons, I have vetoed Section 4 of House Bill No. 1136.

With the exception of Section 4, House Bill No. 1136 is approved.

Respectfully submitted,
Christine O. Gregoire
Governor