
Human Services Committee

HB 2688

Brief Description: Constraining the department of corrections' authority to transfer offenders out of state.

Sponsors: Representatives Roberts, Goodman, Hasegawa, Appleton, Pedersen and Darneille.

Brief Summary of Bill

- Prohibits the Department of Corrections from transferring an offender out of state if the offender meets certain requirements regarding visitation or other regular engagement with his or her child.

Hearing Date: 1/24/08

Staff: Linda Merelle (786-7092).

Background:

Offenders sentenced to confinement do not have the right to be housed in a certain prison facility or even in a certain state. Under the current law, the Secretary of the Department of Corrections (Secretary) has the authority to transfer offenders out-of-state to private or governmental institutions if the Secretary determines that it is in the best interest of the state or the offenders. The Secretary may consider overcrowding, emergency conditions, or hardship to the offender.

In determining whether the transfer will impose a hardship on the offender, the Secretary must consider: (1) the location of the offender's family and whether the offender has maintained contact with members of the family; (2) if the offender has maintained contact, whether the contact will be significantly disrupted by the transfer; and (3) whether the offender is enrolled in a vocational or educational program that cannot be reasonably resumed. Offenders do not have a right to a pre-transfer hearing.

Summary of Bill:

Prohibits the Department of Corrections from transferring an offender to an out-of-state facility if he/she is regularly participating in extended family visits with his or her child, regularly

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participating in parent-teacher conferences involving his or her child, or if the offender has had at least six contacts in person or by phone with his or her child within six months prior to the proposed transfer.

Appropriation: None.

Fiscal Note: Requested on January 16, 2008.

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