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## Human Services Committee

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### HB 2624

**Brief Description:** Suspending the interstate compact for adult offender supervision.

**Sponsors:** Representatives Kelley, Ericks, Driscoll, Lias, Blake, Finn, O'Brien, Simpson, Orwall, Hurst and Darneille.

#### Brief Summary of Bill

- Suspends temporarily Washington's participation in the Interstate Compact for Adult Offender Supervision (Interstate Compact) effective June 1, 2010, for any new offenders requesting to be relocated to Washington.
- Requires the Legislature, during the 2011 session, to review the statute authorizing the Interstate Compact to determine whether to renew Washington's participation as a member or whether to suspend Washington's participation indefinitely.

**Hearing Date:** 1/18/10

**Staff:** Linda Merelle (786-7092).

#### Background:

Many offenders are subject to some form of supervision once they are released from the Department of Corrections. While offenders may be permitted to travel to other states, courts have held that an individual's constitutional right to travel is extinguished by a valid conviction followed by imprisonment, and it remains so while the offender is on parole or probation.

Congress has expressly authorized states to enter into compacts or agreements such as the Interstate Compact for Adult Offenders Supervision (Interstate Compact). In 2001 pursuant to Substitute Senate Bill 5118, the Legislature enacted the Interstate Compact into Washington state law. The Interstate Compact provides a formal means for controlling the interstate movement of offenders who are under the supervision of a member state's department of corrections. All 50 states plus Puerto Rico, the U.S. Virgin Islands, and the District of Columbia are members of the Interstate Compact.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Under the Interstate Compact, an Interstate Commission (Commission) is created which establishes uniform procedures to manage the movement between states of adults placed under supervision. The Commission has the power to adopt bylaws governing the management and operation of the Commission and to make rules which have the force and effect of statutory law. Such rules are binding upon the states that are members of the Interstate Compact.

Pursuant to the Interstate Compact statute enacted in 2001 and the bylaws enacted by the Commission, once effective, the Interstate Compact shall continue in force and remain binding upon the member state unless the member state withdraws. Under the Interstate Compact, a member state may only withdraw by repealing the statute which enacted the compact into law.

If the Commission determines that any member state has defaulted on any of its obligations or responsibilities under the Interstate Compact or its bylaws, it may impose penalties such as fines or fees, or a suspension and may seek judicial action to enforce any penalties.

**Summary of Bill:**

Effective June 1, 2010, the bill temporarily suspends Washington's future participation in the Interstate Compact for any new offenders requesting to be relocated to Washington.

Washington will continue to meet its obligations under the Interstate Compact for the supervision of offenders who have been approved to reside in Washington under the Interstate Compact on or before June 1, 2010.

The suspension will remain in place until:

- there is compliance by the Interstate Compact as a whole and by individual member states;
- there is equity in the equal exchange of offenders by other states;
- there has been a review of past action and behavior of other states that send offenders to the state of Washington; and
- there have been negotiations and an active role has been made by the Interstate Compact and the Commission to assure that the Interstate Compact operates to protect the safety and people and communities of Washington and other member states.

The Legislature will review the statute authorizing the Interstate Compact, its rules and regulations during the 2011 legislative session and determine whether Washington will renew its participation as a member or whether it will suspend its participation indefinitely.

**Appropriation:** None.

**Fiscal Note:** Requested on January 11, 2010.

**Effective Date:** The bill contains an emergency clause and takes effect on June 1, 2010.