

HOUSE BILL REPORT

HB 2624

As Reported by House Committee On: Human Services

Title: An act relating to the interstate compact for adult offender supervision.

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

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

Brief History:

Committee Activity:

Human Services: 1/18/10, 2/1/10 [DPS].

Brief Summary of Substitute Bill

- Requires the Department of Corrections (DOC) to identify the states from which it receives the highest number of offenders for supervision; determine the feasibility and cost of establishing memoranda of understanding with those states; and report back to the Legislature by December 1, 2010.
- Requires Washington representatives, at the next meeting of the Interstate Commission, to seek a resolution regarding any inequitable distribution of costs, benefits, and obligations affecting Washington under the Interstate Compact for Adult Offender Supervision (Interstate Compact) and that they report back to the Legislature by December 1, 2010.
- Requires the DOC to examine the feasibility and cost of withdrawal from the Interstate Compact and report back to the Legislature by December 1, 2010.

HOUSE COMMITTEE ON HUMAN SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Darneille, Green, Herrera, O'Brien and Walsh.

Staff: Linda Merelle (786-7092).

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.

Background:

Many offenders are subject to some form of supervision once they are released from the Department of Corrections (DOC). 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 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.

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 Substitute Bill:

The Legislature has determined that it is necessary to examine patterns related to the exchange of out-of-state offenders needing supervision. The DOC must identify the states from which it receives adults for supervision and examine the feasibility and cost of establishing memoranda of understanding with the states that send the highest number of offenders for supervision to Washington with the goal of achieving more balanced and equitable obligations under the Interstate Compact.

At the next meeting of the Interstate Commission, Washington's representatives on the Commission shall seek a resolution regarding any inequitable distribution of costs, benefits, and obligations affecting Washington under the Interstate Compact. The DOC must examine the feasibility and cost of withdrawal from the Interstate Compact.

By December 1, 2010, the DOC must report back to the Legislature regarding: (1) the development of memoranda of understanding with the states that send the highest number of offenders to Washington; (2) any resolutions by the Interstate Commission regarding the inequitable distribution of costs, benefits, and obligations affecting Washington under the Interstate Compact; and (3) the feasibility and cost of withdrawal from the Interstate Compact.

Substitute Bill Compared to Original Bill:

Washington is no longer required to suspend its participation in the Interstate Compact as of June 1, 2010, and the Legislature is no longer directed to determine whether to continue such suspension indefinitely or to continue participation.

The DOC is required to examine other options regarding resolving inequities related to the Interstate Compact. It is required to examine the possibility of developing memoranda of understanding with the states that send the highest number of offenders to Washington; to seek a resolution to Washington's inequities in obligations, costs, and benefits under the Interstate Compact at the next meeting of the Interstate Commission; and to examine the feasibility and cost of withdrawal from the Interstate Compact. The DOC is to report back to the Legislature regarding all of these options by December 1, 2010.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 1, 2010.

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

Staff Summary of Public Testimony:

(In support) We do not want to gut the bill. We have already suspended the Interstate Compact with respect to Arkansas. Other states, such as California, are also having problems. Washington is importing three times the number of offenders than it is exporting, and Washington needs to review how it accepts offenders from other states.

(With concerns) The Interstate Compact system enhances safety. The sending state has to accept the offender back only under limited circumstances. The receiving state is the state that bears the cost of supervision of an offender. There is no provision for suspension. If the bill passed, it would remove us from the Interstate Compact. Other states could send offenders to Washington without notice.

(Opposed) None.

Persons Testifying: (In support) Representative Troy Kelley, prime sponsor.

(With concerns) Scott Blonien, Department of Corrections; and Jo Arlow, Washington Association of Sheriffs and Police Chiefs.

Persons Signed In To Testify But Not Testifying: None.