

SENATE BILL REPORT

SHB 1438

As of March 10, 2011

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

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

Sponsors: House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Kelley and Dammeier).

Brief History: Passed House: 2/26/11, 97-0.

Committee Activity: Human Services & Corrections: 3/10/11.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Shani Bauer (786-7468)

Background: The Interstate Compact for the Supervision of Parolees and Probationers was originally drafted in 1937 and eventually adopted by all 50 states, including Washington. The compact has since been substantially redrafted into its current form, the Interstate Compact for Adult Offender Supervision. Washington adopted the new compact in 2005. By adopting the compact, the compact becomes the sole statutory authority for regulating the transfer of adult parole and probation supervision across state boundaries and has the force and effect of federal law. Any statute that is inconsistent with the compact is of no force and effect.

When a state approves the transfer of an offender, the receiving state must take the offender if the offender meets certain criteria. Once the offender is transferred, the receiving state has an obligation to supervise the offender in the same manner as a similarly situated offender convicted in the receiving state.

All states participating in the Interstate Compact are represented in the Interstate Commission for Adult Offender Supervision (ICAOS) and have an equal vote in its governance. ICAOS receives no federal funding and is financed through the payment of dues by each state. The compact is adopted by enacting a statute that is substantially similar to, and contains all pertinent provisions of, the draft compact. A state may withdraw from the compact by enacting a statute specifically repealing the agreement.

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.

Summary of Bill: The Department of Corrections (DOC) must examine the patterns of other states that send offenders to Washington for supervision under the Interstate Compact to assure the Interstate Compact operates to protect the safety of the people and communities of this state. At the next ICAOS meeting, DOC must seek resolution by the commission regarding any inequitable distribution of costs, benefits, and obligations affecting Washington under the Interstate Compact.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Many specific problems with the compact were addressed last interim. Specifically, the state was successful in getting rule changes to the compact addressing the amount of information the state receives about offenders requesting transfer to this state, the circumstances under which an offender can be returned to the sending state, and when a sending state is obligated to come get an offender. However, there are still issues with the inequitable distribution of offenders that Washington takes for supervision from other states. Washington takes about three times more offenders from other states than it exports. The state is then stuck paying for the supervision of these offenders. We should continue to talk about the disparity issue to determine the root cause of the disparity and whether other states are dumping offenders here.

Persons Testifying: PRO: Representative Kelley, prime sponsor; Scott Blonien, Department of Corrections.