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## Public Safety Committee

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### HB 1842

**Brief Description:** Providing partial and total confinement options for offenders.

**Sponsors:** Representative Goodman.

#### Brief Summary of Bill

- Provides that, if an offender's remaining sentence is less than 120 days when he or she would be transferred to the custody of the Department of Corrections (Department), he or she will instead serve the sentence at a local correctional facility.
- Expands partial confinement as an option for offenders under the custody of the Department by: (a) increasing the maximum period from six months of the sentence to 12 months; (b) expanding home detention as a possible option for offenders; and (c) allowing the Department to contract with private providers for transitional housing for offenders on partial confinement.

**Hearing Date:** 2/20/13

**Staff:** Sarah Koster (786-7303).

#### **Background:**

##### Confinement in a State or County Facility.

A sentence that includes a term of confinement totaling more than a year is served in a facility operated or utilized under contract by the state. A sentence of a year or less will be served in a county facility.

##### Partial Confinement.

An offender committed to the custody of the Department of Corrections (Department) may be permitted to serve the final six months of his or her sentence in partial confinement or, if the person is participating in the parenting program, the final 12 months of his or her sentence.

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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.*

"Partial confinement" means confinement in a facility operated or utilized under contract by the state, or any other unit of government, for at least eight hours of each day with the balance of the day spent in the community.

In some circumstances, partial confinement may be served in an approved residence, in which case it is known as home detention. This is available if home detention or work crew has been ordered by the court or if home detention has been ordered by the Department as part of the parenting program.

Home detention may not be imposed for offenders convicted of a violent offense, sex offense, drug offense, reckless burning in the first or second degree, assault in the third degree, assault of a child in the third degree, unlawful imprisonment or harassment. It may be imposed for offenders convicted of the following offenses if certain prerequisites are met: possession or forged prescription of a controlled substance, Burglary in the second degree, Taking a Motor Vehicle Without Permission, Theft of a Motor Vehicle, or Possession of a Stolen Motor Vehicle.

### **Summary of Bill:**

#### Confinement in a State or County Facility.

A sentence that includes a term of confinement totaling more than a year is served in a facility operated or utilized under contract by the state and a sentence of a year or less will be served in a county facility. This does not apply if a person has less than 120 days to serve when they would otherwise be transferred to a state correctional facility. In that situation, the person will serve the remainder of his or her sentence in the local correctional facility, unless the Department determines that the person has a medical condition that would best be served in a state correctional facility.

If a person committed to the custody of the Department serves their sentence in a county facility, as described above, the Department must compensate the local jurisdiction at the office of financial management's adjudicated rate.

#### Partial Confinement.

An offender committed to the custody of the Department may be permitted to serve the final 12 months of their sentence in partial confinement.

In some circumstances, partial confinement may be served in an approved residence, in which case it is known as home detention. This is available if home detention or a work crew has been ordered by the court, if home detention has been ordered by the Department as part of the parenting program, or if ordered by the Department.

Home detention must include electronic monitoring, as well as monitoring by a community corrections officer. The Department may return any offender in partial confinement to total confinement, if he or she is not complying with sentence requirements.

An offender's eligibility for home detention is no longer based on the offense for which he or she was convicted.

#### Transitional Housing.

"Transitional housing" is a facility under contract with the Department to provide housing exclusively to offenders on partial confinement.

Transitional housing providers must be able to provide transition support that enables an offender to participate in evidence-based programming. Contracts between the Department and the provider must provide for housing standards, procedures for facilitated communication with community corrections officers, and annual examinations by the Department to ensure compliance.

The Department will establish inmate eligibility standards for participation in transitional housing.

Participants in transitional housing will be on electronic monitoring, have individual treatment plans, and be required to attend work or school at regularly defined hours. The Department will assist participants in finding work or vocational training. The Department may provide participants with transportation, clothing, and supplies and a stipend for cost of food and other incidentals, as well as advance costs for an offender's participation in vocational training. A participant must reimburse the Department for these expenditures, as well as the per capita cost of subsistence and lodging.

For an employed participant, his or her earnings must be surrendered to the Department, less the amount the Department determines is needed to meet personal needs. The Department will make payments from those earnings in the following order of priority:

1. to reimburse the Department for expenses from the program;
2. room and board charges;
3. child support payments;
4. 10 percent for payment of legal financial obligations;
5. payment to the participant's creditors; and
6. to the participant himself.

**Appropriation:** None.

**Fiscal Note:** Preliminary fiscal note available.

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