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## Public Safety Committee

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### HB 2543

**Brief Description:** Concerning electronic monitoring.

**Sponsors:** Representatives Shea, Overstreet, Taylor and Short.

#### Brief Summary of Bill

- Creates standards for agencies which electronically monitor offenders as an alternative to incarceration.
- Imposes uniform restrictions on monitored individuals.
- Requires that electronic surveillance under a home monitoring program determines the monitored individual's presence at an approved location through either signaling or satellite monitoring.

**Hearing Date:** 1/29/14

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

#### Background:

An offender may be sentenced by a court, as an alternative to incarceration, to home detention, in which the offender resides in the community, subject to electronic surveillance. Alternatively, an offender may be ordered by the Department of Corrections (DOC) to home detention, as part of the DOC's parenting program.

*Eligible Offenders.* Offenders convicted of certain crimes are ineligible for home detention, unless they are participating in the DOC's parenting program: a violent offense, a sex offense, a 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.

Offenders convicted of Burglary, Possession of a Controlled Substance, Forged Prescription of a Controlled Substance, or taking a Motor Vehicle are eligible for home detention if they meet certain criteria.

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*Conditions of Home Detention.* Participation in a home detention program is conditioned upon the offender: (1) obtaining and maintaining employment; attending a course of study at regular hours or performing parental duties to children normally in his or her custody; (2) abiding by the rules of the home detention program; and (3) compliance with court-ordered legal financial obligations.

### **Summary of Bill:**

An offender on home detention must be subject to electronic surveillance that determines the monitored individual's presence at an approved location through either: (a) signaling, which continuously detects whether the monitored individual is at the approved location and notifies the monitoring agency of the time that the monitored individual leaves the approved location, tampers with, or removes the monitoring device; or (b) satellite monitoring, which continuously detects the location of the monitored individual and notifies a home detention monitor of the monitored individual's location at all times.

### Restrictions on Monitored Individuals.

A home detention program must not allow a monitored individual to be away from his or her residence more than 65 hours per week or six days in a row for employment purposes and 12 hours per week for any approved non-employment purposes.

### Standards for Monitored Agencies.

A home detention program must be administered by a monitoring agency which meets the following conditions. A monitoring agency may be a sheriff's office, police department, or a private entity, which supervises a monitored offender pursuant to a home detention program. A monitoring agency must:

### Reporting Requirements:

- Notify local law enforcement when a monitored individual is unaccounted for over 24 hours. A monitoring agency may also be required to notify local law enforcement when a person is unaccounted for over a period of less than 24 hours, if requested by the local law enforcement agency.
- Provide weekly notification of any violations to the sentencing court, as well as the law enforcement and prosecuting agencies which have jurisdiction over the monitored individual.

### Monitoring Requirements:

- Document and verify the monitored individual's attendance at employment, school, or other court-ordered activities.
- Arrange for in-person contact at least once a month.
- Ensure compliance with any conditions ordered by the court or otherwise required by law.

### Operational Requirements:

- Hold general liability insurance in an amount not less than \$100,000.
- Obtain a surety bond in the amount of \$10,000, running to the State of Washington for the benefit of a person injured by the wrongful act of the monitoring agency.

- Have detailed contingency plans for operations in the case of power outage, financial insolvency, and disasters.
- Prohibit private or business relationships between monitored individual and agency or employee.
- Not employ anyone convicted of a felony offense within the past four years.
- Obtain a background check through the Washington State Patrol for every partner, director, officer, owner, or operator of the monitoring agency, at the agency's expense.

An agency which fails to comply with any of these requirements may be subject to a civil penalty, as determined by a court, of up to \$1,000 per violation.

**Appropriation:** None.

**Fiscal Note:** Available.

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