

SENATE BILL REPORT

ESHB 2543

As Reported by Senate Committee On:
Law & Justice, February 28, 2014

Title: An act relating to electronic monitoring.

Brief Description: Establishing a work group on electronic home monitoring.

Sponsors: House Committee on Public Safety (originally sponsored by Representatives Shea, Overstreet, Taylor and Short).

Brief History: Passed House: 2/13/14, 97-0.

Committee Activity: Law & Justice: 2/21/14, 2/28/14 [DP].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Kline, Ranking Member; Darneille, Pearson, Pedersen and Roach.

Staff: Kelly Walsh (786-7755)

Background: An offender may be sentenced by a court, as an alternative to incarceration, to home detention, requiring the offender to remain in specified locations and be subject to electronic surveillance. Alternatively, an offender may be ordered by the Department of Corrections (DOC) to home detention as part of DOC's parenting program. 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 the offender's custody; (2) abiding by the rules of the home detention program; and (3) complying with court-ordered legal financial obligations.

Offenders convicted of certain crimes are ineligible for home detention, unless they are participating in DOC's parenting program. These include 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 in the second degree, residential burglary, possession of a controlled substance, forged prescription of a controlled substance, taking a motor vehicle without permission, theft of a motor vehicle, or possession of a stolen motor vehicle are eligible for home detention only if they meet certain criteria.

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: Electronic surveillance as a part of home detention must determine the monitored individual's presence at approved locations through signaling or satellite monitoring. A work group on electronic home monitoring (EHM) is established to study and make recommendations for establishing statewide standards for EHM. The work group consists of the following members, with a chair or chairs chosen from amongst the legislative members:

- one member from each of the two largest caucuses of the Senate, appointed by the President of the Senate;
- one member from each of the two largest caucuses of the House of Representatives, appointed by the Speaker of the House of Representatives;
- the Chief of the Washington State Patrol or the Chief's designee;
- the Secretary of the Department of Corrections or the Secretary's designee;
- the Executive Director of the Washington Association of Sheriffs and Police Chiefs or a designee;
- one member representing the Superior Court Judges' Association;
- one member representing the District and Municipal Court Judges' Association;
- one member representing the Washington State Association of Counties;
- one member representing the Washington Association of Prosecuting Attorneys;
- one member representing the Washington Defender's Association or the Washington Association of Criminal Defense Lawyers;
- one member representing the Washington Coalition of Crime Victim Advocates; and
- at least two members, appointed by the Governor, who represent agencies engaged in the electronic monitoring of offenders in Washington.

At a minimum, the work group will research, review, and make recommendations on the following:

- imposing reporting standards on agencies for reporting violations;
- imposing standards for verifying the monitored person's activities;
- imposing requirements to ensure continued EHM around the clock, including staffing and equipment requirements, contingency plans, and bonding and insurance requirements;
- ensuring professional requirements, such as background checks and conflicts of interest;
- ensuring compliance with standards imposed, such as auditing, other oversight, and penalties; and
- improving accountability for individuals on supervision and consistency.

The work group will compile its findings and recommendations for EHM into a final report to be provided by December 1, 2014.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: Yes.

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

Staff Summary of Public Testimony: PRO: There have been incidents in which notifications are not made when an offender commits a violation and people have been harmed by the offender for lack of proper surveillance on the offender. The state needs comprehensive EHM reform. The intent behind the work group is to study these issues and make recommendations for the development of such reform. A work group will allow stake holders to bring clarity to how EHM works, to explain what it can do and what it cannot do. We cannot develop workable reform if there is not a clear understanding of what is possible given the technology. The creation of a work group will ensure that there is an understanding of the technology and also what issues require statewide regulation.

Persons Testifying: PRO: Representative Shea, prime sponsor; Don Pierce, WA Assn. of Sheriffs and Police Chiefs.