

SENATE BILL REPORT

SB 6192

As Reported by Senate Committee On:
Human Services & Corrections, February 5, 2014
Ways & Means, February 11, 2014

Title: An act relating to the supervision of domestic violence offenders.

Brief Description: Requiring the department of corrections to supervise domestic violence offenders who have a conviction and were sentenced for a domestic violence felony offense that was plead and proven.

Sponsors: Senators Pearson, Brown, O'Ban and Roach.

Brief History:

Committee Activity: Human Services & Corrections: 2/03/14, 2/05/14 [DPS-WM].
Ways & Means: 2/10/14, 2/11/14 [DP2S].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 6192 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

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

Staff: Shani Bauer (786-7468)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 6192 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Hill, Chair; Baumgartner, Vice Chair; Honeyford, Capital Budget Chair; Hargrove, Ranking Member; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Bailey, Becker, Billig, Braun, Dammeier, Hatfield, Hewitt, Kohl-Welles, Padden, Parlette, Rivers, Schoesler and Tom.

Staff: Travis Sugarman (786-7446)

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: When the Sentencing Reform Act was passed by the Legislature in 1984, it contained very limited provisions for the supervision of offenders. Over time, the Legislature added back supervision in varying lengths of time and for varying offenses. In 1999 the Legislature passed the Offender Accountability Act (OAA). The OAA extended community custody to all sex offenses, all violent offenses, all crimes against persons, and all felony drug offenses. It also required the Department of Corrections (DOC) to utilize a validated risk assessment and supervise offenders according to their risk level. Since that time, the Legislature has gradually decreased the number of offenders supervised by DOC:

- In 2003 under SB 5990, the Legislature authorized DOC to supervise only those offenders in the two highest risk levels unless the offender committed a sex offense, violent offense, crime against a person, certain drug offenses, burglary, or felony domestic violence.
- In 2009 under SB 5288/6162, the Legislature authorized DOC to supervise only those offenders in the two highest risk levels unless the offender committed a sex offense or serious violent offense, received an alternative sentence, was designated as dangerously mentally ill, was a misdemeanor sex offender, or was classified as a certain domestic violent offenders. Community custody term lengths were reduced to 36 months for sex or serious violent offenders, 18 months for violent offenders, and 12 months for all others.
- In 2011 under SB 5891, the Legislature eliminated supervision for offenders convicted of first-time failure to register and misdemeanor domestic violence offenders, and instituted supervision for repeat felony and misdemeanor domestic violence offenders where domestic violence was plead and proven after August 1, 2011.

Currently DOC must supervise the following offenders sentenced to community custody:

1. offenders who are classified at a high risk to reoffend; and
2. regardless of risk classification, those offenders who:
 - a. have been convicted of a sex offense or serious violent offense;
 - b. have been identified as dangerously mentally ill;
 - c. have an indeterminate sentence;
 - d. have been convicted of a failure to register;
 - e. have a current conviction for domestic violence felony offense where domestic violence was plead and proven after August 1, 2011, and a prior conviction for a repetitive domestic violent offense or domestic violence felony offense where domestic violence was plead and proven after August 1, 2011;
 - f. have been sentenced to a Drug Offender Sentencing Alternative, Special Sex Offender Sentencing Alternative, or First Time Offender Waiver;
 - g. must be supervised under the Interstate Compact; or
 - h. are certain misdemeanor sex offenders and repeat domestic violence offenders.

In 2010 the Legislature made a number of changes to the laws relating to domestic violence, including changes in the areas of law enforcement and arrest, no-contact and protection orders, firearms possession, and sentencing reforms. Notably, the legislation adjusted how prior felony and non-felony domestic violence related offenses are calculated for purposes of

calculating an offender's sentence. All domestic violence offenses must be plead and proven after August 1, 2011.

Summary of Bill (Recommended Second Substitute): DOC must supervise an offender sentenced to community custody regardless of risk classification if the offender has a conviction for a domestic violence felony offense where domestic violence was plead and proven and was committed after the effective date of the bill. Prior provisions remain in effect for offenders who committed a domestic violence felony offense prior to the effective date of the bill.

EFFECT OF CHANGES MADE BY WAYS & MEANS COMMITTEE (Recommended Second Substitute): Adopts an amendment to limit the state's liability for supervision decisions under the bill.

EFFECT OF CHANGES MADE BY HUMAN SERVICES & CORRECTIONS COMMITTEE (Recommended First Substitute): A statutory reference is corrected.

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 on Original Bill (Human Services & Corrections):
PRO: Domestic violence is a serious issue. Domestic violence is a belief system where the batterer believes they can hurt other people with no consequences or repercussions. They believe that the law does not apply to them and become adept at working the system. My batterer kidnapped me and almost killed me. He will be released in 18 months and needs supervision in order to keep him accountable. There is no one who will track him or ensure that he does not use drugs or alcohol. DOC needs to supervise him in order to ensure he does not do this again.

OTHER: This population of offenders needs to be supervised. This is an unfunded mandate unless more resources are provided.

Persons Testifying (Human Services & Corrections): PRO: Barbara Holland, domestic violence victim.

OTHER: Matt Zuvich, WA Federation of State Employees.

Staff Summary of Public Testimony on Recommended First Substitute (Ways & Means): OTHER: There is concern that the bill would create a workload issue; community corrections staff have been cut significantly since 2008.

Persons Testifying (Ways & Means): OTHER: Matt Zuvich, WA Federation of State Employees.