S-0070.1

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SENATE BILL 5766**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 64th Legislature 2015 Regular Session**

**By** Senators Roach, O'Ban, Padden, and Darneille

AN ACT Relating to performance requirements and measures for monitoring agencies providing home detention programs utilizing electronic monitoring; adding a new section to chapter 9.94A RCW; and prescribing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  A new section is added to chapter 9.94A RCW to read as follows:

(1) A monitoring agency must:

(a) Provide notification within twenty-four hours to local law enforcement when a monitored individual is unaccounted for for twenty-four hours and notification, as specified by local law enforcement, when a monitored individual is unaccounted for for a period less than twenty-four hours;

(b) Provide weekly notification to the court or courts that ordered home detention, as well as the law enforcement agency and prosecuting attorney for the counties or cities that have jurisdiction over the monitored individual, of any violations of the court order or rules of the monitoring agency; and

(c) Document and verify the monitored individual's attendance at employment, school, or other court-ordered activities.

(2) A monitoring agency must also:

(a) Hold general liability insurance in an amount not less than one hundred thousand dollars;

(b) Obtain a surety bond in the amount of ten thousand dollars, running to the state of Washington for the benefit of a person injured by a wrongful act of the monitoring agency and executed by a surety company authorized to do business in the state of Washington;

(c) Have detailed contingency plans for the monitoring agency's operation with provisions for power outage, loss of telephone service, fire, flood, malfunction of equipment, death, incapacitation or personal emergency of a monitor, and financial insolvency of the monitoring agency;

(d) Prohibit certain relationships between a monitored individual and a monitored agency, including:

(i) Personal associations between a monitored individual and a monitoring agency or agency employee;

(ii) A monitoring agency or employee entering into another business relationship with a monitored individual or monitored individual's family during the monitoring; and

(iii) A monitoring agency or employee employing a monitored individual for at least one year after the termination of the monitoring;

(e) Not employ or be owned by any person convicted of a felony offense within the past four years; and

(f) Obtain a background check through the Washington state patrol for every partner, director, officer, owner, or operator of the monitoring agency, at the monitoring agency's expense.

(3) A monitoring agency that fails to comply with any of the requirements in subsection (2) of this section may be subject to a civil penalty, as determined by a court of competent jurisdiction, in an amount of not more than one thousand dollars for each violation.

(4) All contracts with private entities to provide electronic monitoring must be in writing and may provide contractual penalties in addition to those provided under subsection (3) of this section.

(5) For the purposes of this section, "monitoring agency" means an entity, private or public, which supervises a monitored offender, pursuant to a home detention program. "Monitoring agency" includes a sheriff's office and a police department.

**--- END ---**