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SENATE BILL 5766

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State of Washington                      64th Legislature                      2015 Regular Session

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

Read first time 02/02/15. Referred to Committee on Law & Justice.

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

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

6            NEW SECTION.    **Sec. 1.**    A new section is added to chapter 9.94A  
7 RCW to read as follows:

8            (1) A monitoring agency must:

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

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

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

21            (2) A monitoring agency must also:

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

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

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

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

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

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

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

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

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

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

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

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

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