
Public Safety Committee

HB 1871

Brief Description: Concerning prison safety.

Sponsors: Representatives Klippert, Goodman and Appleton; by request of Department of Corrections.

Brief Summary of Bill

- Expands the crime of Possession of Contraband on the Premises of a State Correctional Institution in the second degree to include delivery to a prisoner, or possession with the intent to deliver to a prisoner, any alcohol, intoxicant other than marijuana, cell phone, or other electronic telecommunications device.
- Expands the existing exemption in the Public Records Act for gang databases to include the Department of Corrections' Security Threat Group database.

Hearing Date: 1/13/20

Staff: Omeara Harrington (786-7136).

Background:

Criminal Offenses Related to Introduction of Contraband.

A person is guilty of Introducing Contraband if he or she knowingly and unlawfully provides contraband to any person confined in any detention facility or secure facility for sexually violent predators. A first-degree offense is a class B felony, and is committed when a person knowingly provides any deadly weapon to a confined person. A person commits a second-degree offense, a class C felony, if he or she knowingly and unlawfully provides contraband to a confined person with the intent that it be of assistance in an escape or in the commission of a crime. In other circumstances, Introducing Contraband is a gross misdemeanor.

In addition to the general Introducing Contraband offenses, a person, other than a person serving a sentence in a penal institution of this state, is guilty of Possession of Contraband on the

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Premises of a State Correctional Institution if he or she knowingly has certain prohibited items in his or her possession in the buildings of, or on adjacent grounds under the control of, a state correctional institution. A first-degree offense is a class B felony, and is committed when the prohibited item is a deadly weapon. A second-degree offense is a class C felony, and is committed when the prohibited item is a narcotic drug or controlled substance.

Public Records.

The Public Records Act (PRA) requires state and local agencies to make their written records available to the public for inspection and copying upon request, unless an exemption applies. The stated policy of the PRA favors disclosure and requires narrow application of the statutory exemptions. Certain investigative, law enforcement, and crime victim information is exempt from public inspection and copying under the PRA. Included in these exemptions is information contained in a local or regionally maintained gang database, as well as the statewide gang database.

Summary of Bill:

Possession of Contraband on the Premises of a State Correctional Institution.

The crime of Possession of Contraband on the Premises of a State Correctional Institution in the second degree is expanded. In addition to existing grounds, a person may be convicted of the offense if he or she delivers to a prisoner, or possesses with the intent to deliver to a prisoner, any alcohol, intoxicant other than marijuana, or a cell phone or other form of an electronic telecommunications device.

In addition, the offense may be committed by a person other than a prisoner in a state correctional institution, rather than a person other than a person serving a sentence in a penal institution of this state.

Public Records.

The existing exemption from the PRA for gang databases is expanded to include the Department of Corrections' Security Threat Group database.

Appropriation: None.

Fiscal Note: Available.

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