
Public Safety Committee

HB 2393

Brief Description: Earning credit for complying with community custody conditions.

Sponsors: Representatives Goodman, Klippert, Davis, Ormsby and Appleton.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Allows a qualifying person to earn supervision compliance credit to reduce his or her term of community custody under the supervision of the Department of Corrections.

Hearing Date: 1/21/20

Staff: Kelly Leonard (786-7147).

Background:

Community Custody. Community custody is the portion of a person's criminal sentence served in the community under the supervision of the Department of Corrections (DOC) following his or her release from confinement. Courts are mandated to order community custody for persons convicted of certain crimes.

Term. The term of community custody varies depending on the underlying offense. For a person sentenced to a term of confinement for more than 12 months, the court is required to order terms of community custody as follows:

- 36 months for a serious violent offense or sex offense;
- 18 months for other violent offenses; or
- 12 months for a crime against persons, certain drug offenses, felony Failure to Register, or Unlawful Possession of a Firearm committed by a criminal street gang member.

For a person sentenced to a term of confinement of 12 months or less for the same offenses specified above, the court may impose up to 12 months of community custody.

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.

Regardless of the term ordered by the court, the DOC is authorized to carry out the community custody requirements only when a person is: classified as a high risk to reoffend; convicted of a serious violent offense, sex offense, qualifying domestic violence offense, or felony Driving Under the Influence; being supervised under the Interstate Compact; being supervised by the Indeterminate Sentencing Review Board; or serving a sentencing alternative.

Conditions and Sanctions. While on community custody, a person is subject to conditions imposed by the court and the DOC. The DOC may establish and modify conditions based on risks to community safety. The DOC may issue a warrant for the arrest of any person who violates a condition of community custody. If a person violates a condition, he or she may be subject to sanctions. Sanctions vary depending on the type of violation, the underlying offense, and other conditions. For many types of violations, a sanction can include being returned to confinement for a specified period.

In addition, a person convicted of certain offenses may qualify for a special sentencing alternative, where he or she receives a reduced or waived term of confinement and serves a longer term of community custody. For those persons, violations may result in the sentencing alternative being revoked and the person being required to return to confinement to complete the entire sentence.

Summary of Bill:

A person may earn supervision compliance credit to reduce the period of time he or she is required to serve in community custody. Credit accrues monthly, and may not be applied before being earned. A person may earn 15 days of credit for each month of community custody served.

Supervision compliance credit is awarded for complying with supervision terms and making progress towards the goals of an individualized supervision case plan, including: participating in specific targeted interventions, risk-related programming, or treatment; or completing steps towards specific targeted goals that enhance protective factors and stability, as determined by the DOC.

Certain persons do not qualify for supervision compliance credit, including any person completing community custody as part of a sentencing alternative, any person released and currently being supervised by the Indeterminate Sentence Review Board, and any person subject to supervision under the Interstate Compact for Adult Offender Supervision.

The DOC may implement the supervision compliance credit program over a 12-month period. Any person currently in community custody must complete an orientation before being eligible to earn credit.

Appropriation: None.

Fiscal Note: Requested on January 15, 2020.

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