

# SENATE BILL REPORT

## SHB 2393

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As Passed Senate - Amended, March 4, 2020

**Title:** An act relating to earning credit for complying with community custody conditions.

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

**Sponsors:** House Committee on Public Safety (originally sponsored by Representatives Goodman, Klippert, Davis, Ormsby and Appleton).

**Brief History:** Passed House: 2/13/20, 96-0.

**Committee Activity:** Human Services, Reentry & Rehabilitation: 2/25/20, 2/26/20 [DPA].

**Floor Activity:**

Passed Senate - Amended: 3/04/20, 44-4.

### Brief Summary of Amended Bill

- Allows a qualifying person to earn supervision compliance credit to reduce their term of community custody under the supervision of the Department of Corrections.

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## SENATE COMMITTEE ON HUMAN SERVICES, REENTRY & REHABILITATION

**Majority Report:** Do pass as amended.

Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland, O'Ban, Wilson, C. and Zeiger.

**Staff:** Kelsey-anne Fung (786-7479)

**Background:** Community Custody. Community custody is the portion of a person's sentence served in the community under the supervision of the Department of Corrections (DOC) following release from confinement. Courts are mandated to order community custody for persons convicted of certain crimes. The term of community custody varies depending on the underlying offense.

While on community custody, individuals are subject to a variety of conditions imposed by the court and DOC. DOC must assess the person's risk to reoffend and may establish and modify the person's conditions of community custody based on the person's risk to

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community safety. DOC may issue warrants for the arrest of any person who violates a condition of community custody. If an individual violates a condition, they may be subject to sanctions, including serving the remaining portion of their sentence in confinement.

Department of Corrections Proposal. In 2019, DOC proposed changes to community custody to the Sentencing Guidelines Commission and the Washington Criminal Sentencing Task Force. According to DOC, allowing individuals on community supervision to earn time off of their community custody sentence would expand DOC's sanctioning model to include incentives to further enhance compliance and reduce recidivism.

**Summary of Amended Bill:** A qualifying person may earn supervision compliance credit of ten days for each month that the person is in compliance with community custody conditions. The term of community custody may be reduced by the earned amount of supervision compliance credit. Supervision compliance credit accrues monthly and may not be applied before being earned.

Supervision compliance credit is awarded for complying with supervision terms and making progress towards the goals of an individualized supervision case plan, including: participation 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 DOC.

Certain persons are not eligible to earn 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.

DOC is authorized to 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 supervision compliance credit.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Substitute House Bill:** *The committee recommended a different version of the bill than what was heard.* PRO: This bill allows DOC to supervise individuals on community custody more effectively with limited resources. By allowing individuals on community custody who present a low risk to reoffend to earn time off of their community custody sentence, DOC can redirect valuable resources to more intensively supervise individuals who present a high risk to recidivate. At least a dozen other states implement similar policies, and research has shown a recidivism rate of 4 percent for individuals who are allowed to earn time off of their community custody period. This is not a cut to community corrections officers but the savings from supervision reductions will

allow DOC to hire more staff, beef up supervision resources, treatment programs, and focus on persons who need more engagement and active resources. Swift and certain sanctioning for community custody violations came with a heavy stick of punishment, but there was no real reward to positively incentivize good behavior. This is a huge motivator for individuals to continue to be compliant.

CON: Agree with reasonable reduction to community custody period for good behavior and compliance but this will place additional strains on already overworked community corrections officers. Fact that person can remain in the community and not be sent to jail should be the positive reinforcement that incentivizes people to continue to be compliant with community custody conditions. Savings from the bill should be statutorily directed into a dedicated account to reduce caseloads for DOC staff, improve the effectiveness of community supervision, and provide more reentry services.

**Persons Testifying:** PRO: Representative Roger Goodman, Prime Sponsor; Vicki Christophersen, Justice Action Network; Mac Pevey, Assistant Secretary, Washington Department of Corrections; Lillian Wilbur, Community Corrections Officer, Washington Department of Corrections; David Trieweiler, Washington Association of Criminal Defense Attorneys and Washington Defender Association.

CON: James McMahan, Washington Association of Sheriffs and Police Chiefs.

**Persons Signed In To Testify But Not Testifying:** No one.