

FINAL BILL REPORT

2SSB 5149

C 296 L 20
Synopsis as Enacted

Brief Description: Concerning electronic monitoring with victim notification technology.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Wilson, L., Becker, Kuderer, Short and Takko).

Senate Committee on Law & Justice
Senate Committee on Ways & Means
House Committee on Public Safety
House Committee on Appropriations

Background: Electronic monitoring means tracking the location of an individual through the use of technology that is capable of determining or identifying the monitored individual's presence or absence at a particular location and includes, but is not limited to:

- radio frequency signaling technology, which detects if the monitored individual is or is not at an approved location and notifies the monitoring agency of the time that the monitored individual either leaves the approved location or tampers with or removes the monitoring device; or
- active or passive global positioning system (GPS) technology, which detects the location of the monitored individual and notifies the monitoring agency of the monitored individual's location.

A passive GPS stores and transmits data at appointed times to the monitoring agency. In contrast, an active GPS transmits information in near-real-time on the individual's location to the monitoring agency. This near-real-time transmission theoretically allows an agency to alert someone immediately when a violation occurs. It also provides information on where an individual has been throughout the course of the day and when the offender was at various locations.

Pursuant to state law, electronic monitoring may be imposed in various circumstances, including:

- as a condition of community custody when the offender was convicted of a sex offense;
- in connection with a conviction for driving under the influence;
- as a condition of pre-trial release;
- at the time of entering a sexual assault protection order, stalking protection order, domestic violence no contact order, or domestic violence protection order; and

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.

- as a penalty for violation of certain domestic violence protections orders, restraining orders, and no contact orders.

In most circumstances, the court may order the person being monitored to pay the costs of electronic monitoring.

Summary: Electronic monitoring is defined to include electronic monitoring with victim notification technology (EMVNT) that is capable of notifying a victim or protected party, either directly or through a monitoring agency, when a monitored individual enters within a restricted distance of a protected person or place.

Definitional sections for those protection orders that authorize electronic monitoring are updated to clarify that electronic monitoring has the same meaning provided in the Sentencing Reform Act.

The Administrative Office of the Courts must:

- develop a list of vendors or enter into a contract with a vendor that provides EMVNT; and
- create an informational handout on the opportunity to request EMVNT to be provided to individuals seeking a protection order and for which EMVNT is available.

State and local governments are immune from civil liability for damages resulting from the use of EMVNT unless the state or local government acted with gross negligence or in bad faith.

Votes on Final Passage:

Senate	45	0	
House	96	0	(House amended)
Senate	48	0	(Senate concurred)

Effective: June 11, 2020