

SENATE BILL REPORT

SB 6270

As Reported by Senate Committee On:
Human Services, Reentry & Rehabilitation, February 4, 2020

Title: An act relating to resolution of warrants by persons serving a term of confinement in prison or juvenile rehabilitation.

Brief Description: Concerning the resolution of warrants by persons serving a term of confinement in prison or juvenile rehabilitation.

Sponsors: Senators Darneille, Hasegawa, Kuderer, Wilson, C., Das and Nguyen.

Brief History:

Committee Activity: Human Services, Reentry & Rehabilitation: 1/21/20, 2/04/20 [DPS].

Brief Summary of First Substitute Bill

- Allows individuals incarcerated in Juvenile Rehabilitation to request to resolve untried warrants using the Intrastate Detainer Act.
- Expands the Intrastate Detainer Act to include warrants in district and municipal courts.
- Excludes time periods in which the individual is responding to warrants in other counties from the Intrastate Detainer Act.

SENATE COMMITTEE ON HUMAN SERVICES, REENTRY & REHABILITATION

Majority Report: That Substitute Senate Bill No. 6270 be substituted therefor, and the substitute bill do pass.

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

Staff: Kevin Black (786-7747)

Background: The Intrastate Detainer Act. An individual who is incarcerated in prison in the state of Washington may request information about their warrants related to untried criminal cases from the superintendent of the prison.

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.

At any time during the period of incarceration, the individual may request resolution of any superior court warrants by creating a written request including notice of the individual's place of imprisonment and delivering it to the superintendent. The superintendent must promptly forward this request to the prosecuting attorney and superior court of the county where the warrant was issued by certified mail, return receipt requested, along with a certificate stating the individual's term of commitment, the time already served, the time remaining to be served, the amount of good time earned, the time of parole eligibility, and any decisions of the indeterminate sentence review board related to the individual.

The prosecuting attorney of the county must bring the individual to trial within 120 days after receiving this request or the criminal charge must be dismissed with prejudice and jurisdiction over the matter is lost. The court may continue the criminal matter for good cause shown in open court. The individual and counsel have the right to be present during any continuance hearing.

This law, enacted in 1956, is sometimes referred to as the Intrastate Detainer Act. The Act does not apply to a person adjudicated as mentally ill.

Summary of Bill (First Substitute): The Intrastate Detainer Act is expanded to allow:

- an individual to request to resolve untried warrants in district and municipal court; and
- participation by individuals incarcerated in a Juvenile Rehabilitation institution.

The following time periods must be excluded from the 120-day period:

- proceedings on an unrelated charge in a different county than the court where the charge is pending;
- proceedings related to competency to stand trial; and
- time during which the individual is detained in a federal jail or prison.

The superintendent who receives a request to transport an individual to resolve an untried warrant must inform the requesting party of the current location and availability of the individual for trial. If the individual is unavailable for trial due to court proceedings in another county, the superintendent must inform the requesting party when the individual becomes available for transportation.

EFFECT OF CHANGES MADE BY HUMAN SERVICES, REENTRY & REHABILITATION COMMITTEE (First Substitute): Excludes time periods from the 120-day period to resolve an untried warrant and requires the superintendent to provide information about the whereabouts of the incarcerated individual.

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 Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: We want this act to be as efficient as possible and to be used appropriately. We want surety that if someone is not aware of a warrant that there should be some way to resolve it so that when they leave the institution they will be successful in reentering the system. This will allow time for warrants to be addressed and expand access to additional courts. We also want juveniles to get help while they have staff available to help them navigate the process.

OTHER: We are interested in a friendly amendment to address a court case. The time to resolve warrants should be tolled while the person is addressing a warrant in another county or undergoing competency to stand trial services to avoid unwarranted dismissals.

Persons Testifying: PRO: Senator Jeannie Darneille, Prime Sponsor.

OTHER: Russell Brown, Washington Association of Prosecuting Attorneys.

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