
Public Safety Committee

ESSB 5245

Brief Description: Concerning the safety of crime victims.

Sponsors: Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Senators Brown, Wilson, L., Rolfes and Wagoner).

Brief Summary of Engrossed Substitute Bill

- Expands the list of crimes for which the Department of Corrections is required to provide notification of an incarcerated person's parole, release, community custody, work release placement, furlough, or escape.
- Provides that victim and witness notification requirements do not apply to a release ordered pursuant to felony resentencing proceedings.

Hearing Date: 2/17/22

Staff: Omeara Harrington (786-7136).

Background:

Victim and Witness Notification Program.

The Department of Corrections (DOC) is required to send written notice to certain persons regarding the parole, release, community custody, work release placement, furlough, or escape of a specific person convicted of a violent offense, a sex offense, a domestic violence court order violation, or a felony Harassment offense. Except in the event of escape or emergency furloughs, the notice must be sent at the earliest possible date and no later than 30 days before release.

The persons to whom the notice must be sent include:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

- the chief of police to the city in which the person will reside or in which placement will be made in a work release program;
- the sheriff of the county in which the person will reside or in which placement will be made in a work release program;
- the sheriff of a county where the person was convicted if the DOC does not know where the person will reside;
- the Washington State Patrol for the release of all sex offenders; and
- to the following persons if the notice was requested in writing:
 - the victim of the crime for which the person was convicted or the victim's next of kin if the crime was a homicide;
 - any witnesses who testified against the person in any court proceedings involving the violent offense;
 - any person specified in writing by the prosecuting attorney; and
 - any person who requests such notice about a specific person convicted of a sex offense at least 60 days prior to the person's expected release date.

If a person convicted of a violent offense, sex offense, domestic violence court order violation, or felony Harassment escapes from a correctional facility, the DOC must immediately notify the chief of police of the city and sheriff of the county in which the person resided immediately before the person's arrest and conviction. If previously requested, the DOC must also notify the witnesses and the victim of the crime for which the person was convicted. If the person is recaptured, the DOC must send the required notice as soon as possible but no later than two working days after the DOC learns of the recapture.

Felony Resentencing.

The prosecutor of the county in which a person was sentenced for a felony offense may petition the sentencing court to resentence the person if the original sentence no longer advances the interests of justice. The court may grant or deny the petition. If the court grants the petition, the court must resentence the person in the same matter as if the person had not previously been sentenced but the sentence may not be greater than the initial sentence.

The prosecuting attorney must make reasonable efforts to notify victims and survivors of victims of the petition for resentencing and the date of the resentencing hearing. The prosecuting attorney must provide victims and survivors of victims access to available victim advocates and other related services. The court must provide an opportunity for victims and survivors of victims of any crimes for which the person has been convicted to present a statement personally or by representation.

Summary of Bill:

In addition to current notification requirements, the DOC is required to send written notice to specified persons regarding the parole, release, community custody, work release placement, furlough, or escape of persons convicted of the following additional crimes:

- domestic violence offenses;

- Assault in the third degree;
- Unlawful Imprisonment;
- Vehicular Homicide by disregard for the safety of others; and
- Controlled Substances Homicide.

Victim and witness notification requirements do not apply when a person is released due to a court order pursuant to felony resentencing proceedings.

Appropriation: None.

Fiscal Note: Requested on February 16, 2022.

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