

SENATE BILL REPORT

SHB 1294

As Reported by Senate Committee On:
Law & Justice, March 18, 2021

Title: An act relating to misdemeanor supervision services by limited jurisdiction courts.

Brief Description: Addressing misdemeanor supervision services by limited jurisdiction courts.

Sponsors: House Committee on Civil Rights & Judiciary (originally sponsored by Representatives Goodman, Davis, Macri and Ormsby).

Brief History: Passed House: 2/24/21, 96-0.

Committee Activity: Law & Justice: 3/11/21, 3/18/21 [DP].

Brief Summary of Bill

- Authorizes limited jurisdiction courts to enter into interlocal agreements for pretrial and post-judgment supervision services.
- Establishes criteria governing the formation and scope of the interlocal agreements.
- Extends the limited immunity for misdemeanor supervision services to persons operating through an interlocal agreement.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Darneille, Holy, Kuderer, Salomon and Wagoner.

Staff: Tim Ford (786-7423)

Background: The criminal jurisdiction of a district or municipal court is limited to

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misdemeanors and gross misdemeanors. A district or municipal court is known as a limited jurisdiction court which includes anyone acting or operating at the direction of such court, including but not limited to its officers, employees, agents, contractors, and volunteers. These are courts that may be created by and serve a county, city, or town which is responsible for the prosecution, adjudication, sentencing, and incarceration of adult misdemeanor offenses committed by adults. Local jurisdictions may meet this responsibility through the use of their own courts, staff, and facilities, or by entering into interlocal agreements for these services.

Misdemeanant supervision services includes either pre-conviction or post-conviction misdemeanor probation or supervision services, or the monitoring of a misdemeanor defendant's compliance with a pre-conviction or post-conviction order of the court, including but not limited to community corrections programs, probation supervision, pretrial supervision, or pretrial release services.

A limited jurisdiction court that provides misdemeanor supervision services is not liable for civil damages based on the inadequate supervision or monitoring of a misdemeanor defendant or probationer unless the inadequate supervision results from gross negligence.

A court may impose a monthly assessment up to \$100 for evaluation and supervision services provided by the misdemeanor probation department. Revenues from the assessment are paid into the county or city general fund and must be used to fund programs for probation services.

Summary of Bill: Municipal courts or district courts may enter into interlocal agreements for pretrial and post-judgment probation supervision services according to court rules. The Administrative Office of the Courts must develop a model interlocal agreement in cooperation with the District and Municipal Court Judges Association and the Washington Association of Prosecuting Attorneys.

Interlocal agreements for pretrial or post-judgment probation supervision services:

- must not affect the jurisdiction of the court that imposes probation supervision;
- need not require the referral of all supervised cases by a jurisdiction; and
- may limit the referral for probation supervision services to a single case.

The presiding judge of each participating court must approve the interlocal agreement. The interlocal agreement may not require approval of the local executive and legislative bodies unless the interlocal agreement requires expenditure of additional funds by the jurisdiction.

If the jurisdiction providing probation supervision services is found liable for inadequate supervision or is impacted by increased costs pursuant to the interlocal agreement, the presiding judge of the jurisdiction imposing probation supervision must consult with the executive authority of the imposing jurisdiction and determine whether to terminate the interlocal agreement.

All proceedings to grant, modify, or revoke probation must be held in the court that imposes probation supervision. Jail costs and the cost of other sanctions remain with the jurisdiction that imposes probation supervision. A city or county may enter into an interlocal agreement for sharing costs for sanctions imposed by a jurisdiction hosting probation supervision services. Contracting parties may agree to dividing funds received for probation supervision services.

Interlocal agreements for probation supervision services are not subject to existing provisions applicable to interlocal agreements for course services that require arbitration when the parties are unable to agree on compensation levels and that prohibit termination of the agreement without meeting certain notice and time requirements. Interlocal agreements for probation supervision services are not subject to the minimum term requirements that apply to interlocal agreements for jail services.

The limited immunity from civil liability provided to limited jurisdiction courts providing misdemeanor supervision services is extended to cover activities and persons acting at the direction of the court pursuant to an interlocal agreement.

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: PRO: This bill addresses situations where a person is serving probation in multiple counties or committed an offense in a jurisdiction where they do not live. It is difficult for that offender to travel for probation or supervision services and the bill would allow a city to contract with another city where the person lives. This allows the consolidation of probation in one place and gives the probationer a better chance at success. It is more efficient.

Persons Testifying: PRO: Representative Roger Goodman, Prime Sponsor; Paul Wohl, District and Municipal Judges Association.

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