

# SENATE BILL REPORT

## SB 5592

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As of January 14, 2022

**Title:** An act relating to eliminating the cost of supervision assessments charged to offenders.

**Brief Description:** Eliminating the cost of supervision assessments charged to offenders.

**Sponsors:** Senators Wilson, C., Dhingra and Hasegawa; by request of Office of Financial Management.

**Brief History:**

**Committee Activity:** Human Services, Reentry & Rehabilitation: 1/14/22.

**Brief Summary of Bill**

- Removes the authority of the Department of Corrections to charge fees for processing interstate transfer applications.
- Eliminates any requirement to pay or collect supervision intake fees.
- Eliminates the Cost of Supervision Fund.

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### SENATE COMMITTEE ON HUMAN SERVICES, REENTRY & REHABILITATION

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

**Background:** Interstate Compact for Adult Offender Supervision. The Interstate Compact for Adult Offender Supervision governs the supervision of offenders who move from one state to another. Sending states must notify receiving states and obtain their approval before sending an offender, and receiving states must accept offenders when the reasons for the move are appropriate and supervise the offender for the sending state. The Washington State Department of Corrections (DOC) is authorized to charge a reasonable fee for processing applications for interstate transfer of felony and nonfelony offenders requesting transfer of supervision out-of-state. The transfer request fee is \$100.

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*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.*

Supervision Intake Fees. When a sentence requires supervision, the offender must pay a supervision intake fee to DOC, which is considered payment toward the cost of establishing supervision. DOC may exempt or defer all or partial payment of intake fees based on factors that include, among others, inability to obtain employment, employment handicap, age, student status, and other extenuating circumstances as determined by DOC. For offenders with offense dates before October 1, 2011, the supervision intake fee is a one-time fee based on a calculation of remaining supervision time left to serve, not to exceed \$600. For offenders who committed their offense on or after October 1, 2011, DOC must assess a supervision intake fee between \$400 and \$600 for each judgment and sentence imposed by the court in which supervision by DOC is required. The current fee is \$475. All fees collected by DOC must be deposited in the Cost of Supervision Fund, a dedicated fund in the custody of the state treasurer.

Misdemeanor Probation. When a defendant convicted of a misdemeanor or gross misdemeanor is placed on probation and is supervised by a county probation department, the county probation department may collect a monthly assessment up to \$100 for the duration of the probation term. When a defendant convicted of a misdemeanor or gross misdemeanor is placed on probation and is supervised by DOC, DOC may collect supervision intake fees.

Parolee Supervision Intake Fees. Persons who committed crimes prior to July 1, 1984, were sentenced to an indeterminate term of incarceration with a maximum prison term. The Indeterminate Sentence Review Board (ISRB) is responsible for determining when an offender is a fit subject for release and whether the inmate's rehabilitation is complete. If ISRB determines the person is fit for release, the parolee must follow the terms of supervision set by the court, DOC, and ISRB. Any person placed on parole is required to pay a one-time supervision intake fee based on a calculation of remaining supervision time left to serve, not to exceed \$600. DOC may exempt a person from all or partial payment based on factors that include, among others, inability to obtain employment, employment handicap, age, student status, and other extenuating circumstances as determined by DOC. All fees collected by DOC must be deposited in the dedicated Cost of Supervision Fund.

**Summary of Bill:** The authority of DOC to charge offenders a fee for processing applications to transfer supervision out-of-state is removed. The authority of DOC to collect supervision intake fees from defendants convicted of a misdemeanor or gross misdemeanor, placed on probation, and supervised by DOC is removed. The requirement for offenders and parolees to pay DOC a supervision intake fee is repealed. The Cost of Supervision Fund is repealed effective June 30, 2022, and the state treasurer shall transfer all residual funds in the Cost of Supervision Fund to the general fund on June 30, 2022.

**Appropriation:** None.

**Fiscal Note:** Requested on January 2, 2022.

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

**Effective Date:** The bill contains several effective dates. Please refer to the bill.