

# SENATE BILL REPORT

## SB 5592

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As of February 3, 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, 1/20/22 [DPS-WM].

Ways & Means: 2/03/22.

**Brief Summary of First Substitute 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

**Majority Report:** That Substitute Senate Bill No. 5592 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Wilson, C., Chair; Nguyen, Vice Chair; Gildon, Ranking Member; Dozier, McCune, Saldaña and Trudeau.

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

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### SENATE COMMITTEE ON WAYS & MEANS

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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.*

**Staff:** Sarian Scott (786-7729)

**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.

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 (First Substitute):** 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, and all other statutory references and cross-references to the supervision fee are removed. 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.

**EFFECT OF CHANGES MADE BY HUMAN SERVICES, REENTRY & REHABILITATION COMMITTEE (First Substitute):**

- Makes conforming and technical changes by removing references in other statutes to the supervision intake fee that is repealed under the bill.

**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.

**Staff Summary of Public Testimony on Original Bill (Human Services, Reentry & Rehabilitation):** *The committee recommended a different version of the bill than what was heard.* PRO: This bill aligns with other legislation and proposals to reduce poverty and change the system of offender fees and costs related to criminal sentencing. This fee creates extreme hardship for families as they are trying to get basic needs met. Formerly incarcerated individuals do not have a lot of resources to pay these kinds of fees and eliminating this fee will help successful reentry. There are already many barriers to meeting basic needs without a lot of options and these kinds of costs and fines disproportionately impact and burden communities of color and low income families. These fees faced by those involved in the criminal justice system are based on a past view of punishment that the current state corrections system is trying to move away from and towards rehabilitation. This aligns with DOC's approach to positively changing lives and promoting the successful reentry of individuals. This is a small but important step to allow justice-involved to keep money in pockets to support financial stability.

**Persons Testifying (Human Services, Reentry & Rehabilitation):** PRO: Senator Claire Wilson, Prime Sponsor; Cynthia Hollimon, Office of Financial Management; Scott Merriman, Office of Financial Management.

**Persons Signed In To Testify But Not Testifying (Human Services, Reentry & Rehabilitation):** No one.

**Staff Summary of Public Testimony on First Substitute (Ways & Means):** PRO: We support elimination of the fees. Fees create extreme hardships. Eliminating the fees will help with successful reentry. This is a small but important step.

**Persons Testifying (Ways & Means):** PRO: Patricia (Pat) Seibert-Love, Statewide Reentry Council.

**Persons Signed In To Testify But Not Testifying (Ways & Means):** No one.