

# SENATE BILL REPORT

## SB 5226

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As of February 17, 2023

**Title:** An act relating to the department of corrections' highest duty to ensure public safety through the prioritization of open active warrants of persons who have violated the terms of their supervision.

**Brief Description:** Concerning the department of corrections' highest duty to ensure public safety through the prioritization of open active warrants of persons who have violated the terms of their supervision. [**Revised for 1st Substitute:** Concerning the department of corrections' duty to ensure public safety by positively changing lives through pursuing open active warrants of persons who have violated the terms of their supervision.]

**Sponsors:** Senators Padden and Wilson, L..

**Brief History:**

**Committee Activity:** Human Services: 1/30/23, 2/07/23 [DPS-WM].  
Ways & Means: 2/20/23.

**Brief Summary of First Substitute Bill**

- Provides that the state corrections system should ensure public safety by positively changing lives.
- Requires the Department of Corrections (DOC) to make every reasonable effort to pursue active warrants for community custody violators.
- Removes considerations of available space when local jails hold individuals arrested by DOC community corrections officers.

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### SENATE COMMITTEE ON HUMAN SERVICES

**Majority Report:** That Substitute Senate Bill No. 5226 be substituted therefor, and the substitute bill do pass and be referred to 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.*

Signed by Senators Wilson, C., Chair; Kauffman, Vice Chair; Boehnke, Ranking Member; Frame, Nguyen, Warnick and Wilson, J..

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

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## SENATE COMMITTEE ON WAYS & MEANS

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

**Background:** Corrections System. A comprehensive system of corrections for convicted law violators within the state has been established since 1981. Objectives of the system include:

- ensuring public safety;
- punishing the offender for violating the laws of the state;
- positively impacting offenders by stressing personal responsibility and accountability, and by discouraging recidivism;
- treating all offenders fairly and equitably without regard to race, religion, sex, national origin, residence, or social condition;
- reflecting the values of the community;
- providing prudent management of resources;
- providing restitution;
- accountability to the citizens of the state; and
- meeting national standards which the state determines to be appropriate.

Community Custody. Community custody is the portion of a person's sentence served in the community under DOC supervision after their release from confinement. Community custody is required to be imposed by the court for persons convicted of certain crimes. While on community custody, a person is subject to conditions imposed by the court and DOC. DOC may establish and modify conditions based on risks to community safety. DOC may issue warrants for the arrest of any person who violates a condition of community custody. Sanctions vary depending on the type of violation, the underlying offense, and other conditions.

If the person was sentenced under a special sentencing alternative and violates a condition of community custody, the court may modify conditions of community custody, impose sanctions, or order the person be returned to confinement to complete the entire sentence.

Detainment in Local Jails Following Arrest. If an offender violates any condition or requirement of a sentence, a DOC community corrections officer (CCO) may arrest the offender without a warrant, pending a determination by the court or by DOC. A CCO may also arrest an offender for any crime committed in their presence. The facts and circumstances of the conduct of the offender must be reported by the CCO, with recommendations, to the court, local law enforcement, or local prosecution for consideration of new charges. Upon an arrest, the offender must be confined and detained in

the county jail of the county in which the offender was taken into custody, and the county sheriff must receive and keep in the county jail, where room is available, all prisoners delivered to the jail by the CCO. The offender may not be released on bail or personal recognizance except through approval of the court or authorized DOC staff.

**Summary of Bill (First Substitute):** The bill provides that the corrections system should ensure public safety by positively changing lives.

DOC must make every reasonable effort to pursue active warrants for offenders who have violated the terms of their supervision.

Consideration of whether room is available at the county jail is removed when individuals who are arrested by DOC CCOs are delivered to the jail for detention pending consideration of new charges.

**EFFECT OF CHANGES MADE BY HUMAN SERVICES COMMITTEE (First Substitute):**

- Specifies the state corrections system should ensure the public safety by positively changing lives.
- Changes a reference to inmate to those who are incarcerated or under supervision.
- Removes the requirement that DOC prioritize staffing to pursue active warrants for supervision violators.
- Removes consideration of whether room is available at the county jail when county jails detain individuals arrested by DOC CCOs.

**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 (Human Services):** *The committee recommended a different version of the bill than what was heard.* PRO: This bill will refocus DOC to its basic mission of public safety and reprioritize pursuing warrants for community custody violators. These individuals often have a history of criminal activity and are more prone than others to reoffend, creating more victims of crime. This bill will make an overt positive statement about DOC's role in public safety and will hold individuals who violate their supervision accountable. This bill gives DOC and corrections staff the mandate to use their resources to proactively find community custody violators and bring them back into custody.

**Persons Testifying (Human Services):** PRO: Senator Mike Padden, Prime Sponsor; Craig Meidl, Spokane PD; John Nowels, Spokane County Sheriff; Larry Haskell.

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