

HOUSE BILL REPORT

SSB 5256

As Passed House:

April 19, 2005

Title: An act relating to misdemeanors and gross misdemeanors.

Brief Description: Revising provisions relating to the use of risk assessments in the supervision of offenders who committed misdemeanors and gross misdemeanors.

Sponsors: By Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove and Stevens).

Brief History:

Committee Activity:

Criminal Justice & Corrections: 3/24/05, 3/31/05 [DP];

Appropriations: 4/2/05 [DP].

Floor Activity:

Passed House: 4/19/05, 97-0.

Brief Summary of Substitute Bill

- Changes the manner in which the Department of Corrections must supervise misdemeanor offenders in the community.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 7 members: Representatives O'Brien, Chair; Darneille, Vice Chair; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi, Kirby and Strow.

Staff: Yvonne Walker (786-7841).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass. Signed by 28 members: Representatives Sommers, Chair; Fromhold, Vice Chair; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Bailey, Buri, Clements, Cody, Conway, Darneille, Dunshee, Grant, Haigh, Hinkle, Hunter, Kagi, Kenney, Kessler, Linville, McDermott, McIntire, Miloscia, Pearson, Priest, Schual-Berke, Talcott and Walsh.

Staff: Bernard Dean (786-7130).

Background:

In 2003, the Legislature passed ESSB 5990, which eliminated the Department of Correction's (DOC) supervision of certain felony offenders. The DOC must perform a risk assessment of felony offenders in order to classify them into one of four risk management (RM) classifications. Rather than supervising all felony offenders, the DOC must supervise every felony offender sentenced to a term of community custody, community placement, or community supervision who:

- is classified as RM-A or RM-B (one of the two highest risk categories);
- has a current or previous conviction for a sex offense; a violent offense; a crime against persons; felony domestic violence; residential burglary; manufacture, delivery, or possession with the intent to deliver methamphetamine (or an attempt, solicitation, or conspiracy to do so); or delivery of a controlled substance to a minor (or an attempt, solicitation, or conspiracy to do so);
- has conditions relating to chemical dependency treatment in his or her sentence;
- was sentenced under the Special Sex Offender Sentencing Alternative or the First-Time Offender Waiver; or
- is subject to supervision under the interstate compact for adult offender supervision.

The DOC is also responsible for supervising persons who are convicted of a misdemeanor or a gross misdemeanor in superior court.

Summary of Bill:

The statute requiring the DOC to perform risk assessments on felony offenders is extended to require the DOC to perform risk assessments on misdemeanor and gross misdemeanor probationers who are sentenced in superior court. The DOC's supervision of misdemeanor and gross misdemeanor probationers is limited to misdemeanor and gross misdemeanor probationers who:

- are classified as RM-A or RM-B (one of the two highest risk categories);
- have a current or previous conviction for a sex offense; a violent offense; a crime against persons; felony domestic violence; residential burglary; manufacture, delivery, or possession with the intent to deliver methamphetamine (or an attempt, solicitation, or conspiracy to do so); or delivery of a controlled substance to a minor (or an attempt, solicitation, or conspiracy to do so);
- have conditions relating to chemical dependency treatment in his or her sentence;
- were sentenced under the Special Sex Offender Sentencing Alternative or the First-Time Offender Waiver; or
- are subject to supervision under the interstate compact for adult offender supervision.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: (Criminal Justice & Corrections) When the Legislature enacted SB 5990, the act limited the DOC's supervision to those felony offenders with the highest risk. This bill is a follow-up to SB 5990 because that bill did not include misdemeanants convicted in superior court which were overlooked at the time.

This bill is clean up that conforms the same policy to misdemeanor offenders as the state has implemented for felony offenders. If the state is going to use its resources on the highest risk of felons than that same policy should be used by the DOC for misdemeanants that they supervise.

The DOC supports this bill.

Testimony For: (Appropriations) None.

Testimony Against: (Criminal Justice & Corrections) None.

Testimony Against: (Appropriations) None.

Persons Testifying: (Criminal Justice & Corrections) Senator Hargrove, prime sponsor; Dick Van Wagenen, Governor's Policy Office; and Eldon Vail, Department of Corrections.

Persons Testifying: (Appropriations) None.

Persons Signed In To Testify But Not Testifying: (Criminal Justice & Corrections) None.

Persons Signed In To Testify But Not Testifying: (Appropriations) None.