
**Public Safety & Emergency Preparedness
Committee**

HB 1438

Brief Description: Concerning the interstate compact for adult offender supervision.

Sponsors: Representatives Kelley and Dammeier.

Brief Summary of Bill

- Requires the Department of Corrections (DOC) to identify the states from which it receives the highest number of offenders for supervision and determine the feasibility and cost of establishing memoranda of understanding with those states.
- Requires Washington representatives, at the next meeting of the Interstate Commission, to seek a resolution regarding any inequitable distribution of costs, benefits, and obligations affecting Washington under the Interstate Compact for Adult Offender Supervision (Interstate Compact).
- Requires the DOC to examine the feasibility and cost of withdrawal from or modification to the Interstate Compact and report back to the Legislature by December 1, 2011.

Hearing Date: 2/2/11

Staff: Yvonne Walker (786-7841).

Background:

Many offenders are subject to some form of supervision once they are released from the Department of Corrections (DOC). While offenders may be permitted to travel to other states, courts have held that an individual's constitutional right to travel is extinguished by a valid conviction followed by imprisonment, and it remains so while the offender is on parole or probation.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Congress has expressly authorized states to enter into compacts or agreements such as the Interstate Compact for Adult Offenders Supervision (Interstate Compact). In 2001 pursuant to Substitute Senate Bill 5118, the Legislature enacted the Interstate Compact into Washington law. The Interstate Compact provides a formal means for controlling the interstate movement of offenders who are under the supervision of a member state's department of corrections. All 50 states plus Puerto Rico, the U.S. Virgin Islands, and the District of Columbia are members of the Interstate Compact.

Under the Interstate Compact, an Interstate Commission (Commission) was created which establishes uniform procedures to manage the movement between states of adults placed under supervision. The Commission has the power to adopt bylaws governing the management and operation of the Commission and to make rules which have the force and effect of statutory law. Such rules are binding upon the states that are members of the Interstate Compact.

Pursuant to the Interstate Compact statute enacted in 2001 and the bylaws enacted by the Commission, once effective, the Interstate Compact shall continue in force and remain binding upon the member state unless the member state withdraws. Under the Interstate Compact, a member state may only withdraw by repealing the statute which enacted the compact into law.

If the Commission determines that any member state has defaulted on any of its obligations or responsibilities under the Interstate Compact or its bylaws, it may impose penalties such as fines or fees, or a suspension and may seek judicial action to enforce any penalties.

By the end of the year 2010, the DOC was supervising approximately 2,342 felony offenders on behalf of other states under the Compact, while other states were supervising approximately 803 offenders on Washington's behalf.

Summary of Bill:

The Legislature has determined that it is necessary to examine patterns related to the exchange of out-of-state offenders needing supervision. The DOC must identify the states from which it receives adults for supervision and examine the feasibility and cost of establishing memoranda of understanding with the states that send the highest number of offenders for supervision to Washington with the goal of achieving more balanced and equitable obligations under the Interstate Compact.

At the next meeting of the Commission, Washington's representatives on the Commission shall seek a resolution regarding any inequitable distribution of costs, benefits, and obligations affecting Washington under the Interstate Compact. The DOC must examine the feasibility and cost of withdrawal from or modification to the Interstate Compact.

By December 1, 2011, the DOC must report back to the Legislature regarding: (1) the development of memoranda of understanding with the states that send the highest number of offenders to Washington; (2) the outcome of the resolution process by the Commission regarding the inequitable distribution of costs, benefits, and obligations affecting Washington under the Interstate Compact; and (3) the feasibility and cost of withdrawal from or modification to the Interstate Compact.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.