
SUBSTITUTE SENATE BILL 5766

State of Washington

64th Legislature

2015 Regular Session

By Senate Law & Justice (originally sponsored by Senators Roach, O'Ban, Padden, and Darneille)

READ FIRST TIME 02/20/15.

1 AN ACT Relating to monitoring agencies providing electronic
2 monitoring; adding a new section to chapter 9.94A RCW; adding a new
3 section to chapter 10.21 RCW; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 9.94A
6 RCW to read as follows:

7 (1) A supervising agency must establish terms and conditions of
8 electronic monitoring for each individual subject to electronic
9 monitoring in the supervising agency's jurisdiction. The supervising
10 agency must communicate those terms and conditions to the monitoring
11 agency. A supervising agency must also establish protocols for when
12 and how a monitoring agency must notify the supervising agency when a
13 violation of the terms and conditions occurs. A monitoring agency
14 must comply with the terms and conditions as established by the
15 supervising agency.

16 (2) A private monitoring agency must also:

17 (a) Hold general liability insurance in an amount not less than
18 one hundred thousand dollars;

19 (b) Obtain a surety bond in the amount of ten thousand dollars,
20 running to the state of Washington for the benefit of a person

1 injured by a wrongful act of the monitoring agency and executed by a
2 surety company authorized to do business in the state of Washington;

3 (c) Have detailed contingency plans for the monitoring agency's
4 operation with provisions for power outage, loss of telephone
5 service, fire, flood, malfunction of equipment, death, incapacitation
6 or personal emergency of a monitor, and financial insolvency of the
7 monitoring agency;

8 (d) Prohibit certain relationships between a monitored individual
9 and a monitored agency, including:

10 (i) Personal associations between a monitored individual and a
11 monitoring agency or agency employee;

12 (ii) A monitoring agency or employee entering into another
13 business relationship with a monitored individual or monitored
14 individual's family during the monitoring; and

15 (iii) A monitoring agency or employee employing a monitored
16 individual for at least one year after the termination of the
17 monitoring;

18 (e) Not employ or be owned by any person convicted of a felony
19 offense within the past four years; and

20 (f) Obtain a background check through the Washington state patrol
21 for every partner, director, officer, owner, or operator of the
22 monitoring agency, at the monitoring agency's expense.

23 (3) A private monitoring agency that fails to comply with any of
24 the requirements in this section may be subject to a civil penalty,
25 as determined by a court of competent jurisdiction, in an amount of
26 not more than one thousand dollars for each violation.

27 (4) All contracts with private entities to provide electronic
28 monitoring may, as deemed necessary, be in writing and may provide
29 contractual penalties in addition to those provided under subsection
30 (3) of this section.

31 (5) For the purposes of this section:

32 (a) "Electronic monitoring" means a program of partial
33 confinement in a private residence twenty-four hours a day, with
34 limited exceptions only where authorized or ordered in the explicit
35 terms and conditions of a supervising agency. Electronic monitoring
36 uses electronic surveillance and is an alternative to incarceration
37 available to eligible offenders.

38 (b) "Monitoring agency" means an entity, private or public, which
39 supervises an individual who has been authorized or required by a

1 supervising agency to be on electronic monitoring. A monitoring
2 agency may also be a supervising agency.

3 (c) "Supervising agency" means the public entity that authorized
4 the alternative to incarceration, whether pretrial or posttrial, and
5 authorized or imposed electronic monitoring on the individual. A
6 supervising agency may also be a monitoring agency.

7 NEW SECTION. **Sec. 2.** A new section is added to chapter 10.21
8 RCW to read as follows:

9 (1) Defendants who have a prior conviction for a violent offense
10 or a sex offense, as both are defined in RCW 9.94A.030, and
11 defendants who have a prior conviction for escape in the first,
12 second, or third degree are ineligible for electronic monitoring
13 while awaiting trial.

14 (2) No defendant may be released to electronic monitoring unless
15 the defendant's release before trial is secured with a payment of
16 bail. If bail is revoked by the court or the bail bond agency, the
17 court shall note the reason for the revocation in the court file.

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