

HOUSE BILL REPORT

HB 1119

As Reported by House Committee On:

Community Safety
Appropriations

Title: An act relating to supervision compliance credit.

Brief Description: Concerning supervision compliance credit.

Sponsors: Representatives Goodman and Simmons; by request of Department of Corrections.

Brief History:

Committee Activity:

Community Safety: 1/14/25, 1/23/25 [DP];

Appropriations: 2/17/25, 2/20/25 [DPS].

Brief Summary of Substitute Bill

- Modifies how compliance with supervision terms is determined for purposes of awarding credit and reducing a term of community custody under the supervision of the Department of Corrections and changes who qualifies for supervision compliance credit.

HOUSE COMMITTEE ON COMMUNITY SAFETY

Majority Report: Do pass. Signed by 5 members: Representatives Goodman, Chair; Simmons, Vice Chair; Davis, Fosse and Obras.

Minority Report: Do not pass. Signed by 1 member: Representative Graham, Ranking Minority Member.

Minority Report: Without recommendation. Signed by 2 members: Representatives Griffey, Assistant Ranking Minority Member; Burnett.

Staff: Michelle Rusk (786-7153).

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.

Background:

Community Custody.

Community custody is the portion of a person's criminal sentence served in the community under the supervision of the Department of Corrections (DOC) following release from confinement. Courts are mandated to order community custody for persons convicted of certain crimes and the term of community custody varies depending on the underlying offense.

Conditions and Sanctions. While on community custody, a person is subject to conditions imposed by the court and the DOC. The DOC may establish and modify conditions based on risks to community safety, and may issue a warrant for the arrest of any person who violates a condition of community custody. If a person violates a condition, he or she may be subject to sanctions. Sanctions vary depending on the type of violation, the underlying offense, and other conditions. For many types of violations, a sanction can include being returned to confinement for a specified period.

Supervision Credit. A person may earn supervision compliance credit to reduce the period of time he or she is required to serve in community custody. Credit accrues monthly and may not be applied before being earned. A person may earn 10 days of credit for each month of community custody served.

Supervision compliance credit is awarded for complying with supervision terms and making progress towards the goals of an individualized supervision case plan, including: (1) participating in specific targeted interventions, risk-related programming, or treatment; or (2) completing steps towards specific, targeted goals that enhance protective factors and stability, as determined by the DOC.

Eligibility. Certain persons do not qualify for supervision compliance credit, including individuals sentenced under a parenting sentencing alternative, drug offender sentencing alternative, special sex offender sentencing alternative, or first time offender waiver. Sentencing alternatives generally allow an individual to receive a reduced or waived term of confinement and serve a longer term of community custody. Violations may result in the sentencing alternative being revoked and the person being required to return to confinement to complete the entire sentence.

Commutations and Pardons.

The Washington Constitution provides the Governor with the authority to grant a reprieve or pardon, or commute a sentence, subject to such regulations and restrictions as may be prescribed by law. A commutation is a reduction of criminal penalties and does not nullify the conviction. State law contains a number of statutory provisions related to the Governor's authority to grant pardons and commutations, including, for example:

- The Governor, upon recommendation from the Clemency and Pardons Board, may grant a person serving a sentence in DOC custody an extraordinary release for

reasons of serious health problems, senility, advanced age, extraordinary meritorious acts, or other extraordinary circumstances.

- When a prisoner has been sentenced to death, the Governor may commute such sentence to imprisonment for life, and in all cases in which the Governor is authorized to grant pardons or commute sentence of death, the Governor may, upon the petition of the person convicted, commute a sentence or grant a pardon upon such conditions, restrictions, and limitations as the Governor may think proper.

Summary of Bill:

Supervision Credit. The manner in which supervision compliance credit can be awarded is modified. Supervision compliance credit is awarded for complying with supervision terms as determined by the DOC.

Eligibility. Individuals subject to a governor's conditional commutation or completing any sentencing alternative under the Sentencing Reform Act, instead of specified sentencing alternatives, are added to the categories of individuals who do not qualify for supervision compliance credit.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

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

Staff Summary of Public Testimony:

(In support) This bill provides a fix by awarding supervision compliance credit based on compliance alone. This policy does not mean supervised individuals are not expected to work on their goals or participate in programming, and the definition of compliance still means an absence of supervision violations. For many supervised individuals, they want to work on, and are actively pursuing, their goals. However, the current process has created bureaucratic challenges in administration and made it more difficult for qualifying individuals to have their credit counted and accrued. By changing this standard, the Department of Corrections can focus more on individuals who are higher risk.

(Opposed) The changes in this bill remove the incentives for supervised individuals to comply with supervision terms. This credit looks more like earned early release and is used more as a stick and less of a carrot. If passed, this bill creates only a consequence for

negative behavior, not a reward for positive behavior.

Persons Testifying: (In support) Representative Roger Goodman, prime sponsor; Mac Pevey, Department of Corrections; Keri-Anne Jetzer, WA State Sentencing Guidelines Commission; and Cindy Elsberry, Washington Defender Association.

(Opposed) James McMahan, WA Assoc Sheriffs and Police Chiefs; and Russell Brown, WA Association of Prosecuting Attorneys.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 19 members: Representatives Ormsby, Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg, Bergquist, Callan, Cortes, Doglio, Fitzgibbon, Leavitt, Lekanoff, Peterson, Pollet, Ryu, Springer, Stonier, Street, Thai and Tharinger.

Minority Report: Do not pass. Signed by 10 members: Representatives Penner, Assistant Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Burnett, Caldier, Corry, Dye, Keaton, Manjarrez, Marshall and Rude.

Minority Report: Without recommendation. Signed by 2 members: Representatives Couture, Ranking Minority Member; Connors, Assistant Ranking Minority Member.

Staff: Yvonne Walker (786-7841).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Community Safety:

A provision is added that requires the Department of Corrections (DOC) to make its adopted procedures for earning supervision compliance credit available on the DOC's website.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) None.

(Opposed) Community supervision is a step-down program for those individuals leaving prison to transition to the community. Supervision compliance credits, under current law, are for those that are in compliance with the terms of their community supervision as well as making progress towards those evidence-based goals of successful reintegration into the community. This bill eliminates the incentive and requirement that individuals will have to make progress towards those goals, but such individuals will still be eligible to receive supervision credits. This is not good for public safety or public policy.

Persons Testifying: James McMahan, Washington Association of Sheriffs and Police Chiefs; and Russell Brown, Washington Association of Prosecuting Attorneys.

Persons Signed In To Testify But Not Testifying: None.