

CHAPTER 134.

[Senate Bill No. 233.]

PRISON TERMS, PAROLES, AND PROBATION.

AN ACT relating to state government; establishing within the department of institutions a division of probation and parole, and providing for the transfer of certain powers and duties of the state board of prison terms and paroles thereto; providing for the transfer of certain personnel, books, documents and other writings, office equipment and motor vehicles, and other tangible property; amending section 72.01.030, chapter 28, Laws of 1959 and RCW 72.01.030; amending section 3, chapter 114, Laws of 1935 and RCW 9.95.170; amending section 7, chapter 114, Laws of 1935 and RCW 9.95.260; amending section 3, chapter 227, Laws of 1957 and RCW 9.95.200; amending section 4, chapter 227, Laws of 1957 and RCW 9.95.210; amending section 8, chapter 227, Laws of 1957 and RCW 9.95.250; adding a new chapter to Title 72 RCW; providing an effective date; and transferring funds.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 72.01.030, chapter 28, Laws of 1959 and RCW 72.01.030 are each amended to read as follows:

RCW 72.01.030 amended.

There is established within the department of institutions four divisions to be known as, (1) the division of adult corrections, (2) the division of probation and parole, (3) the division of children and youth services, and (4) the division of mental health.

Department of institutions—Divisions enumerated.

Sec. 2. There is added to Title 72 RCW a new chapter to read as set forth in sections 3 through 6 of this 1967 amendatory act.

New chapter to Title 72.

Sec. 3. There is established within the department of institutions a division to be known as the division of probation and parole.

Division of probation and parole—Created.

Sec. 4. The director of institutions shall appoint and deputize an assistant director to be designated the supervisor of probation and parole and such per-

Supervisor.

Division of probation and parole.

son shall have had five years successful administrative experience in the probation and parole field, at the budget, policy and administrative level.

Supervisor, transfer.

Sec. 5. The chief parole and probation officer under the board of prison terms and paroles shall, upon the effective date of this 1967 amendatory act, become the supervisor of probation and parole.

Powers and duties.

Sec. 6. The supervisor of probation and parole, through the division of probation and parole, and with the approval of the director of institutions, shall exercise all powers and perform all duties prescribed by law with respect to the administration of the probation and parole program by the department.

Transfer of powers to new division.

Sec. 7. The powers and duties of the state board of prison terms and paroles, relating to (1) the supervision of parolees of any of the state penal institutions, (2) the supervision of persons placed on probation by the courts, and (3) duties with respect to persons conditionally pardoned by the governor, are transferred to the director of institutions who shall hereafter exercise such powers and perform such duties through the division of probation and parole of the department of institutions.

This section shall not be construed as affecting any of the remaining powers and duties of the board of prison terms and paroles including, but not limited to, the following:

- (1) The fixing of minimum terms of confinement of convicted persons, or the reconsideration of its determination of minimum terms of confinement;
- (2) Determining when and under what conditions a convicted person may be released from custody on parole, and the revocation or suspension of parole or the modification or revision of the conditions of the parole, of any convicted person.

Sec. 8. All employees of the board of prison terms and paroles who are employed in connection with the exercise of the powers and performance of the duties herein transferred to the director of institutions shall, upon the effective date of this 1967 amendatory act, be transferred to the department of institutions.

Transfer of certain employees to new division.

All such employees on permanent status shall be certified as employees of the department of institutions on permanent status and all such employees on probationary status shall be certified as employees of the department of institutions on probationary status. All such employees transferred herein shall continue to be governed in accordance with chapter 41.06, the state civil service law.

The board of prison terms and paroles shall retain in its employ and under its jurisdiction those employees necessary to the performance of its remaining powers and duties and any doubts in this respect shall be resolved by the state personnel board. The board of prison terms and paroles may hire additional employees on a temporary basis or may borrow such employees from other state departments or enter into agreements with other state departments for the pro rata remuneration of employees of other departments whose services are temporarily required by the board.

Sec. 9. The director of institutions through the supervisor of the division of probation and parole of the department of institutions shall cause to be prepared plans and recommendations for the conditions of supervision under which each inmate of any state penal institutions who is eligible for parole may be released from custody. Such plans and recommendations shall be submitted to the board of prison terms and paroles which may, at its discretion, approve, reject, or revise or amend such plans and recommendations for the conditions of supervision of re-

Plans and recommendations—Supervision of paroled prisoners.

lease of inmates on parole, and, in addition, the board may stipulate any special conditions of supervision to be carried out by a probation and parole officer.

Prisoners—
supervision.

Sec. 10. Each inmate hereafter released on parole shall be subject to the supervision of the division of probation and parole of the department of institutions, and the probation and parole officers of the division shall be charged with the preparation of progress reports of parolees and to give guidance and supervision to such parolees within the conditions of a parolee's release from custody. Copies of all progress reports prepared by the probation and parole officers shall be supplied to the board of prison terms and paroles for their files and records.

Prisoners—
Violation of
parole condi-
tion—Arrest
without a
warrant—
Report.

Sec. 11. Whenever a parolee breaches a condition or conditions under which he was granted parole, or violates any law of the state or rules and regulations of the board of prison terms and paroles, any probation and parole officer may arrest such parolee without a warrant, pending a determination by the board. The facts and circumstances of such conduct of the parolee shall be reported by the probation and parole officer, with recommendations, to the board of prison terms and paroles, who may order the revocation or suspension of parole, revise or modify the conditions of parole or take such other action as may be deemed appropriate in accordance with RCW 9.95.120.

The probation and parole officers shall have like authority and power regarding the arrest and detention of a probationer who has breached a condition or conditions under which he was granted probation by the superior court, or violates any law of the state, pending a determination by the superior court.

In the event a probation and parole officer shall arrest a parolee or probationer in accordance with

the provisions of this section, such parolee or probationer shall be confined and detained in the county jail of the county in which the parolee or probationer was taken into custody, and the sheriff of such county shall receive and keep in the county jail, where room is available, all prisoners delivered thereto by the probation and parole officer, until discharged according to law.

Sec. 12. Upon the effective date of this 1967 amendatory act, the board of prison terms and paroles shall deliver to the director of institutions all books, documents, records, papers and other writings which have been made, and all cabinets, files, furniture, office equipment, motor vehicles, and other tangible property used or held in the exercise of the powers and performance of the duties which, by this 1967 amendatory act, are transferred to the director of institutions. If, however, such books, documents, records, papers and other writings are essential as determined by the board of prison terms and paroles to the performance of duties retained by the board, it may deliver copies of such books, documents, records, papers and other writings to the director of institutions.

Delivery of papers etc to new division.

The board of prison terms and paroles shall retain all books, documents, records, papers and other writings, and all cabinets, files, furniture, office equipment, motor vehicles, and other tangible property used or held in the exercise of the powers and performance of the duties which are not, by this 1967 amendatory act, transferred to the director of institutions.

Sec. 13. Section 3, chapter 114, Laws of 1935 and RCW 9.95.170 are each amended to read as follows:

RCW 9.95.170 amended.

To assist it in fixing the duration of a convicted person's term of confinement, and in fixing the condition for release from custody on parole, it shall

Paroled prisoners.

Board to inform itself as to each convict—Division to make available records.

not only be the duty of the board of prison terms and paroles to thoroughly inform itself as to the facts of such convicted person's crime but also to inform itself as thoroughly as possible as to such convict as a personality. The department of institutions and the institutions under its control shall make available to the board of prison terms and paroles on request its case investigations, any file or other record, in order to assist the board in developing information for carrying out the purpose of this section.

RCW 9.95.260 amended.

Sec. 14. Section 7, chapter 114, Laws of 1935 and RCW 9.95.260 are each amended to read as follows:

Duties of board and division with respect to application for parole.

It shall be the duty of the board of prison terms and paroles, when requested by the governor, to pass on the representations made in support of applications for pardons for convicted persons and to make recommendations thereon to the governor.

It will be the duty of the director of institutions through the division of probation and parole to exercise supervision over such convicted persons as have been conditionally pardoned by the governor, to the end that such persons shall faithfully comply with the conditions of such pardons. The board of prison terms and paroles shall also pass on any representations made in support of applications for restoration of civil rights of convicted persons, and make recommendations to the governor. The department of institutions and the division of probation and parole and the officers and employees thereof shall prepare materials and make investigations requested by the board of prison terms and paroles in order to assist the board in passing on the representations made in support of applications for pardon or for the restoration of civil rights.

RCW 9.95.200 amended.

Sec. 15. Section 3, chapter 227, Laws of 1957 and RCW 9.95.200 are each amended to read as follows:

After conviction by plea or verdict of guilty of any crime, the court upon application or its own motion, may summarily grant or deny probation, or at a subsequent time fixed may hear and determine, in the presence of the defendant, the matter of probation of the defendant, and the conditions of such probation, if granted. The court may, in its discretion, prior to the hearing on the granting of probation, refer the matter to the director of institutions or such officers as the director may designate for investigation and report to the court at a specified time, upon the circumstances surrounding the crime and concerning the defendant, his prior record, and his family surroundings and environment.

Probation by court—Investigation by division.

Sec. 16. Section 4, chapter 227, Laws of 1957 and RCW 9.95.210 are each amended to read as follows:

RCW 9.95.210 amended.

The court in granting probation, may suspend the imposing or the execution of the sentence and may direct that such suspension may continue for such period of time, not exceeding the maximum term of sentence, except as hereinafter set forth and upon such terms and conditions as it shall determine.

Probation and parole—Conditions may be imposed upon probation.

The court in the order granting probation and as a condition thereof, may in its discretion imprison the defendant in the county jail for a period not exceeding one year or may fine the defendant any sum not exceeding one thousand dollars plus the costs of the action, and may in connection with such probation impose both imprisonment in the county jail and fine and court costs. The court may also require the defendant to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary (1) to comply with any order of the court for the payment of family support, (2) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in

Probation and parole—Conditions may be imposed upon probation.

question, and (3) to pay such fine as may be imposed and court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required, and may require bonds for the faithful observance of any and all conditions imposed in the probation. The court shall order the probationer to report to the supervisor of the division of probation and parole of the department of institutions or such officer as the supervisor may designate and as a condition of said probation to follow implicitly the instructions of the supervisor of probation and parole. The supervisor of probation and parole with the approval of the director of institutions will promulgate rules and regulations for the conduct of such person during the term of his probation.

NOTE: See also section 8, chapter 200, Laws of 1967.

RCW 9.95.250 amended.

Sec. 17. Section 8, chapter 227, Laws of 1957 and RCW 9.95.250 are each amended to read as follows:

State probation and parole officers.

In order to carry out the provisions of this chapter 9.95 RCW the parole officers working under the supervision of the director of institutions shall be known as probation and parole officers.

Transfer of appropriations.

Sec. 18. Any appropriation made to the board of prison terms and paroles for the purpose of carrying out the powers and duties transferred by this 1967 amendatory act to the director of institutions shall be transferred and credited to the department of institutions for the purpose of carrying out such transferred powers and duties.

Effective date.

Sec. 19. This act shall take effect on July 1, 1967.

Passed the Senate February 22, 1967.

Passed the House March 8, 1967.

Approved by the Governor March 21, 1967.