

HB 3438 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

Prepared By: Josh Nasbe, Counsel

Meeting Dates: 5/16

WHAT THE MEASURE DOES:

Requires State Board of Parole and Post-Prison Supervision, in determining whether to waive requirements applicable to inmate's residency during first six months of supervision, to consider eligibility for transitional housing and residential treatment programs. Provides that acceptance into transitional housing or residential treatment program constitutes good cause for waiving residency requirement. Directs Department of Corrections and local supervisory authority to include in inmate release plan any transitional housing or treatment programs to which inmate has been accepted.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

When a person is released from imprisonment on post-prison supervision, the default rule is that the person must reside for six months in the county in which the person resided, or in the county in which the person was under supervision, at the time the crime was committed. The State Board of Parole and Post-Prison Supervision may waive this requirement for a number of reasons, including for good cause or when a required treatment program does not exist in the person's county of residence.

House Bill 3438-A requires the Board to consider eligibility for transitional housing or residential treatment programs in determining whether to waive the residency requirement and provides that acceptance into a program constitutes good cause for the Board to waive the requirement. Additionally, the bill requires the agency preparing the person's release plan to include in the plan a description of any transitional housing or treatment programs to which the person has been accepted.