

Calendar No. 717

107TH CONGRESS }
2d Session }

SENATE

{ REPORT
107-332 }

COURT SERVICES AND OFFENDER SUPER-
VISION AGENCY INTERSTATE SUPER-
VISION ACT OF 2002

R E P O R T

OF THE

COMMITTEE ON GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

S. 3044

TO AUTHORIZE THE COURT SERVICES AND OFFENDER SUPER-
VISION AGENCY OF THE DISTRICT OF COLUMBIA TO PROVIDE
FOR THE INTERSTATE SUPERVISION OF OFFENDERS ON PA-
ROLE, PROBATION, AND SUPERVISED RELEASE



NOVEMBER 4, 2002.—Ordered to be printed

Filed under authority of the order of the Senate of October 17, 2002

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CONTENTS

	Page
I. Purpose and Summary	1
II. Background	2
III. Legislative History	3
IV. Section-by-Section Analysis	3
V. Congressional Budget Office Cost Estimate	3
VI. Evaluation of Regulatory Impact	4
VII. Changes to Existing Law	4

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Mr. LIEBERMAN, from the Committee on Governmental Affairs,
submitted the following

R E P O R T

[To accompany S. 3044]

The Committee on Governmental Affairs, to which was referred the bill (S. 3044) to authorize the Court Services and Offender Supervision Agency of the District of Columbia to provide for the interstate supervision of offenders on parole, probation, and supervised release, reports favorably thereon and recommends that the bill do pass.

I. PURPOSE AND SUMMARY

The purpose of S. 3044, the Court Services and Offender Supervision Agency Interstate Supervision Act of 2002, is to authorize the Court Services and Offender Supervision Agency of the District of Columbia to provide for the interstate supervision of offenders on parole, probation, and supervised release. The bill makes clear that the Court Services and Offender Supervision Agency is responsible for arranging for the supervision of District of Columbia parolees, probationers, and released offenders who seek to move out of the District of Columbia, and also for supervising parolees, probationers, and released offenders from other States and U.S. territories who seek to move to the District of Columbia. In addition, in order for the agency to meet these interstate obligations, the bill authorizes that the Court Services and Offender Supervision Agency may enter into an Interstate Compact for Adult Offender Supervision or other agreements with other States and U.S. territories.

II. BACKGROUND

The Court Services and Offender Supervision Agency (CSOSA) was established by Congress as part of the National Capital Revitalization and Self-Government Improvement Act of 1997 (P.L. 105–33; § 11233; 111 Stat. 748; § 24–133, D.C. Official Code). CSOSA combines under one helm the previously disparate local functions of pretrial services, parole, adult probation, and post-conviction offender supervision. Following three years of operation as a trusteeship, CSOSA was certified as an independent Federal agency within the executive branch on August 4, 2000.

CSOSA, with 950 employees and an annual budget of \$132 million, is responsible for monitoring 21,000 pretrial release defendants annually (8,000 at any one time) and 15,338 post-conviction offenders on probation or parole. The Presidentially-appointed director of CSOSA, Paul A. Quander, Jr., was confirmed by the Senate on July 25, 2002.

The legislation aims to clarify CSOSA’s authority to provide for supervision of offenders from other jurisdictions who seek to live in the District of Columbia and to arrange with other States for supervision of District of Columbia probationers who seek residence in other jurisdictions, including authority to enter into a new Interstate Compact.

Under current law, CSOSA is expressly charged with arranging for the supervision of District of Columbia paroled offenders who seek to move from the District of Columbia to reside in other jurisdictions. Among the functions that CSOSA absorbed after it was established was the supervision of probationers and parolees from other jurisdictions once their transfer to the District of Columbia was approved. However, this function is not explicitly stated in the law. This legislation adds that specific duty to the statutory responsibilities of the Director of CSOSA. The bill also makes clear that the supervisory responsibilities cover not only paroled offenders, but individuals on probation or supervised release as well.

The movement of adult parolees and probationers across state lines is currently controlled by an interstate compact dating back to 1937, which has all 50 States, the District of Columbia, and U.S. territories as signatories. A new agreement, the Interstate Compact for Adult Offender Supervision, has been drafted to improve accountability, coordination, and enforcement mechanisms among the participating states. As of October 18, 2002, 38 States had signed on to the new compact and ten other States have taken some steps toward its adoption. The District has not done so because the District itself no longer performs the offender supervision functions that the Congress transferred to CSOSA.

S. 3044 would provide CSOSA with clear authority to enter into this new compact, or any other agreements for interstate supervision with the States and U.S. territories which may or may not become signatories to the new compact. Because a new Compact Commission is being formed and scheduled to meet in November to begin developing the procedural rules for the new Compact, this legislation will enable CSOSA to actively participate in that process.

III. LEGISLATIVE HISTORY

S. 3044 was introduced on October 3, 2002, by Senators Richard J. Durbin and George V. Voinovich. The bill was referred to the Senate Committee on Governmental Affairs.

S. 3044 was considered by the Committee on Governmental Affairs on October 9, 2002, approved by a 9–0 rollcall vote, and ordered to be reported, with no Members present dissenting.

Present were Senators Akaka, Carnahan, Carper, Cleland, Dayton, Durbin, Levin, Lieberman, and Torricelli.

IV. SECTION-BY-SECTION ANALYSIS

Section 1 entitles the Act as the “Court Services and Offender Supervision Agency Interstate Supervision Act of 2002.”

Section 2 amends the National Capital Revitalization and Self-Government Improvement Act of 1997 by clarifying and expanding the duties of the Director of the Court Services and Offender Supervision Agency of the District of Columbia, in three ways. First, the bill makes clear that the Director is responsible for arranging for the supervision of District of Columbia offenders on probation and on supervised release, as well as paroled offenders as specified in existing law, who seek to reside in jurisdictions outside the District of Columbia.

Second, the bill specifies that the Director of CSOSA has the duty to arrange for the supervision of offenders on parole, probation, and supervised release from jurisdictions outside the District of Columbia who seek to reside in the District of Columbia.

Third, the bill provides the Director express authority to enter into agreements, including the Interstate Compact for Adult Offender Supervision, with any State or group of States in accordance with the Agency’s responsibilities to arrange the supervision of parolees, probationers, and offenders under supervised release who seek to move to or from the District of Columbia.

V. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 15, 2002.

Hon. JOSEPH I. LIEBERMAN,
Chairman, Committee on Governmental Affairs,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 3044, the Court Services and Offender Supervision Agency Interstate Supervision Act of 2002.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

S. 3044—Court Services and Offender Supervision Agency Interstate Supervision Act of 2002

S. 3044 would amend the National Capital Revitalization and Self-Government Improvement Act of 1997 to allow the Court Services and Offender Supervision Agency (CSOSA) for the District of Columbia to supervise parolees from other jurisdictions who choose to live in the District of Columbia and to arrange with other states for supervision of District of Columbia parolees who want to move elsewhere.

Under current law, CSOSA (a federal agency) supervises parolees from other jurisdictions who reside in the District of Columbia and also arranges for the supervision of parolees from the District of Columbia who move to other jurisdictions, although this role is not clearly stated in law. The legislation would clarify and codify CSOSA's authority to supervise parolees in the District of Columbia and to arrange for supervision of its parolees who reside outside of the District of Columbia.

CBO estimates that implementing this bill would have no significant effect on federal spending because the bill would codify CSOSA's existing practices. Enacting S. 3044 would not affect direct spending or revenues of the federal government. The bill contains no intergovernmental or private-sector mandates in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Matthew Pickford. The estimate was approved by Robert A. Sunshine, Assistant Director for Budget Analysis.

VI. EVALUATION OF REGULATORY IMPACT

Paragraph 11(b)(1) of rule XXVI of the Standing Rules of the Senate requires that each report accompanying a bill evaluate the "regulatory impact which would be incurred in carrying out this bill." Carrying out S. 3044 would have no regulatory impact.

VII. CHANGES TO EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic and existing law, in which no change is proposed, is shown in roman):

DISTRICT OF COLUMBIA CODE

TITLE 24. PRISONERS AND THEIR TREATMENT

CHAPTER 1. TRANSFER OF PRISON SYSTEM TO FEDERAL AUTHORITY

* * * * *

SEC. 24-133. COURT SERVICES AND OFFENDER SUPERVISION AGENCY.

* * * * *

(b) DIRECTOR.—

* * * * *

(2) POWERS AND DUTIES OF DIRECTOR.—The Director shall:

(A) * * *

* * * * *

[(G) Arrange for the supervision of District of Columbia paroled offenders in jurisdictions outside the District of Columbia;] *(G) arrange for the supervision of District of Columbia offenders on parole, probation, and supervised release who seek to reside in jurisdictions outside the District of Columbia; and*

(H) Carry out all functions which have heretofore been carried out by the Social Services Division of the Superior Court relating to supervision of adults subject to protection orders or provision of services for or related to such persons[.];

(I) arrange for the supervision of offenders on parole, probation, and supervised release from jurisdictions outside the District of Columbia who seek to reside in the District of Columbia; and

(J) have the authority to enter into agreements, including the Interstate Compact for Adult Offender Supervision, with any State or group of States in accordance with the Agency's responsibilities under subparagraphs (G) and (I).

* * * * *