

SENATE BILL REPORT

SB 6826

As Reported By Senate Committee On:
Human Services & Corrections, February 01, 2008

Title: An act relating to search and seizures of offenders and their property in department of corrections field offices.

Brief Description: Concerning search and seizures of offenders and their property in department of corrections field offices.

Sponsors: Senators Hargrove, Stevens and Carrell; by request of Department of Corrections.

Brief History:

Committee Activity: Human Services & Corrections: 1/29/08, 2/1/08 [DP].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell, Marr and McAuliffe.

Staff: Shani Bauer (786-7468)

Background: If a community corrections officer has reasonable cause to believe that an offender has violated a condition of his sentence, the officer may search the offender's person, automobile, residence, or personal property without obtaining a warrant.

A pat-down search or protective frisk for weapons may also be conducted when an officer stops an individual for a legitimate purpose, the officer has a reasonable safety concern, and the frisk is limited to the protective purpose.

Summary of Bill: When an offender is present on Department of Corrections' premises or vehicles, the offender may be required to submit to a pat search by community corrections officers, correctional officers, or other agency approved staff.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Staff Summary of Public Testimony: PRO: The Department of Correction (DOC) is committed to the safety of its Community Corrections Officers (CCOs). Currently, CCOs have the ability to search offenders only when there is "reasonable cause" to believe that an offender has violated a condition or requirement of the sentence. Allowing pat searches of offenders and their property when they enter DOC field offices is a proactive, balanced strategy that will enhance the safety of staff, offenders, family members, and others who enter DOC offices.

Persons Testifying: PRO: Mary Leftridge Byrd, Department of Corrections.