

# FINAL BILL REPORT

## SHB 1727

---

C 419 L 93  
Synopsis as Enacted

**Brief Description:** Providing a procedure for releasing alien offenders for the purpose of deportation.

By House Committee on Corrections (originally sponsored by Representatives Morris, Long, G. Cole, Padden, Mastin, Lemmon and L. Johnson; by request of Department of Corrections).

House Committee on Corrections  
Senate Committee on Law & Justice

**Background:** Inmates incarcerated in state correctional facilities who are aliens, currently serve their entire sentence before being deported to their home country.

**Summary:** If the United States attorney general finds that an alien is subject to a final order of deportation or exclusion, the alien may be placed on conditional release status and released to the Immigration and Naturalization Service for deportation. Release for deportation may be any time before the expiration of the offender's criminal sentence. Release is at the discretion of the secretary of the Department of Corrections who must find that release is in the best interest of the state. Release may occur only with the approval of the sentencing court and the prosecuting attorney of the county of conviction. Conditional release continues until the offender's maximum sentence expires; and, if an offender has multiple current convictions, the maximum sentence allowed for each crime will run concurrently. No release is permitted for offenders serving a sentence for a violent offense, sex offense or any other offense that is a crime against a person.

Upon release of the offender to the Immigration and Naturalization Service, the unserved portion of confinement is tolled. At the time of release, the department is required to issue a warrant for the offender's arrest. If the deported alien offender reenters the United States and is arrested, the Department of Corrections is directed to seek extradition to return the offender to the department to complete his or her sentence.

An alien offender who has been conditionally released and subsequently arrested on return to the United States is entitled to an administrative hearing consistent with the provisions of conditional release status.

An alien offender who is returned to the department to complete a term of confinement must fully comply with all terms and conditions of the sentence.

Alien offenders released to the Immigration and Naturalization Service for deportation are not relieved of their obligation to pay restitution or other legal financial obligations ordered by the sentencing court.

Any offender who is released and who returns illegally may not be released a second time.

The secretary is authorized to take all reasonable actions to implement this legislation and must assist federal authorities in prosecuting alien offenders who illegally reenter the United States and enter the state of Washington.

**Votes on Final Passage:**

|        |    |    |                   |
|--------|----|----|-------------------|
| House  | 97 | 0  |                   |
| Senate | 36 | 12 | (Senate amended)  |
| House  | 97 | 0  | (House concurred) |

**Effective:** July 25, 1993