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HOUSE BILL 1727

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State of Washington

53rd Legislature

1993 Regular Session

By Representatives Morris, Long, G. Cole, Padden, Mastin, Lemmon and L. Johnson; by request of Department of Corrections

Read first time 02/05/93. Referred to Committee on Corrections.

1 AN ACT Relating to alien offenders; and adding a new section to  
2 chapter 9.94A RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 9.94A RCW  
5 to read as follows:

6 (1) Subject to the limitations of this section, any alien offender  
7 committed to the custody of the department under the sentencing reform  
8 act of 1981, chapter 9.94A RCW, who has been found by the United States  
9 attorney general to be subject to a final order of deportation or  
10 exclusion, may be placed on conditional release status and released to  
11 the immigration and naturalization service for deportation at any time  
12 prior to the expiration of the offender's criminal sentence, if, in the  
13 discretion of the secretary or the secretary's designee, such release  
14 is in the best interests of the state of Washington.

15 (2) Releases under this section may occur only with the approval of  
16 the sentencing court and the prosecuting attorney of the county of  
17 conviction.

1 (3) No offender may be released under this section who is serving  
2 a sentence for a violent offense or sex offense, as defined in RCW  
3 9.94A.030, or any other offense that is a crime against a person.

4 (4) The department may issue a warrant for the arrest of any  
5 offender released under this section who thereafter illegally reenters  
6 the United States prior to the expiration of the offender's criminal  
7 sentence. The criminal sentence of any offender released under this  
8 section shall continue to run until such time as the department issues  
9 a warrant for the offender's arrest, at which time the offender's  
10 sentence will be tolled. The sentencing court shall determine, by a  
11 preponderance of the evidence, whether the offender has reentered the  
12 United States illegally and shall determine, in its discretion, whether  
13 the offender shall be required to serve the remainder of the offender's  
14 criminal sentence within the department or shall be delivered to the  
15 custody of the immigration and naturalization service. An offender who  
16 is required to complete his or her criminal sentence under this  
17 subsection must fully comply with all the terms and conditions of such  
18 sentence.

19 (5) Alien offenders released to the immigration and naturalization  
20 service for deportation under this section are not thereby relieved of  
21 their obligation to pay restitution or other legal financial  
22 obligations ordered by the sentencing court.

23 (6) Any offender released pursuant to this section who returns  
24 illegally to the United States may not thereafter be released again  
25 pursuant to this section.

26 (7) The secretary is authorized to take all reasonable actions to  
27 implement this section and shall assist federal authorities in  
28 prosecuting alien offenders who may illegally reenter the United States  
29 and enter the state of Washington.

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