
HOUSE BILL 2247

State of Washington

55th Legislature

1997 Regular Session

By Representatives D. Schmidt, Huff, Talcott, Benson, Mastin, Parlette and Clements

Read first time 03/10/97. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to alien offenders; and amending RCW 9.94A.280.

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

3 **Sec. 1.** RCW 9.94A.280 and 1993 c 419 s 1 are each amended to read
4 as follows:

5 (1) Subject to the limitations of this section, any alien offender
6 committed to the custody of the department under the sentencing reform
7 act of 1981, chapter 9.94A RCW, who has been found by the United States
8 attorney general to be subject to a final order of deportation or
9 exclusion, may be placed on conditional release status and released to
10 the immigration and naturalization service for deportation at any time
11 prior to the expiration of the offender's term of confinement.
12 Conditional release shall continue until the expiration of the
13 statutory maximum sentence provided by law for the crime or crimes of
14 which the offender was convicted. If the offender has multiple current
15 convictions, the statutory maximum sentence allowed by law for each
16 crime shall run concurrently.

17 (2) No offender may be released under this section unless the
18 secretary or the secretary's designee (~~(find [finds])~~) finds that such
19 release is in the best interests of the state of Washington.

1 (~~Further, releases under this section may occur only with the approval~~
2 ~~of the sentencing court and the prosecuting attorney of the county of~~
3 ~~conviction.))~~

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

8 (4) The unserved portion of the term of confinement of any offender
9 released under this section shall be tolled at the time the offender is
10 released to the immigration and naturalization service for deportation.
11 Upon the release of an offender to the immigration and naturalization
12 service, the department shall issue a warrant for the offender's arrest
13 within the United States. This warrant shall remain in effect until
14 the expiration of the offender's conditional release.

15 (5) Upon arrest of an offender, the department shall seek
16 extradition as necessary and the offender shall be returned to the
17 department for completion of the unserved portion of the offender's
18 term of total confinement. The offender shall also be required to
19 fully comply with all the terms and conditions of the sentence.

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

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

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

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