
HOUSE BILL 1026

State of Washington

57th Legislature

2001 Regular Session

By Representatives O'Brien, Lovick, Hurst, Ballasiotes, Ahern and Kagi;
by request of Department of Corrections

Read first time 01/11/2001. Referred to Committee on Criminal Justice
& Corrections.

1 AN ACT Relating to the authority of the department of corrections
2 to detain, search, or remove persons who enter correctional facilities
3 or institutional grounds; adding a new section to chapter 72.09 RCW;
4 and declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 72.09 RCW
7 to read as follows:

8 (1) An employee of the department who is a limited authority
9 Washington peace officer under RCW 10.93.020 may use reasonable force
10 to detain, search, or remove persons who enter or remain without
11 permission within a correctional facility or institutional grounds or
12 whenever, upon probable cause, it appears to such employee that a
13 person has committed or is attempting to commit a crime, or possesses
14 contraband within a correctional facility or institutional grounds.
15 Should any person be detained, the department shall immediately notify
16 a local law enforcement agency having jurisdiction over the
17 correctional facility or institutional grounds of the detainment. The
18 department is authorized to detain the person for a reasonable time to
19 search the person and confiscate any contraband, and until custody of

1 the person and any illegal contraband can be transferred to a law
2 enforcement officer when appropriate. An employee of the department
3 who is a limited authority Washington peace officer under RCW 10.93.020
4 may use that force necessary in the protection of persons and
5 properties located within the confines of the correctional facility or
6 institutional grounds.

7 (2) The rights granted in subsection (1) of this section are in
8 addition to any others that may exist by law including, but not limited
9 to, the rights granted in RCW 9A.16.020.

10 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
11 preservation of the public peace, health, or safety, or support of the
12 state government and its existing public institutions, and takes effect
13 immediately.

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