

CERTIFICATION OF ENROLLMENT

HOUSE BILL 3205

59th Legislature
2006 Regular Session

Passed by the House February 8, 2006
Yeas 98 Nays 0

Speaker of the House of Representatives

Passed by the Senate March 3, 2006
Yeas 48 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 3205** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 3205

Passed Legislature - 2006 Regular Session

State of Washington

59th Legislature

2006 Regular Session

By Representatives O'Brien, Clements, Pettigrew, Santos, McDermott, Ericks, Sells, Kilmer, Green and Morrell

Read first time 01/25/2006. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to the authority to apprehend conditionally
2 released persons; and amending RCW 71.09.098.

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

4 **Sec. 1.** RCW 71.09.098 and 2001 c 286 s 13 are each amended to read
5 as follows:

6 (1) Any service provider submitting reports pursuant to RCW
7 71.09.096(6), the supervising community corrections officer, the
8 prosecuting attorney, or the attorney general may petition the court,
9 or the court on its own motion may schedule an immediate hearing, for
10 the purpose of revoking or modifying the terms of the person's
11 conditional release to a less restrictive alternative if the petitioner
12 or the court believes the released person is not complying with the
13 terms and conditions of his or her release or is in need of additional
14 care, monitoring, supervision, or treatment.

15 (2) If the prosecuting attorney, the supervising community
16 corrections officer, or the court, based upon information received by
17 them, reasonably believes that a conditionally released person is not
18 complying with the terms and conditions of his or her conditional
19 release to a less restrictive alternative, the court or community

1 corrections officer may order that the conditionally released person be
2 apprehended and taken into custody until such time as a hearing can be
3 scheduled to determine the facts and whether or not the person's
4 conditional release should be revoked or modified. A law enforcement
5 officer, who has responded to a request for assistance from a
6 department employee, may apprehend and take into custody the
7 conditionally released person if the law enforcement officer reasonably
8 believes that the conditionally released person is not complying with
9 the terms and conditions of his or her conditional release to a less
10 restrictive alternative. The conditionally released person may be
11 detained in the county jail or returned to the secure community
12 transition facility. The court shall be notified before the close of
13 the next judicial day of the person's apprehension. Both the
14 prosecuting attorney and the conditionally released person shall have
15 the right to request an immediate mental examination of the
16 conditionally released person. If the conditionally released person is
17 indigent, the court shall, upon request, assist him or her in obtaining
18 a qualified expert or professional person to conduct the examination.

19 (3) The court, upon receiving notification of the person's
20 apprehension, shall promptly schedule a hearing. The issue to be
21 determined is whether the state has proven by a preponderance of the
22 evidence that the conditionally released person did not comply with the
23 terms and conditions of his or her release. Hearsay evidence is
24 admissible if the court finds it otherwise reliable. At the hearing,
25 the court shall determine whether the person shall continue to be
26 conditionally released on the same or modified conditions or whether
27 his or her conditional release shall be revoked and he or she shall be
28 committed to total confinement, subject to release only in accordance
29 with provisions of this chapter.

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