

ESSB 6157 - H AMD 924

By Representative Pearson

WITHDRAWN 04/21/2007

1 On page 34, after line 26, insert the following:

2 "Sec. 308. RCW 9.94A.631 and 1984 c 209 s 11 are each amended to
3 read as follows:

4 If an offender violates any condition or requirement of a sentence,
5 a community corrections officer may arrest or cause the arrest of the
6 offender without a warrant, pending a determination by the court. If
7 there is reasonable cause to believe that an offender has violated a
8 condition or requirement of the sentence, an offender may be required
9 to submit to a search and seizure of the offender's person, residence,
10 automobile, or other personal property. An offender may be required to
11 submit to a search without reasonable cause to believe that he or she
12 has violated a condition or requirement of the sentence if the search
13 is a condition of his or her community custody under section 309 of
14 this act. A community corrections officer may also arrest an offender
15 for any crime committed in his or her presence. The facts and
16 circumstances of the conduct of the offender shall be reported by the
17 community corrections officer, with recommendations, to the court.

18 If a community corrections officer arrests or causes the arrest of
19 an offender under this section, the offender shall be confined and
20 detained in the county jail of the county in which the offender was
21 taken into custody, and the sheriff of that county shall receive and
22 keep in the county jail, where room is available, all prisoners
23 delivered to the jail by the community corrections officer, and such
24 offenders shall not be released from custody on bail or personal
25 recognizance, except upon approval of the court, pursuant to a written
26 order.

27 NEW SECTION. **Sec. 309.** A new section is added to chapter 9.94A
28 RCW to read as follows:

29 (1) The legislature finds that:

1 (a) Offenders in total confinement may be subjected to random,
2 unannounced inspections without violating the constitutional
3 requirement that all searches be reasonable;

4 (b) Offenders on community custody, including escapees and
5 absconders, have the same expectation of privacy as offenders in total
6 confinement; and

7 (c) Requiring an offender on community custody, including escapees
8 and absconders, to submit to random, unannounced inspections is
9 therefore reasonable under the federal and state Constitutions.

10 (2) When a court sentences an offender to a term of community
11 custody under RCW 9.94A.505(2)(b), 9.94A.545, 9.94A.650, or 9.94A.715,
12 for a crime committed on or after the effective date of this act, the
13 court shall require the offender, as a condition of community custody,
14 to submit to random, unannounced inspections of his or her person,
15 residence, automobile, or other personal property.

16 NEW SECTION. **Sec. 310.** A new section is added to chapter 72.09
17 RCW to read as follows:

18 The department shall allow community corrections officers to
19 inspect the person, residence, automobile, or other personal property
20 of an offender, including escapees and absconders, under its
21 supervision in the community whenever the community corrections
22 officer, based on the officer's professional judgment and discretion,
23 has reasonable cause to believe that the offender has violated a
24 condition or requirement of his or her sentence.

25 NEW SECTION. **Sec. 311.** A new section is added to chapter 72.09
26 RCW to read as follows:

27 (1) The department shall allow community corrections officers,
28 based on the officer's professional judgment and discretion, to perform
29 random, unannounced inspections of the person, residence, automobile,
30 or other personal property of every offender, including escapees and
31 absconders, under the department's supervision pursuant to a term of
32 community custody imposed for a crime committed on or after the
33 effective date of this act.

34 (2) The community corrections officer shall document his or her
35 rationale for conducting an inspection under this section."

1 Correct the title.

EFFECT: Requires a court to require an offender, as a condition of his or her community custody for an offense committed on or after the effective date of the act, to submit to random, unannounced inspections of his or her person, residence, automobile, or personal property. Requires the Department of Corrections (DOC) to allow community corrections officers to perform such searches of offenders, including escapees and absconders, based on the officer's professional judgment and discretion; requires community corrections officers to document the rationale for conducting the searches. Requires the DOC to allow community corrections officers to inspect the person, residence, automobile, or other personal property of an offender, including escapees or absconders, whenever the community corrections officer, based on his or her professional judgment and discretion, has reasonable cause to believe that the offender has violated a condition or requirement of his or her sentence.

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