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HOUSE BILL 2439

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State of Washington

60th Legislature

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By Representatives Priest, Ross, Kristiansen, Pearson, Armstrong, Crouse, Haler, Condotta, Rodne, Hinkle, Hailey, Kretz, Warnick, Bailey, Sump, Roach, Orcutt, Newhouse, Ahern, Alexander, Skinner, Blake, McCune, Morrell, Hurst, Schindler, Walsh, Smith, Campbell, VanDeWege, Rolfes, Dunn, Barlow, Herrera, Kelley, Green, and McDonald

Prefiled 12/04/07. Read first time 01/14/08. Referred to Committee on Human Services.

1 AN ACT Relating to requiring the governing authorities of  
2 facilities where convicted sex offenders are confined to determine the  
3 offender's immigration status and to release offenders subject to  
4 deportation into the custody of federal authorities or at a federal  
5 facility used to house persons awaiting deportation; amending RCW  
6 72.02.100; adding a new section to chapter 72.09 RCW; adding a new  
7 section to chapter 70.48 RCW; and making appropriations.

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

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

11 The department shall determine the immigration status of every  
12 felony sex offender serving a term of confinement on or after the  
13 effective date of this section in an institution owned, or utilized  
14 under contract, by the state. If the department determines that a sex  
15 offender is unlawfully in the United States or is otherwise subject to  
16 deportation, the department shall notify the appropriate federal  
17 authorities. After the offender has served his or her term of  
18 confinement, he or she shall be released into the custody of the  
19 appropriate federal authorities. If the appropriate federal

1 authorities fail to take custody of the offender upon release, the  
2 department shall release the offender at a location immediately  
3 adjacent to a federal facility used to house persons awaiting  
4 deportation.

5 **Sec. 2.** RCW 72.02.100 and 1988 c 143 s 5 are each amended to read  
6 as follows:

7 Any person serving a sentence for a term of confinement in a state  
8 correctional facility for convicted felons, pursuant to court  
9 commitment, who is thereafter released upon an order of parole of the  
10 indeterminate (~~sentencing~~) sentence review board, or who is  
11 discharged from custody upon expiration of sentence, or who is ordered  
12 discharged from custody by a court of appropriate jurisdiction, shall  
13 be entitled to retain his earnings from labor or employment while in  
14 confinement and shall be supplied by the superintendent of the state  
15 correctional facility with suitable and presentable clothing, the sum  
16 of forty dollars for subsistence, and, except as provided in section 1  
17 of this act, transportation by the least expensive method of public  
18 transportation not to exceed the cost of one hundred dollars to his  
19 place of residence or the place designated in his parole plan, or to  
20 the place from which committed if such person is being discharged on  
21 expiration of sentence, or discharged from custody by a court of  
22 appropriate jurisdiction: PROVIDED, That up to sixty additional  
23 dollars may be made available to the parolee for necessary personal and  
24 living expenses upon application to and approval by such person's  
25 community corrections officer. If in the opinion of the superintendent  
26 suitable arrangements have been made to provide the person to be  
27 released with suitable clothing and/or the expenses of transportation,  
28 the superintendent may consent to such arrangement. If the  
29 superintendent has reasonable cause to believe that the person to be  
30 released has ample funds, with the exception of earnings from labor or  
31 employment while in confinement, to assume the expenses of clothing,  
32 transportation, or the expenses for which payments made pursuant to RCW  
33 72.02.100 or 72.02.110 or any one or more of such expenses, the person  
34 released shall be required to assume such expenses.

35 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.48 RCW  
36 to read as follows:

1           The governing authority of a jail shall determine the immigration  
2 status of every felony sex offender serving a term of confinement on or  
3 after the effective date of this section in the jail. If the authority  
4 determines that a sex offender is unlawfully in the United States or is  
5 otherwise subject to deportation, the authority shall notify the  
6 appropriate federal authorities. After the offender has served his or  
7 her term of confinement, he or she shall be released into the custody  
8 of the appropriate federal authorities. If the appropriate federal  
9 authorities fail to take custody of the offender upon release, the  
10 offender shall be released at a location immediately adjacent to a  
11 federal facility used to house persons awaiting deportation.

12           NEW SECTION.   **Sec. 4.** The sum of . . . . dollars, or as much  
13 thereof as may be necessary, is appropriated for the fiscal year ending  
14 June 30, 2009, from the general fund to the department of corrections  
15 for the purposes of this act.

16           NEW SECTION.   **Sec. 5.** (1) The sum of . . . . dollars, or as much  
17 thereof as may be necessary, is appropriated for the fiscal year ending  
18 June 30, 2009, from the general fund to the department of community,  
19 trade, and economic development for the purposes of this act.

20           (2) The department of community, trade, and economic development  
21 shall distribute the funds appropriated in this section to each county  
22 in the state based on the percentage of the total number of registered  
23 sex offenders statewide that reside in the county.

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