

ESHB 1792 - S COMM AMD

By Committee on Human Services & Corrections

ADOPTED 04/15/2009

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 9.94A.631 and 1984 c 209 s 11 are each amended to
4 read as follows:

5 (1) If an offender violates any condition or requirement of a
6 sentence, a community corrections officer may arrest or cause the
7 arrest of the offender without a warrant, pending a determination by
8 the court or a department of corrections hearing officer. If there is
9 reasonable cause to believe that an offender has violated a condition
10 or requirement of the sentence, a community corrections officer may
11 require an offender ((may be required)) to submit to a search and
12 seizure of the offender's person, residence, automobile, or other
13 personal property.

14 (2) For the safety and security of department staff, an offender
15 may be required to submit to pat searches, or other limited security
16 searches, by community corrections officers, correctional officers, and
17 other agency approved staff, without reasonable cause, when in or on
18 department premises, grounds, or facilities, or while preparing to
19 enter department premises, grounds, facilities, or vehicles. Pat
20 searches of offenders shall be conducted only by staff who are the same
21 gender as the offender, except in emergency situations.

22 (3) A community corrections officer may also arrest an offender for
23 any crime committed in his or her presence. The facts and
24 circumstances of the conduct of the offender shall be reported by the
25 community corrections officer, with recommendations, to the court or
26 department of corrections hearing officer.

27 If a community corrections officer arrests or causes the arrest of
28 an offender under this section, the offender shall be confined and
29 detained in the county jail of the county in which the offender was
30 taken into custody, and the sheriff of that county shall receive and

1 keep in the county jail, where room is available, all prisoners
2 delivered to the jail by the community corrections officer, and such
3 offenders shall not be released from custody on bail or personal
4 recognizance, except upon approval of the court or authorized
5 department staff, pursuant to a written order."

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6 On page 1, line 2 of the title, after "personnel;" strike the
7 remainder of the title and insert "and amending RCW 9.94A.631."

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