
Human Services Committee

HB 2188

Brief Description: Changing the provisions relating to the early deportation of illegal alien offenders.

Sponsors: Representatives Ross, Schmick and Johnson; by request of Department of Corrections.

Brief Summary of Bill

- Removes the requirement of approval by the sentencing court and the prosecuting attorney in the county of conviction as a prerequisite to placing an alien offender on conditional release status.
- Removes the requirement that the Secretary of the Department of Corrections make a finding that a placement of an alien offender on conditional release status is in the best interests of the state.
- Allows an alien offender who is serving a sentence for a crime against a person that is not a violent or sex offense to be placed on conditional release status.

Hearing Date: 2/18/09

Staff: Linda Merelle (786-7092)

Background:

Any alien offender who has been sentenced under the Sentencing Reform Act of 1981 and who has been found by the United States Attorney General to be subject to a final order of deportation or exclusion may be placed on conditional release status. If placed on conditional release status, the offender is transferred to the custody of the Immigration and Customs Enforcement (ICE) division of the United States Department of Homeland Security.

An offender may not be released on a conditional release status unless the Secretary of the Department of Corrections finds that such a release is in the best interest of the state.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Conditional release status may only be allowed with the approval of the sentencing court and the prosecuting attorney of the county of conviction.

If an offender is serving a sentence for a violent offense, sex offense, or for an offense that is a crime against a person, he or she may not be placed on conditional release status. Once an offender is turned over to the ICE, the Department of Corrections (DOC) shall issue a warrant for the offender's arrest within the United States which will remain in effect until the expiration of the conditional release. The unserved portion of an offender's term of confinement is tolled when the offender is released to the ICE. If the offender is arrested, the DOC must seek extradition as necessary and the offender must be returned to the DOC for the completion of the unserved portion of his or her term of total confinement.

Summary of Bill:

The placement of an offender on conditional release status no longer requires the Secretary of the DOC to find that such placement is in the best interest of the state. The approval of the sentencing court and the prosecuting attorney is no longer needed.

An offender who is serving a sentence for an offense that is a crime against a person, but is not a violent or sex offender may be placed on conditional release status. If an offender is arrested after being placed on conditional release status, the DOC may, but is not required, to seek extradition to have the offender returned to the DOC.

Appropriation: None.

Fiscal Note: Requested on February 12, 2009.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.