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ENGROSSED SUBSTITUTE HOUSE BILL 1792

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State of Washington

61st Legislature

2009 Regular Session

By House Human Services (originally sponsored by Representatives Dickerson, O'Brien, Hurst, Morrell, Orwall, Green, Dammeier, Klippert, Walsh, Kelley, and Ormsby; by request of Department of Corrections)

READ FIRST TIME 02/20/09.

1 AN ACT Relating to establishing search and arrest authority  
2 provisions of offenders by department of corrections personnel; and  
3 amending RCW 9.94A.631.

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

5 **Sec. 1.** RCW 9.94A.631 and 1984 c 209 s 11 are each amended to read  
6 as follows:

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

16 (2) For the safety and security of department staff, an offender  
17 may be required to submit to pat searches, or other limited security  
18 searches, by community corrections officers, correctional officers, and  
19 other agency approved staff, without reasonable cause, when in or on

1 department premises, grounds, facilities, or vehicles, or while  
2 preparing to enter department premises, grounds, facilities, or  
3 vehicles. Pat searches of offenders shall be conducted only by staff  
4 who are the same gender as the offender, except in emergency  
5 situations.

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

11 If a community corrections officer arrests or causes the arrest of  
12 an offender under this section, the offender shall be confined and  
13 detained in the county jail of the county in which the offender was  
14 taken into custody, and the sheriff of that county shall receive and  
15 keep in the county jail, where room is available, all prisoners  
16 delivered to the jail by the community corrections officer, and such  
17 offenders shall not be released from custody on bail or personal  
18 recognizance, except upon approval of the court or authorized  
19 department staff, pursuant to a written order.

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