
HOUSE BILL 1840

State of Washington

61st Legislature

2009 Regular Session

By Representatives Pearson, Dammeier, Priest, Hinkle, Kristiansen, Smith, McCune, Ross, Walsh, Schmick, Cox, Haler, Klippert, Orcutt, Bailey, Rodne, Newhouse, Chandler, Roach, Warnick, Angel, Hope, and Johnson

Read first time 01/30/09. Referred to Committee on Human Services.

1 AN ACT Relating to increasing the flexibility of community
2 corrections officers to make searches of offenders in the community;
3 amending RCW 9.94A.631; adding new a section to chapter 9.94A RCW;
4 adding new sections to chapter 72.09 RCW; creating a new section; and
5 providing an effective date.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that public safety is
8 one of the paramount duties of the state and an essential function of
9 government. The legislature further finds that systemic problems exist
10 with the department of corrections that must be addressed expeditiously
11 and unequivocally in order to rebuild public confidence in the state's
12 ability to best protect them from criminal offenders who have been
13 released from full incarceration but are still serving their sentences
14 on community custody. Turnstile justice is not conducive to building
15 public safety, public confidence in and support for our criminal
16 justice system as a whole, and the morale of personnel working within
17 our department of corrections, law enforcement agencies, and
18 prosecutors' offices. Citizens expect and demand predictability,
19 proportionality, uniformity, transparency, and justice when dealing

1 with criminal offenders and due consideration for the severe and
2 detrimental impact of crime on victims and their families and friends
3 when dealing with such offenders. The legislature also recognizes the
4 need to ensure the safety of the public while offenders are released
5 into communities. To further the goal of ensuring public safety, the
6 legislature intends to improve the monitoring of offenders on
7 supervision and hold those who violate the conditions of supervision
8 accountable for their actions. The legislature intends to increase the
9 effectiveness of supervision of offenders on community custody through
10 methods such as providing community corrections officers increased
11 flexibility in searches of offenders on community custody with the goal
12 of enhancing public safety and preventing future offenses and
13 supervision violations.

14 **Sec. 2.** RCW 9.94A.631 and 1984 c 209 s 11 are each amended to read
15 as follows:

16 If an offender violates any condition or requirement of a sentence,
17 a community corrections officer may arrest or cause the arrest of the
18 offender without a warrant, pending a determination by the court. If
19 there is reasonable cause to believe that an offender has violated a
20 condition or requirement of the sentence, an offender may be required
21 to submit to a search and seizure of the offender's person, residence,
22 automobile, or other personal property. An offender may be required to
23 submit to a search without reasonable cause to believe that he or she
24 has violated a condition or requirement of the sentence if the search
25 is a condition of his or her community custody under section 3 of this
26 act. A community corrections officer may also arrest an offender for
27 any crime committed in his or her presence. The facts and
28 circumstances of the conduct of the offender shall be reported by the
29 community corrections officer, with recommendations, to the court.

30 If a community corrections officer arrests or causes the arrest of
31 an offender under this section, the offender shall be confined and
32 detained in the county jail of the county in which the offender was
33 taken into custody, and the sheriff of that county shall receive and
34 keep in the county jail, where room is available, all prisoners
35 delivered to the jail by the community corrections officer, and such
36 offenders shall not be released from custody on bail or personal

1 recognizance, except upon approval of the court, pursuant to a written
2 order.

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 9.94A RCW
4 to read as follows:

5 (1) The legislature finds that:

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

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

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

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

21 NEW SECTION. **Sec. 4.** The department shall allow community
22 corrections officers to inspect the person, residence, automobile, or
23 other personal property of an offender, including escapees and
24 absconders, under its supervision in the community whenever the
25 community corrections officer, based on the officer's professional
26 judgment and discretion, has reasonable cause to believe that the
27 offender has violated a condition or requirement of his or her
28 sentence.

29 NEW SECTION. **Sec. 5.** (1) The department shall allow community
30 corrections officers, based on the officer's professional judgment and
31 discretion, to perform random, unannounced inspections of the person,
32 residence, automobile, or other personal property of every offender,
33 including escapees and absconders, under the department's supervision
34 pursuant to a term of community custody imposed for a crime committed
35 on or after the effective date of this act.

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

3 NEW SECTION. **Sec. 6.** Sections 4 and 5 of this act are each added
4 to chapter 72.09 RCW.

5 NEW SECTION. **Sec. 7.** This act takes effect August 1, 2009.

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