
Ways & Means Committee

HB 1547

Brief Description: Concerning the deportation of criminal alien offenders.

Sponsors: Representatives Darneille, Hunter, Dickerson, Cody, Hunt, Kagi, Sullivan and Kenney.

Brief Summary of Bill

- 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.
- 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.

Hearing Date: 1/31/11

Staff: Alex MacBain (786-7288).

Background:

Any alien offender who has been sentenced under the Sentencing Reform Act of 1981 and who has been found by the U.S. 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 U.S. Department of Homeland Security.

An offender may not be released on a conditional release status unless the Secretary of the Department of Corrections (Secretary) finds that such a release is in the best interest of the state. Conditional release status may only be allowed with the approval of the sentencing court and the prosecuting attorney of the county of conviction.

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.

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) must 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 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 who 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.

The provisions would apply to persons convicted before, on, or after the effective date of the bill.

Appropriation: None.

Fiscal Note: Requested on January 25, 2011.

Effective Date: The bill contains an emergency clause and takes effect on March 15, 2011.