
SUBSTITUTE HOUSE BILL 1547

State of Washington

62nd Legislature

2011 Regular Session

By House Ways & Means (originally sponsored by Representatives Darneille, Hunter, Dickerson, Cody, Hunt, Kagi, Sullivan, and Kenney)

READ FIRST TIME 02/25/11.

1 AN ACT Relating to the deportation of criminal alien offenders;
2 amending RCW 9.94A.685; providing an effective date; and declaring an
3 emergency.

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

5 **Sec. 1.** RCW 9.94A.685 and 1993 c 419 s 1 are each amended to read
6 as follows:

7 (1) Subject to the limitations of this section, any alien offender
8 committed to the custody of the department under the sentencing reform
9 act of 1981, chapter 9.94A RCW, who has been found by the United States
10 attorney general to be subject to a final order of deportation or
11 exclusion, may be placed on conditional release status and released to
12 the immigration and ((naturalization—service)) customs enforcement
13 agency for deportation at any time prior to the expiration of the
14 offender's term of confinement. Conditional release shall continue
15 until the expiration of the statutory maximum sentence provided by law
16 for the crime or crimes of which the offender was convicted. If the
17 offender has multiple current convictions, the statutory maximum
18 sentence allowed by law for each crime shall run concurrently.

1 (2) No offender may be released under this section unless the
2 secretary or the secretary's designee (~~(find [finds] that such release~~
3 ~~is in the best interests of the state of Washington. Further, releases~~
4 ~~under this section may occur only with the approval of the sentencing~~
5 ~~court and the prosecuting attorney of the county of conviction)) has
6 reached an agreement with the immigration and customs enforcement
7 agency that the alien offender placed on conditional release status
8 will be detained in total confinement at a facility operated by the
9 immigration and customs enforcement agency pending the offender's
10 return to the country of origin or other location designated in the
11 final deportation or exclusion order.~~

12 ((+3)) No offender may be released under this section who is
13 serving a sentence for a violent offense or sex offense, as defined in
14 RCW 9.94A.030(~~(, or any other offense that is a crime against a~~
15 ~~person))).~~

16 ((+4)) (3) The unserved portion of the term of confinement of any
17 offender released under this section shall be tolled at the time the
18 offender is released to the immigration and (~~(naturalization service))~~
19 customs enforcement agency for deportation. Upon the release of an
20 offender to the immigration and (~~(naturalization service))~~ customs
21 enforcement agency, the department shall issue a warrant for the
22 offender's arrest within the United States. This warrant shall remain
23 in effect until the expiration of the offender's conditional release.

24 ((+5)) (4) Upon arrest of an offender, the department (~~(shall))~~
25 may seek extradition as necessary and the offender (~~(shall))~~ may be
26 returned to the department for completion of the unserved portion of
27 the offender's term of total confinement. If returned, the offender
28 shall also be required to fully comply with all the terms and
29 conditions of the sentence.

30 ((+6)) (5) Alien offenders released to the immigration and
31 (~~(naturalization service))~~ customs enforcement agency for deportation
32 under this section are not thereby relieved of their obligation to pay
33 restitution or other legal financial obligations ordered by the
34 sentencing court.

35 ((+7)) (6) Any offender released pursuant to this section who
36 returns illegally to the United States may not thereafter be released
37 again pursuant to this section.

1 ~~((+8))~~ (7) The secretary is authorized to take all reasonable
2 actions to implement this section and shall assist federal authorities
3 in prosecuting alien offenders who may illegally reenter the United
4 States and enter the state of Washington.

5 (8) The provisions of this section apply to persons convicted
6 before, on, or after the effective date of this section.

7 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
8 preservation of the public peace, health, or safety, or support of the
9 state government and its existing public institutions, and takes effect
10 March 15, 2011.

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