

---

SENATE BILL 5140

---

State of Washington

62nd Legislature

2011 Regular Session

By Senators Hargrove, Tom, and King; by request of Department of Corrections

Read first time 01/17/11. Referred to Committee on Human Services & Corrections.

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 is~~  
3 ~~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.~~

6           ~~(3))~~ No offender may be released under this section who is serving  
7 a sentence for a violent offense or sex offense, as defined in RCW  
8 9.94A.030(~~, or any other offense that is a crime against a person~~)).

9           ~~((4))~~ (3) The unserved portion of the term of confinement of any  
10 offender released under this section shall be tolled at the time the  
11 offender is released to the immigration and ~~((naturalization service))~~  
12 customs enforcement agency for deportation. Upon the release of an  
13 offender to the immigration and ~~((naturalization service))~~ customs  
14 enforcement agency, the department shall issue a warrant for the  
15 offender's arrest within the United States. This warrant shall remain  
16 in effect until the expiration of the offender's conditional release.

17           ~~((5))~~ (4) Upon arrest of an offender, the department ~~((shall))~~  
18 may seek extradition as necessary and the offender ~~((shall))~~ may be  
19 returned to the department for completion of the unserved portion of  
20 the offender's term of total confinement. If returned, the offender  
21 shall also be required to fully comply with all the terms and  
22 conditions of the sentence.

23           ~~((6))~~ (5) Alien offenders released to the immigration and  
24 ~~((naturalization service))~~ customs enforcement agency for deportation  
25 under this section are not thereby relieved of their obligation to pay  
26 restitution or other legal financial obligations ordered by the  
27 sentencing court.

28           ~~((7))~~ (6) Any offender released pursuant to this section who  
29 returns illegally to the United States may not thereafter be released  
30 again pursuant to this section.

31           ~~((8))~~ (7) The secretary is authorized to take all reasonable  
32 actions to implement this section and shall assist federal authorities  
33 in prosecuting alien offenders who may illegally reenter the United  
34 States and enter the state of Washington.

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

1        NEW SECTION.    **Sec. 2.**    This act is necessary for the immediate  
2    preservation of the public peace, health, or safety, or support of the  
3    state government and its existing public institutions, and takes effect  
4    July 1, 2011.

--- END ---