

HOUSE BILL REPORT

HB 2704

As Reported by House Committee On:
Public Safety

Title: An act relating to peace officers.

Brief Description: Authorizing general authority Washington peace officers to assist the department of corrections with the supervision of offenders.

Sponsors: Representatives Klippert, Hayes, Wilson, Griffey and Smith.

Brief History:

Committee Activity:

Public Safety: 2/2/16, 2/5/16 [DP].

Brief Summary of Bill

- Grants authority to general authority Washington peace officers to search, detain, and arrest offenders who have violated the terms of their community supervision.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: Do pass. Signed by 7 members: Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Griffey, Pettigrew and Wilson.

Minority Report: Do not pass. Signed by 2 members: Representatives Appleton and Moscoso.

Staff: Yvonne Walker (786-7841).

Background:

If an offender violates any condition or requirement of a sentence, a community corrections officer (CCO) may arrest or cause the arrest of the offender without a warrant, pending a determination by the court or by the Department of Corrections (DOC). If there is reasonable cause to believe that an offender has violated a condition or requirement of the sentence, a

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CCO may require the offender to submit to a search of the offender's person, residence, automobile, or other personal property.

A CCO may also arrest an offender for any crime committed in the CCO's presence. The facts and circumstances of the conduct of the offender must be reported by the CCO, with recommendations, to the court, local law enforcement, or local prosecution for consideration of new charges. The CCO's report serves as the notice that the DOC will hold the offender for not more than three days from the time of notice for the new crime, except if the offender's underlying offense is for certain felony offenses, in which case the DOC will hold the offender for 30 days from the time of arrest or until a prosecuting attorney charges the offender with a crime, whichever occurs first. If a CCO arrests or causes the arrest of an offender, the offender must be confined and detained in the county jail of the county in which the offender was taken into custody. The sheriff of that county must receive and keep in the county jail, where room is available, all prisoners delivered to the jail by the CCO. Such offenders must not be released from custody on bail or personal recognizance, except upon approval of the court or authorized by the DOC staff, pursuant to a written order.

"General authority Washington peace officer" means any full-time, fully compensated, and elected, appointed, or employed officer of a general authority Washington law enforcement agency who is commissioned to enforce the criminal laws of the State of Washington. This includes any agency, department, or division of a municipal corporation, political subdivision, or other unit of local government of this state and any agency, department, or division of state government.

Summary of Bill:

Any general authority Washington peace officer has authority to assist the DOC with the supervision of offenders. If a peace officer has reasonable cause to believe an offender has violated the terms of supervision, the peace officer may search the offender's person, automobile, or personal property for evidence of the violation. A peace officer may assist a CCO with a search of the offender's residence if requested to do so by the CCO.

A peace officer has authority to arrest and detain any offender who violates a condition of community custody and place the offender in total confinement pending disposition of the alleged violation. The peace officer must provide the DOC with a report summarizing the arrest and supporting evidence within 24 hours, excluding weekends and holidays. If the DOC does not pursue sanctions, the offender must be released on the violation.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The DOC grants offenders the authority to live in the community and along with that authority come conditions. This bill is about public safety. It would allow general authority officers to assist CCOs in protecting the community if they have reasonable cause to believe an offender has violated his or her conditions of community supervision.

When released, offenders are required to abide by certain conditions. Generally, CCOs can arrest offenders for violations, and law enforcement officers would like to have that same authority.

(Opposed) The states that do this have a different system than Washington. Other states use a shared database. Washington has a very different and complicated system. In addition, the peace officers that would be assisting would not know what the conditions are of an offender. Peace officers do not have access to the same information that CCOs have on offenders.

(Other) The DOC struggled with this bill last year. The work of CCOs is not always arresting but also engaging with the offender. It is a complex field. The DOC is supportive of their partnerships in working with law enforcement.

The CCOs supervise offenders under the jurisdiction of the DOC, the courts, the Indeterminate Sentencing Review Board, and the interstate compact. There is concern about how law enforcement would be able to interact, understand, and handle these same four groups of offenders in a seamless way.

Persons Testifying: (In support) Representative Klippert, prime sponsor; Jamie Daniels, Washington Council of Police and Sheriffs; and Tom Dennison, Clark County Sheriff's Office.

(Opposed) Judy Kuschel, Washington Federation of State Employees; and Sarah McFadden, Washington Association of Criminal Defense Lawyers and Washington Defender Association.

(Other) Anna Aylward, Department of Corrections.

Persons Signed In To Testify But Not Testifying: None.