

# HOUSE BILL REPORT

## SB 6459

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**As Reported by House Committee On:**  
Public Safety

**Title:** An act relating to peace officers.

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

**Sponsors:** Senators Rivers, Takko, Litzow, Ranker, Ericksen, Benton and Pearson.

**Brief History:**

**Committee Activity:**

Public Safety: 2/23/16, 2/24/16 [DPA].

**Brief Summary of Bill**  
**(As Amended by Committee)**

- Grants authority to general authority Washington peace officers to assist the Department of Corrections with the supervision of offenders on community supervision.

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### HOUSE COMMITTEE ON PUBLIC SAFETY

**Majority Report:** Do pass as amended. Signed by 9 members: Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton, Griffey, Moscoso, Pettigrew and Wilson.

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

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*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.*

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 by the CCO to the jail. 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, 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.

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**Summary of Amended 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. Upon substantiation of a violation of the offender's conditions of community supervision, utilizing existing methods and systems, the peace officer should notify the DOC of the violation.

**Amended Bill Compared to Original Bill:**

A provision is added that requires a peace officer, utilizing existing methods and systems, to notify the DOC upon substantiation that an offender has violated his/her conditions of community supervision.

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**Appropriation:** None.

**Fiscal Note:** Preliminary fiscal note available.

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

**Staff Summary of Public Testimony:**

(In support) This bill is very similar to House Bill 2704, however, it is missing one sentence which states that if local law enforcement officers do search an offender that has been released in the community, they should notify the DOC.

(Opposed) Law enforcement is already able to assist the DOC, but this proposal moves the standard for searching someone from probable cause to reasonable cause. These are different standards. When a search is conducted on a different standard, then you are setting up a system to lose cases. Someone under the supervision of the DOC has a lower expectation of privacy which is the standard that CCOs operate. A general member of the public has a higher level of privacy, whereas a police officer must have probable cause to search a person. Violating those standards effects the evidence submitted into court.

This is a slippery slope and a dangerous line to go down. The CCOs and law enforcement officers have different purposes. One is to enforce the law and the other is to rehabilitate. The CCOs have a great deal of power over certain individuals that would not normally apply to individuals of the public. This bill creates a broad search standard. This is inviting an illegal search or arrest conducted by a police officer. Violations of community supervision should be made by the DOC.

**Persons Testifying:** (In support) Senator Rivers, prime sponsor; and Jamie Daniels, Washington Council of Police and Sheriffs.

(Opposed) Bob Cooper, Washington Defender Association and Washington Association of Criminal Defense Lawyers; and Shankar Narayan, American Civil Liberties Union of Washington.

**Persons Signed In To Testify But Not Testifying:** None.