

SENATE BILL REPORT

SB 5783

As Reported by Senate Committee On:
Law & Justice, February 18, 2015

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, Dandel, Fain, Sheldon, Hatfield and Benton.

Brief History:

Committee Activity: Law & Justice: 2/17/15, 2/18/15 [DP].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Darneille, Kohl-Welles, Pearson and Roach.

Staff: Aldo Melchiori (786-7439)

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 an offender to submit to a search and seizure of the offender's person, residence, automobile, or other personal property.

An offender who violates any condition or requirement of the offender's sentence may be sanctioned by the court with up to 60 days' confinement for each violation, or by DOC with up to 30 days' confinement. Instead of confinement, the offender may be sanctioned with the following:

- work release;
- home detention with electronic monitoring;
- work crew;
- community restitution;
- inpatient treatment;
- daily reporting;

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- curfew;
- educational or counseling sessions; or
- supervision enhanced through electronic monitoring.

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 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 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, and 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, and the offenders must not be released from custody on bail or personal recognizance, except upon approval of the court or authorized 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 generally. 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. The Washington State Patrol and the Department of Fish and Wildlife are general authority Washington law enforcement agencies.

Limited authority Washington peace officer means any full-time, fully compensated officer of a limited authority Washington law enforcement agency empowered by that agency to detect or apprehend violators of the laws in some or all of the limited subject areas for which that agency is responsible. These include the state departments of Natural Resources and Social and Health Services, the state Gambling Commission, the state Lottery Commission, the state Parks and Recreation Commission, the state Utilities and Transportation Commission, the state Liquor Control Board, the Office of the Insurance Commissioner, and the state Department of Corrections.

Summary of Bill: Any limited or general authority Washington peace officer (officer) has the authority to assist DOC with the supervision of offenders. The officer may search the offender's person, automobile, or other personal property for evidence of a violation and may assist a CCO with a search of the offender's residence upon request. The officer may arrest and detain offenders who violate a condition of community custody and place them in total confinement pending disposition of the alleged violation.

A report summarizing the arrest and evidence must be provided to DOC within 24 hours, excluding weekends and holidays. If DOC does not pursue sanctions, the offender must be released.

The officer may also arrest the offender for any new crime found as a result of the arrest or search.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The number of CCOs has been reduced and the budget cuts have impacted the ability of the remaining CCOs to adequately supervise offenders. This is intended to allow local law enforcement to augment, not replace, the CCOs. Allowing local law enforcement to aid CCOs will increase public safety.

Persons Testifying: PRO: Senator Rivers, prime sponsor; Jason Hafer, WA Council of Police and Sheriffs.