

SENATE BILL REPORT

SB 6459

As Amended by House, March 2, 2016

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: Law & Justice: 1/26/16, 2/01/16 [DP, DNP].

Passed Senate: 2/16/16, 44-5.

Passed House: 3/02/16, 95-2.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Frockt and Pearson.

Minority Report: Do not pass.

Signed by Senator Darneille.

Staff: Aldo Melchiori (786-7439)

Background: When a court sentences an offender to a term of community custody, the court imposes conditions prohibiting or requiring specified behaviors. The court must require the offender to comply with any additional conditions imposed by the Department of Corrections (DOC). The DOC determines additional conditions based on the risk to community safety and supervises the offender based on that risk in addition to the conditions imposed by the court.

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

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circumstances of the conduct of the offender are reported by the CCO - with recommendations - to the court, local law enforcement, or local prosecution for consideration of new charges.

The DOC may also issue a warrant for the arrest of any offender who violates a condition of community custody. The arrest warrant authorizes any law enforcement officer or CCO of this state or any other state where such offender may be located, to arrest the offender and place him or her in total confinement pending disposition of the alleged violation.

Summary of Bill: General and limited authority peace officers have the authority to assist the DOC with the supervision of offenders. If the officer has reasonable cause to believe an offender is in violation of the terms of supervision, the officer may conduct a search of the offender's person, automobile, or other personal property to search for evidence of the violation.

A peace officer may also assist a CCO with a search of the offender's residence if requested to do so. The peace officer may arrest an offender for any new crime found as a result of the offender's arrest or search.

Appropriation: None.

Fiscal Note: Available.

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: This is similar to the bill passed by the Senate last year, but with changes to address concerns. We need to provide all the aid we can to properly supervise offenders. This will allow law enforcement officers to augment the work of the CCOs, but is not meant to replace them. Law enforcement officers are often in the right place at the right time, so it makes sense to provide that they can aid CCOs.

OTHER: Law enforcement should be required to contact the CCO after contact with an offender on supervision. How this is implemented on the ground will determine its success.

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

OTHER: Alia Griffing, WA Federation of State Employees.

Persons Signed In To Testify But Not Testifying: No one.

House Amendment(s): Adds a requirement that a peace officer, utilizing existing methods and systems, should notify the Department of Corrections upon substantiation that an offender has violated the offender's conditions of community supervision.