
Human Services Committee

HB 3232

Brief Description: Concerning search and seizures of offenders and their property in department of corrections field offices.

Sponsors: Representatives Dickerson, O'Brien, Pearson, Simpson, Morrell, Kelley and Hurst; by request of Department of Corrections.

Brief Summary of Bill

- Authorizes Department of Corrections staff to require an offender who is under the supervision of a community corrections officer to submit to pat searches or other limited security searches when the offender is present on the Department's premises or in the Department's vehicles.
- Authorizes Department of Corrections staff to approve releases from custody on bail or personal recognizance.
- Authorizes Department of Corrections hearing officers, in addition to the court, to make determinations regarding whether an offender's arrest was a result of a violation of a condition of probation.

Hearing Date: 2/5/08

Staff: Linda Merelle (786-7092).

Background:

A community corrections officer may search an offender's person, automobile, residence, or personal property without obtaining a warrant if the community corrections officer has reasonable cause to believe that an offender has violated a condition of his sentence. In order to conduct a search under these circumstances, a corrections officer must have a well-founded suspicion that a probation violation has occurred. A well-founded suspicion is less than probable cause.

Summary of Bill:

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.

Pursuant to this bill, for the safety and security of Department of Corrections (Department) staff, community corrections officers would have the authority to conduct pat searches or other limited security searches without reasonable cause, when an offender is present on Department premises or vehicles. Authorized Department staff may approve the release an offender who has been arrested for a violation of a condition of supervision, either on bail or personal recognizance.

Appropriation: None.

Fiscal Note: Available.

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