

**SHB 1792 - H AMD 96**

By Representative Pearson

ADOPTED 03/05/2009

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 9.94A.631 and 1984 c 209 s 11 are each amended to  
4 read as follows:

5 (1) If an offender violates any condition or requirement of a  
6 sentence, a community corrections officer may arrest or cause the  
7 arrest of the offender without a warrant, pending a determination by  
8 the court or a department of corrections hearing officer. If there is  
9 reasonable cause to believe that an offender has violated a condition  
10 or requirement of the sentence, a community corrections officer may  
11 require an offender (~~(may be required)~~) to submit to a search and  
12 seizure of the offender's person, residence, automobile, or other  
13 personal property.

14 (2) For the safety and security of department staff, an offender  
15 may be required to submit to pat searches, or other limited security  
16 searches, by community corrections officers, correctional officers, and  
17 other agency approved staff, without reasonable cause, when in or on  
18 department premises, grounds, facilities, or vehicles, or while  
19 preparing to enter department premises, grounds, facilities, or  
20 vehicles. Pat searches of offenders shall be conducted only by staff  
21 who are the same gender as the offender, except in emergency  
22 situations.

23 (3) A community corrections officer may also arrest an offender for  
24 any crime committed in his or her presence. The facts and  
25 circumstances of the conduct of the offender shall be reported by the  
26 community corrections officer, with recommendations, to the court or  
27 department of corrections hearing officer.

28 If a community corrections officer arrests or causes the arrest of  
29 an offender under this section, the offender shall be confined and  
30 detained in the county jail of the county in which the offender was

1 taken into custody, and the sheriff of that county shall receive and  
2 keep in the county jail, where room is available, all prisoners  
3 delivered to the jail by the community corrections officer, and such  
4 offenders shall not be released from custody on bail or personal  
5 recognizance, except upon approval of the court or authorized  
6 department staff, pursuant to a written order."

EFFECT: (1) Shifts from passive to active the requirement that an offender submit to search and seizure of his or her person, residence, automobile, or other personal property if there is reasonable cause to believe that an offender has violated a condition or requirement of his or her sentence. The Substitute Bill provided that an offender "may be required" to submit to a search and seizure. The amendment states that the Community Corrections Officer (CCO) "may require" the offender to submit to a search and seizure.

(2) Expands the scope of locations and circumstances under which the Department of Corrections (DOC) staff may conduct pat down searches without reasonable cause to believe that an offender has violated a condition or requirement of his or her sentence. In addition to allowing a pat search when in or on DOC premises or entering or preparing to enter a DOC vehicle, an offender may be searched while preparing to enter DOC premises, grounds, or facilities.

(3) Requires that pat searches of all offenders shall be conducted only by staff of the same gender as the offender, except in emergency situations.

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