
ENGROSSED SENATE BILL 6183

State of Washington

61st Legislature

2009 Regular Session

By Senator Regala

Read first time 04/16/09. Referred to Committee on Ways & Means.

1 AN ACT Relating to early deportation of illegal alien offenders;
2 and amending RCW 9.94A.685.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 9.94A.685 and 1993 c 419 s 1 are each amended to read
5 as follows:

6 (1) Subject to the limitations of this section, any alien offender
7 committed to the custody of the department under the sentencing reform
8 act of 1981, chapter 9.94A RCW, who has been found by the United States
9 attorney general to be subject to a final order of deportation or
10 exclusion, may be placed on conditional release status and released to
11 the immigration and (~~naturalization-service~~) customs_enforcement
12 agency for deportation at any time prior to the expiration of the
13 offender's term of confinement. Conditional release shall continue
14 until the expiration of the statutory maximum sentence provided by law
15 for the crime or crimes of which the offender was convicted. If the
16 offender has multiple current convictions, the statutory maximum
17 sentence allowed by law for each crime shall run concurrently.

18 (2) No offender may be released under this section unless the
19 secretary or the secretary's designee finds (~~finds~~) that such

1 release is in the best interests of the state of Washington(
2 ~~Further, releases under this section may occur only with the approval~~
3 ~~of the sentencing court and the prosecuting attorney of the county of~~
4 ~~conviction)) and has reached an agreement with the immigration and
5 customs enforcement agency that the alien offender placed on
6 conditional release status will be detained in total confinement at a
7 facility operated by the immigration and customs enforcement agency
8 pending the offender's return to the country of origin or other
9 location designated in the final deportation or exclusion order.~~

10 (3) No offender may be released under this section who is serving
11 a sentence for a violent offense or sex offense, as defined in RCW
12 9.94A.030, or any other offense that is a crime against a person.

13 (4) The unserved portion of the term of confinement of any offender
14 released under this section shall be tolled at the time the offender is
15 released to the immigration and (~~naturalization-service~~) customs
16 enforcement agency for deportation. Upon the release of an offender to
17 the immigration and (~~naturalization-service~~) customs enforcement
18 agency, the department shall issue a warrant for the offender's arrest
19 within the United States. This warrant shall remain in effect until
20 the expiration of the offender's conditional release.

21 (5) Upon arrest of an offender, the department shall, upon making
22 a finding that it is in the best interest of the state, seek
23 extradition as necessary and the offender (~~shall~~) may be returned to
24 the department for completion of the unserved portion of the offender's
25 term of total confinement. If returned, the offender shall also be
26 required to fully comply with all the terms and conditions of the
27 sentence.

28 (6) Alien offenders released to the immigration and
29 (~~naturalization-service~~) customs enforcement agency for deportation
30 under this section are not thereby relieved of their obligation to pay
31 restitution or other legal financial obligations ordered by the
32 sentencing court.

33 (7) Any offender released pursuant to this section who returns
34 illegally to the United States may not thereafter be released again
35 pursuant to this section.

36 (8) The secretary is authorized to take all reasonable actions to
37 implement this section and shall assist federal authorities in

1 prosecuting alien offenders who may illegally reenter the United States
2 and enter the state of Washington.

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