

E2SSB 6204 - H AMD TO WAYS COMM AMD H-4691.1/12 **1399**

By Representative Pearson

1 On page 1, after line 2, insert the following:

2

3 NEW SECTION. **Sec. 1.** A new section is added to chapter 9.94A
4 RCW to read as follows:

5 (1) The legislature finds that:

6 (a) Offenders in total confinement may be subjected to random,
7 unannounced inspections without violating the constitutional
8 requirement that all searches be reasonable;

9 (b) Offenders on community custody, including escapees and
10 absconders, have the same expectation of privacy as offenders in
11 total confinement; and

12 (c) Requiring an offender on community custody, including
13 escapees and absconders, to submit to random, unannounced
14 inspections is therefore reasonable under the federal and state
15 Constitutions.

16 (2) When a court sentences an offender to a term of community
17 custody under RCW 9.94A.505(2)(b) or 9.94A.650, for a crime
18 committed on or after the effective date of this section, the court
19 shall require the offender, as a condition of community custody, to
20 submit to random, unannounced inspections of his or her person,
21 residence, automobile, or other personal property.

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23 NEW SECTION. **Sec. 2.** A new section is added to chapter 72.09
24 RCW to read as follows:

25 (1) The department shall allow community corrections officers,
26 based on the officer's professional judgment and discretion, to
27 perform random, unannounced inspections of the person, residence,

1 automobile, or other personal property of every offender, including
2 escapees and absconders, under the department's supervision pursuant
3 to a term of community custody imposed for a crime committed on or
4 after the effective date of this section.

5 (2) The community corrections officer shall document his or her
6 rationale for conducting an inspection under this section.

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8 NEW SECTION. **Sec. 3.** A new section is added to chapter 9.94A
9 RCW to read as follows:

10 (1) A community corrections officer is not liable for civil
11 damages arising from an act or omission that occurs when the
12 community corrections officer provides assistance to a law
13 enforcement officer so long as the community corrections officer was
14 acting at the request of the law enforcement officer, unless the act
15 or omission constitutes gross negligence.

16 (2) A community corrections officer is not liable for civil
17 damages arising from an act or omission that occurs when the
18 community corrections officer interacts with a third party who is
19 attempting to intervene in a situation in which the community
20 corrections officer is contacting an offender on community custody
21 or community supervision, unless the act or omission constitutes
22 gross negligence."

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24 Renumber the remaining sections consecutively and correct any
25 internal references accordingly.

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27 On page 1, line 15, after "submit to" strike "pat searches" and
28 insert "~~((pat searches))~~ a search, including a pat search"

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30 On page 1, at the beginning of line 16, strike "searches" and
31 insert "~~((searches))~~ search"

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33 On page 1, line 17, after "when" strike "in" and insert ":(a)
34 In"

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On page 1, line 19, after "vehicles" insert "; or (b) the offender has violated a condition or requirement of the sentence if the search is a condition of his or her community custody under section 1 of this act"

EFFECT: Expands the authority of community corrections officers to perform random, unannounced inspections of offenders under their supervision and provides immunity for correctional officers for damages arising from providing assistance to law enforcement or interactions with a third party attempting to intervene, during the officer's supervision of an offender.

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