
SUBSTITUTE HOUSE BILL 1727

State of Washington**53rd Legislature****1993 Regular Session**

By House Committee on Corrections (originally sponsored by Representatives Morris, Long, G. Cole, Padden, Mastin, Lemmon and L. Johnson; by request of Department of Corrections)

Read first time 03/03/93.

1 AN ACT Relating to alien offenders; adding a new section to chapter
2 9.94A RCW; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 9.94A RCW
5 to read 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 for deportation at any time
12 prior to the expiration of the offender's term of confinement.
13 Conditional release shall continue until the expiration of the
14 statutory maximum sentence provided by law for the crime or crimes of
15 which the offender was convicted. If the offender has multiple current
16 convictions, the statutory maximum sentence allowed by law for each
17 crime shall run concurrently.

18 (2) No offender may be released under this section unless the
19 secretary or the secretary's designee find that such release is in the

1 best interests of the state of Washington. Further, releases under
2 this section may occur only with the approval of the sentencing court
3 and the prosecuting attorney of the county of conviction.

4 (3) No offender may be released under this section who is serving
5 a sentence for a violent offense or sex offense, as defined in RCW
6 9.94A.030, or any other offense that is a crime against a person.

7 (4) The unserved portion of the term of confinement of any offender
8 released under this section shall be tolled at the time the offender is
9 released to the immigration and naturalization service for deportation.
10 Upon the release of an offender to the immigration and naturalization
11 service, the department shall issue a warrant for the offender's arrest
12 within the United States. This warrant shall remain in effect until
13 the expiration of the offender's conditional release.

14 (5) Upon arrest of an offender, the department shall seek
15 extradition as necessary and return the offender to confinement. The
16 offender shall be entitled to a hearing before the department before
17 the imposition of sanctions. The hearing shall be conducted in the
18 same manner that hearings are provided under RCW 9.94A.205 for
19 community custody violations.

20 An offender who is required to complete his or her criminal
21 sentence under this subsection must fully comply with all the terms and
22 conditions of such sentence.

23 (6) Alien offenders released to the immigration and naturalization
24 service for deportation under this section are not thereby relieved of
25 their obligation to pay restitution or other legal financial
26 obligations ordered by the sentencing court.

27 (7) Any offender released pursuant to this section who returns
28 illegally to the United States may not thereafter be released again
29 pursuant to this section.

30 (8) The secretary is authorized to take all reasonable actions to
31 implement this section and shall assist federal authorities in
32 prosecuting alien offenders who may illegally reenter the United States
33 and enter the state of Washington. The department of corrections shall
34 investigate the options available and the tasks needed to be
35 accomplished that will allow the state of Washington to contract with
36 countries bordering the continental United States for the transfer and
37 incarceration of alien offenders from those countries. The department
38 shall contact the United States office of enforcement operations,
39 criminal division, department of justice and any other appropriate

1 federal agencies in an attempt to gather information, identify
2 available assistance, and develop a plan for implementing a contracted
3 alien offender transfer program. The department of corrections shall
4 report to the legislature concerning the plan by December 12, 1993.

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