

HOUSE BILL REPORT

HB 2439

As Reported by House Committee On:
Human Services

Title: An act relating to requiring the governing authorities of facilities where convicted sex offenders are confined to determine the offender's immigration status and to release offenders subject to deportation into the custody of federal authorities or at a federal facility used to house persons awaiting deportation.

Brief Description: Requiring the governing authorities of facilities where convicted sex offenders are confined to determine the offender's immigration status and to release offenders subject to deportation into the custody of federal authorities or at a federal facility used to house persons awaiting deportation.

Sponsors: Representatives Priest, Ross, Kristiansen, Pearson, Armstrong, Crouse, Haler, Condotta, Rodne, Hinkle, Hailey, Kretz, Warnick, Bailey, Sump, Roach, Orcutt, Newhouse, Ahern, Alexander, Skinner, Blake, McCune, Morrell, Hurst, Schindler, Walsh, Smith, Campbell, VanDeWege, Rolfes, Dunn, Barlow, Herrera, Kelley, Green and McDonald.

Brief History:

Committee Activity:

Human Services: 1/22/08, 1/29/08 [DPS].

Brief Summary of Substitute Bill

- Requires the Department of Corrections and counties to determine the immigration status of every felony sex offender serving a term of confinement and to release the offender to the custody of the appropriate federal authorities once the offender's sentence is complete.

HOUSE COMMITTEE ON HUMAN SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Dickerson, Chair; Roberts, Vice Chair; Ahern, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Bailey, Darneille, McCoy and O'Brien.

Staff: Linda Merelle (786-7092).

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.

Background:

Under current Department of Corrections (DOC) policy, the DOC, through an intake process, gathers information from all offenders through personal interviews, background checks, fingerprint checks with the Federal Bureau of Investigation, review of criminal history, and other available information sources. If, during this process, information arises that indicates that the offender may be an illegal immigrant, the name of the offender is turned over to federal officers for further investigation. If the offender is an illegal immigrant, the Immigration and Customs Enforcement Agency, working with the DOC, issues a detainer. After the offender's sentence is complete, he or she will be remanded to the custody of the federal authorities pursuant to the detainer.

Summary of Substitute Bill:

Requires the DOC and counties to determine the immigration status of every felony sex offender. If the DOC or counties determine that the sex offender is unlawfully in the United States, or otherwise subject to deportation, the offender shall be released to the custody of the federal authorities.

Substitute Bill Compared to Original Bill:

The substitute bill does not require the DOC or the counties to release an offender at a location immediately adjacent to a federal facility used to house persons awaiting deportation if the federal authorities do not take custody of the offender upon release.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This bill is one of nine pieces of legislation which were proposed to take steps to assure that another case like that of Zina Linnik does not occur. The experts "on the ground" say that this is a policy that should be in place.

(Information only) The DOC's policy is currently very broad-based. They review all offenders to determine whether an immigration detainer is appropriate. If a detainer is appropriate, they contact the federal authorities who take custody of the offender once their time is served.

(Opposed) None.

Persons Testifying: (In support) Representative Priest, prime sponsor.

(Information only) Anna Aylword, Department of Corrections.

Persons Signed In To Testify But Not Testifying: None.