

HOUSE BILL REPORT

HB 3232

As Reported by House Committee On:
Human Services

Title: An act relating to search and seizures of offenders and their property in department of corrections field offices.

Brief Description: Concerning search and seizures of offenders and their property in department of corrections field offices.

Sponsors: Representatives Dickerson, O'Brien, Pearson, Simpson, Morrell, Kelley and Hurst; by request of Department of Corrections.

Brief History:

Committee Activity:

Human Services: 2/5/08 [DPS].

Brief Summary of Substitute Bill

- Authorizes Department of Corrections (DOC) staff to require an offender who is under the supervision of a community corrections officer to submit to pat searches or other limited security searches when the offender is present on the DOC's premises or in the DOC's vehicles.
- Requires that only female staff of the DOC perform pat searches of female offenders, except in emergency circumstances.
- Authorizes DOC staff to approve releases from custody on bail or personal recognizance.
- Authorizes DOC hearing officers, in addition to the court, to make determinations regarding whether an offender's arrest was a result of a violation of a condition of probation.

HOUSE COMMITTEE ON HUMAN SERVICES

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.

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).

Background:

A community corrections officer may search an offender's person, automobile, residence, or personal property without obtaining a warrant if the community corrections officer has reasonable cause to believe that an offender has violated a condition of his sentence. In order to conduct a search under these circumstances, a corrections officer must have a well-founded suspicion that a probation violation has occurred. A well-founded suspicion is less than probable cause.

Summary of Substitute Bill:

Pursuant to this bill, for the safety and security of Department of Corrections (DOC) staff, community corrections officers would have the authority to conduct pat searches or other limited security searches without reasonable cause, when an offender is present on DOC premises or vehicles. Except under emergency conditions, only a female corrections officer or staff member may conduct a pat-down search of a female offender who is under supervision. Authorized DOC staff may approve the release an offender who has been arrested for a violation of a condition of supervision, either on bail or personal recognizance.

Substitute Bill Compared to Original Bill:

The substitute bill requires, except under emergency circumstances, that only female staff conduct pat-down searches of female offenders.

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) The DOC is focused on re-entry, which includes the services, programs, and resources needed to address the needs of offenders, and to include family members and others who can positively support transition. Enhancing the law to allow pat searches of offenders is a proactive, balanced strategy which will enhance safety for staff, offenders, family members, and others who enter our field offices, work release, and community justice centers.

(Opposed) None.

Persons Testifying: Representative Dickerson, prime sponsor; Mary V. Leftridge Byrd, Department of Corrections; and Matt Zuvich, Washington Federation of State Employees.

Persons Signed In To Testify But Not Testifying: None.