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HOUSE BILL 2259

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State of Washington

60th Legislature

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By Representatives Goodman, O'Brien, Roberts, Pearson, Hurst, Ormsby and Ahern

Read first time 02/15/2007. Referred to Committee on Judiciary.

1 AN ACT Relating to immunity for department of corrections officers  
2 when assistance is requested from a law enforcement officer; and  
3 amending RCW 9.94A.720.

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

5 **Sec. 1.** RCW 9.94A.720 and 2003 c 379 s 7 are each amended to read  
6 as follows:

7 (1)(a) Except as provided in RCW 9.94A.501, all offenders sentenced  
8 to terms involving community supervision, community restitution,  
9 community placement, or community custody shall be under the  
10 supervision of the department and shall follow explicitly the  
11 instructions and conditions of the department. The department may  
12 require an offender to perform affirmative acts it deems appropriate to  
13 monitor compliance with the conditions of the sentence imposed. The  
14 department may only supervise the offender's compliance with payment of  
15 legal financial obligations during any period in which the department  
16 is authorized to supervise the offender in the community under RCW  
17 9.94A.501.

18 (b) The instructions shall include, at a minimum, reporting as  
19 directed to a community corrections officer, remaining within

1 prescribed geographical boundaries, notifying the community corrections  
2 officer of any change in the offender's address or employment, and  
3 paying the supervision fee assessment.

4 (c) For offenders sentenced to terms involving community custody  
5 for crimes committed on or after June 6, 1996, the department may  
6 include, in addition to the instructions in (b) of this subsection, any  
7 appropriate conditions of supervision, including but not limited to,  
8 prohibiting the offender from having contact with any other specified  
9 individuals or specific class of individuals.

10 (d) For offenders sentenced to terms of community custody for  
11 crimes committed on or after July 1, 2000, the department may impose  
12 conditions as specified in RCW 9.94A.715.

13 The conditions authorized under (c) of this subsection may be  
14 imposed by the department prior to or during an offender's community  
15 custody term. If a violation of conditions imposed by the court or the  
16 department pursuant to RCW 9.94A.710 occurs during community custody,  
17 it shall be deemed a violation of community placement for the purposes  
18 of RCW 9.94A.740 and shall authorize the department to transfer an  
19 offender to a more restrictive confinement status as provided in RCW  
20 9.94A.737. At any time prior to the completion of an offender's term  
21 of community custody, the department may recommend to the court that  
22 any or all of the conditions imposed by the court or the department  
23 pursuant to RCW 9.94A.710 or 9.94A.715 be continued beyond the  
24 expiration of the offender's term of community custody as authorized in  
25 RCW 9.94A.715 (3) or (5).

26 The department may require offenders to pay for special services  
27 rendered on or after July 25, 1993, including electronic monitoring,  
28 day reporting, and telephone reporting, dependent upon the offender's  
29 ability to pay. The department may pay for these services for  
30 offenders who are not able to pay.

31 (2) No offender sentenced to terms involving community supervision,  
32 community restitution, community custody, or community placement under  
33 the supervision of the department may own, use, or possess firearms or  
34 ammunition. Offenders who own, use, or are found to be in actual or  
35 constructive possession of firearms or ammunition shall be subject to  
36 the violation process and sanctions under RCW 9.94A.634, 9.94A.737, and  
37 9.94A.740. "Constructive possession" as used in this subsection means

1 the power and intent to control the firearm or ammunition. "Firearm"  
2 as used in this subsection has the same definition as in RCW 9.41.010.

3 (3)(a) Community corrections officers may collaborate with law  
4 enforcement officers to monitor offenders under the supervision of the  
5 department.

6 (b) A community corrections officer who is assigned by the  
7 department to partner with law enforcement as permitted under (a) of  
8 this subsection, and is participating in a patrol with a law  
9 enforcement officer, is not liable for civil damages arising from an  
10 act or omission which occurs when the community corrections officer  
11 provides assistance to a law enforcement officer during the course of  
12 the patrol, so long as the community corrections officer was acting at  
13 the request of the law enforcement officer, unless the act or omission  
14 constitutes gross negligence.

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