

SENATE BILL REPORT

ESHB 1792

As Reported by Senate Committee On:
Human Services & Corrections, March 24, 2009

Title: An act relating to establishing search and arrest authority provisions of offenders by department of corrections personnel.

Brief Description: Establishing search and arrest authority provisions of offenders by department of corrections personnel.

Sponsors: House Committee on Human Services (originally sponsored by Representatives Dickerson, O'Brien, Hurst, Morrell, Orwall, Green, Dammeier, Klippert, Walsh, Kelley and Ormsby; by request of Department of Corrections).

Brief History: Passed House: 3/05/09, 97-0.

Committee Activity: Human Services & Corrections: 3/19/09, 3/24/09 [DPA, DNP].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass as amended.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell and McAuliffe.

Minority Report: Do not pass.

Signed by Senator Kauffman.

Staff: Shani Bauer (786-7468)

Background: Currently, a community corrections officer may conduct a pat-down search or protective frisk in two situations:

- when the officer has reasonable cause to believe that an offender has violated a condition of that offender's sentence; and
- when the officer stops an individual for a legitimate purpose, the officer has a reasonable safety concern, and the frisk is limited to the protective purpose.

Summary of Bill (Recommended Amendments): An offender may be required to submit to a pat-down search by a community corrections officer, correctional officer, or other agency-approved staff, without reasonable cause, when the offender is in or on department

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.

premises or preparing to enter department premises or vehicles. Except in emergency situations, searches of offenders may only be conducted by staff of like gender.

EFFECT OF CHANGES MADE BY HUMAN SERVICES & CORRECTIONS COMMITTEE (Recommended Amendments): The requirement that an offender submit to a search while in or on department vehicles is removed.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Engrossed Substitute House Bill: PRO: This bill is needed to enhance the safety and security of staff, offenders, families, and volunteers entering field offices. Assaultive, violent, dangerously mentally ill, and sex offenders enter DOC buildings on a daily basis. This bill allows community corrections officers to pat-search an offender prior to entering the premises for the safety of the officers and innocent bystanders who may be in the office conducting business.

Persons Testifying: PRO: Armando Mendoza, Department of Corrections; Matt Zuvich, Washington Federation of State Employees.