

SENATE BILL REPORT

SB 5700

As Reported by Senate Committee On:
Human Services & Corrections, February 23, 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: Senators Hargrove, Carrell, Regala, Brandland, Stevens, Tom and Shin; by request of Department of Corrections.

Brief History:

Committee Activity: Human Services & Corrections: 2/10/09, 2/23/09 [DPS, DNP].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5700 be substituted therefor, and the substitute bill do pass.

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 his sentence; and
- when an 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 Substitute): When an offender is present on Department of Corrections' (DOC) premises, the offender may be required to submit to a pat-down search by community corrections officers, correctional officers, or other agency-approved staff.

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.

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 Substitute): The authority of DOC staff to search an offender without probable cause in a vehicle is removed. The requirement that a search of a female offender be conducted by a female staff person is replaced with the requirement that offender searches be conducted by staff of like gender.

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 Original Bill: PRO: This bill is needed to enhance the safety and security of staff as well as others who enter Department of Corrections (DOC) facilities. Violent offenders, sex offenders, and gang members are often present on DOC premises in the community. This bill would allow offenders to be searched without probable cause on the premises.

Persons Testifying: PRO: Armando Mendoza, DOC; Ginger Richardson, Washington Federation of State Employees.