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**SUBSTITUTE SENATE BILL 5700**

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**State of Washington**

**61st Legislature**

**2009 Regular Session**

**By** Senate Human Services & Corrections (originally sponsored by Senators Hargrove, Carrell, Regala, Brandland, Stevens, Tom, and Shin; by request of Department of Corrections)

READ FIRST TIME 02/25/09.

1       AN ACT Relating to establishing search and arrest authority  
2 provisions of offenders by department of corrections personnel; and  
3 amending RCW 9.94A.631.

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

5       **Sec. 1.** RCW 9.94A.631 and 1984 c 209 s 11 are each amended to read  
6 as follows:

7       (1) If an offender violates any condition or requirement of a  
8 sentence, a community corrections officer may arrest or cause the  
9 arrest of the offender without a warrant, pending a determination by  
10 the court or a department of corrections hearing officer.

11       (2) If there is reasonable cause to believe that an offender has  
12 violated a condition or requirement of the sentence, an offender may be  
13 required to submit to a search and seizure of the offender's person,  
14 residence, automobile, or other personal property.

15       (3) A community corrections officer may also arrest an offender for  
16 any crime committed in his or her presence. The facts and  
17 circumstances of the conduct of the offender shall be reported by the  
18 community corrections officer, with recommendations, to the court or  
19 department of corrections hearing officer.

1       (4) For the safety and security of department staff, an offender  
2 may be required to submit to pat searches or other limited security  
3 searches by community corrections officers, correctional officers, and  
4 other agency approved staff, without reasonable cause, when present on  
5 department premises. Except in emergency situations, pat searches of  
6 offenders shall be conducted by staff of like gender.

7       (5) If a community corrections officer arrests or causes the arrest  
8 of an offender under this section, the offender shall be confined and  
9 detained in the county jail of the county in which the offender was  
10 taken into custody, and the sheriff of that county shall receive and  
11 keep in the county jail, where room is available, all prisoners  
12 delivered to the jail by the community corrections officer, and such  
13 offenders shall not be released from custody on bail or personal  
14 recognizance, except upon approval of the court or authorized  
15 department staff, pursuant to a written order.

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