

RCW 9.94A.685 Alien offenders. (1) Subject to the limitations of this section, any alien offender committed to the custody of the department under the sentencing reform act of 1981, chapter 9.94A RCW, who has been found by the United States attorney general to be subject to a final order of deportation or exclusion, may be placed on conditional release status and released to the immigration and customs enforcement agency for deportation at any time prior to the expiration of the offender's term of confinement. Conditional release shall continue until the expiration of the statutory maximum sentence provided by law for the crime or crimes of which the offender was convicted. If the offender has multiple current convictions, the statutory maximum sentence allowed by law for each crime shall run concurrently.

(2) No offender may be released under this section unless the secretary or the secretary's designee has reached an agreement with the immigration and customs enforcement agency that the alien offender placed on conditional release status will be detained in total confinement at a facility operated by the immigration and customs enforcement agency pending the offender's return to the country of origin or other location designated in the final deportation or exclusion order.

No offender may be released under this section who is serving a sentence for a violent offense or sex offense, as defined in RCW 9.94A.030.

(3) The unserved portion of the term of confinement of any offender released under this section shall be tolled at the time the offender is released to the immigration and customs enforcement agency for deportation. Upon the release of an offender to the immigration and customs enforcement agency, the department shall issue a warrant for the offender's arrest within the United States. This warrant shall remain in effect indefinitely.

(4) Upon arrest of an offender, the department may seek extradition as necessary and the offender may be returned to the department for completion of the unserved portion of the offender's term of total confinement. If returned, the offender shall also be required to fully comply with all the terms and conditions of the sentence.

(5) Alien offenders released to the immigration and customs enforcement agency for deportation under this section are not thereby relieved of their obligation to pay restitution or other legal financial obligations ordered by the sentencing court.

(6) Any offender released pursuant to this section who returns illegally to the United States may not thereafter be released again pursuant to this section.

(7) The secretary is authorized to take all reasonable actions to implement this section and shall assist federal authorities in prosecuting alien offenders who may illegally reenter the United States and enter the state of Washington.

(8) The provisions of this section apply to persons convicted before, on, or after April 29, 2011. [2011 c 206 s 1; 1993 c 419 s 1. Formerly RCW 9.94A.280.]

Effective date—2011 c 206: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 29, 2011]." [2011 c 206 s 4.]