

2 **SHB 1727** - S COMM AMD  
3 By Committee on Law & Justice

4 ADOPTED 4/15/93

5 Strike everything after the enacting clause and insert the  
6 following:

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 9.94A RCW  
8 to read as follows:

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

21 (2) No offender may be released under this section unless the  
22 secretary or the secretary's designee find that such release is in the  
23 best interests of the state of Washington. Further, releases under  
24 this section may occur only with the approval of the sentencing court  
25 and the prosecuting attorney of the county of conviction.

26 (3) No offender may be released under this section who is serving  
27 a sentence for a violent offense or sex offense, as defined in RCW  
28 9.94A.030, or any other offense that is a crime against a person.

29 (4) The unserved portion of the term of confinement of any offender  
30 released under this section shall be tolled at the time the offender is  
31 released to the immigration and naturalization service for deportation.  
32 Upon the release of an offender to the immigration and naturalization  
33 service, the department shall issue a warrant for the offender's arrest  
34 within the United States. This warrant shall remain in effect until  
35 the expiration of the offender's conditional release.

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

6 (6) Alien offenders released to the immigration and naturalization  
7 service for deportation under this section are not thereby relieved of  
8 their obligation to pay restitution or other legal financial  
9 obligations ordered by the sentencing court.

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

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

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20 On page 1, line 1 of the title, after "offenders;" strike the  
21 remainder of the title and insert "adding a new section to chapter  
22 9.94A RCW; and prescribing penalties."

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