

ESSB 6157 - H AMD 921

By Representative Walsh

WITHDRAWN 04/21/2007

1 On page 34, after line 26, insert the following:

2 "Sec. 308. RCW 9.94A.720 and 2003 c 379 s 7 are each amended to
3 read as follows:

4 (1)(a) Except as provided in RCW 9.94A.501, all offenders sentenced
5 to terms involving community supervision, community restitution,
6 community placement, or community custody shall be under the
7 supervision of the department and shall follow explicitly the
8 instructions and conditions of the department. The department may
9 require an offender to perform affirmative acts it deems appropriate to
10 monitor compliance with the conditions of the sentence imposed. The
11 department may only supervise the offender's compliance with payment of
12 legal financial obligations during any period in which the department
13 is authorized to supervise the offender in the community under RCW
14 9.94A.501.

15 (b) The instructions shall include, at a minimum, reporting as
16 directed to a community corrections officer, remaining within
17 prescribed geographical boundaries, notifying the community corrections
18 officer of any change in the offender's address or employment, and
19 paying the supervision fee assessment.

20 (c) For offenders sentenced to terms involving community custody
21 for crimes committed on or after June 6, 1996, the department may
22 include, in addition to the instructions in (b) of this subsection, any
23 appropriate conditions of supervision, including but not limited to,
24 prohibiting the offender from having contact with any other specified
25 individuals or specific class of individuals.

26 (d) For offenders sentenced to terms of community custody for
27 crimes committed on or after July 1, 2000, the department may impose
28 conditions as specified in RCW 9.94A.715.

29 The conditions authorized under (c) of this subsection may be
30 imposed by the department prior to or during an offender's community

1 custody term. If a violation of conditions imposed by the court or the
2 department pursuant to RCW 9.94A.710 occurs during community custody,
3 it shall be deemed a violation of community placement for the purposes
4 of RCW 9.94A.740 and shall authorize the department to transfer an
5 offender to a more restrictive confinement status as provided in RCW
6 9.94A.737. At any time prior to the completion of an offender's term
7 of community custody, the department may recommend to the court that
8 any or all of the conditions imposed by the court or the department
9 pursuant to RCW 9.94A.710 or 9.94A.715 be continued beyond the
10 expiration of the offender's term of community custody as authorized in
11 RCW 9.94A.715 (3) or (5).

12 The department may require offenders to pay for special services
13 rendered on or after July 25, 1993, including electronic monitoring,
14 day reporting, and telephone reporting, dependent upon the offender's
15 ability to pay. The department may pay for these services for
16 offenders who are not able to pay.

17 (2) No offender sentenced to terms involving community supervision,
18 community restitution, community custody, or community placement under
19 the supervision of the department may own, use, or possess firearms or
20 ammunition. Offenders who own, use, or are found to be in actual or
21 constructive possession of firearms or ammunition shall be subject to
22 the violation process and sanctions under RCW 9.94A.634, 9.94A.737, and
23 9.94A.740. "Constructive possession" as used in this subsection means
24 the power and intent to control the firearm or ammunition. "Firearm"
25 as used in this subsection has the same definition as in RCW 9.41.010.

26 (3) A community corrections officer is not liable for civil damages
27 arising from an act or omission that occurs when the community
28 corrections officer provides assistance to a law enforcement officer so
29 long as the community corrections officer was acting at the request of
30 the law enforcement officer, unless the act or omission constitutes
31 gross negligence.

32 (4) A community corrections officer is not liable for civil damages
33 arising from an act or omission that occurs when the community
34 corrections officer interacts with a third party who is attempting to
35 intervene in a situation in which the community corrections officer is
36 contacting an offender on community custody or community supervision,
37 unless the act or omission constitutes gross negligence."

1 Correct the title.

EFFECT: Provides immunity from civil damages to a community corrections officer for damages arising from an act or omission that occurs when the community corrections officer provides assistance to a law enforcement officer at the law enforcement officer's request, unless the act or omission constitutes gross negligence. Provides immunity from civil damages to a community corrections officer for damages arising from an act or omission that occurs when the community corrections officer interacts with a third party who is attempting to intervene in a situation in which the community corrections officer is contacting an offender on community custody or community supervision, unless the act or omission constitutes gross negligence.

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