
HOUSE BILL 2443

State of Washington 60th Legislature 2008 Regular Session

By Representatives Pearson, Priest, Haler, Armstrong, Kristiansen, Crouse, Rodne, Bailey, Hailey, Hinkle, Kretz, Warnick, Sump, Roach, Orcutt, Newhouse, Ahern, Alexander, Skinner, McCune, Hurst, Schindler, Walsh, Smith, Campbell, Dunn, and McDonald

Prefiled 12/04/07. Read first time 01/14/08. Referred to Committee on Human Services.

1 AN ACT Relating to authorizing community corrections officers to
2 perform random, unannounced inspections of sex offenders who have been
3 classified as risk level III, have been convicted of a sex offense
4 against a minor victim, or have a prior conviction for failure to
5 register as a sex offender; amending RCW 9.94A.631; adding a new
6 section to chapter 9.94A RCW; adding new sections to chapter 72.09 RCW;
7 creating a new section; and making an appropriation.

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

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

11 If an offender violates any condition or requirement of a sentence,
12 a community corrections officer may arrest or cause the arrest of the
13 offender without a warrant, pending a determination by the court. If
14 there is reasonable cause to believe that an offender has violated a
15 condition or requirement of the sentence, an offender may be required
16 to submit to a search and seizure of the offender's person, residence,
17 automobile, or other personal property. Subject to the limitations in
18 section 5 of this act, a sex offender may be required to submit to a
19 search without reasonable cause to believe that he or she has violated

1 a condition or requirement of the sentence if the search is a condition
2 of his or her community custody under section 3 of this act. A
3 community corrections officer may also arrest an offender for any crime
4 committed in his or her presence. The facts and circumstances of the
5 conduct of the offender shall be reported by the community corrections
6 officer, with recommendations, to the court.

7 If a community corrections officer arrests or causes the arrest of
8 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, pursuant to a written
15 order.

16 NEW SECTION. Sec. 2. The legislature finds that:

17 (1) Sex offenders in total confinement may be subjected to random,
18 unannounced inspections without violating the constitutional
19 requirement that all searches be reasonable;

20 (2) Sex offenders on community custody, including escapees and
21 absconders, have the same expectation of privacy as offenders in total
22 confinement; and

23 (3) Requiring a sex offender on community custody, including
24 escapees and absconders, to submit to random, unannounced inspections
25 is therefore reasonable under the federal and state Constitutions.

26 NEW SECTION. Sec. 3. A new section is added to chapter 9.94A RCW
27 to read as follows:

28 When a court sentences a sex offender to a term of community
29 custody for a crime committed on or after the effective date of this
30 act, the court shall require the offender, as a condition of community
31 custody, to submit to random, unannounced inspections of his or her
32 person, residence, automobile, or other personal property, subject to
33 the limitations in section 5 of this act.

34 NEW SECTION. Sec. 4. A new section is added to chapter 72.09 RCW
35 to read as follows:

1 The department shall allow a community corrections officer to
2 inspect the person, residence, automobile, or other personal property
3 of a sex offender, including escapees and absconders, under its
4 supervision in the community whenever the community corrections
5 officer, based on the officer's professional judgment and discretion,
6 has reasonable cause to believe that the sex offender has violated a
7 condition or requirement of his or her sentence.

8 NEW SECTION. **Sec. 5.** A new section is added to chapter 72.09 RCW
9 to read as follows:

10 (1) The department shall allow a community corrections officer,
11 based on the officer's professional judgment and discretion, to perform
12 random, unannounced inspections of the person, residence, automobile,
13 or other personal property of every sex offender, including escapees
14 and absconders, under the department's supervision pursuant to a term
15 of community custody imposed for a crime committed on or after the
16 effective date of this act, if the sex offender:

- 17 (a) Is classified as risk level III;
- 18 (b) Has been convicted of a sex offense with a minor victim; or
- 19 (c) Has been convicted of failure to register as a sex offender.

20 (2) The community corrections officer shall document his or her
21 rationale for conducting an inspection under this section.

22 NEW SECTION. **Sec. 6.** The sum of dollars, or as much
23 thereof as may be necessary, is appropriated for the fiscal year ending
24 June 30, 2009, from the general fund to the department of corrections
25 for the purposes of this act.

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