
SUBSTITUTE HOUSE BILL 1792

State of Washington

61st Legislature

2009 Regular Session

By House Human Services (originally sponsored by Representatives Dickerson, O'Brien, Hurst, Morrell, Orwall, Green, Dammeier, Klippert, Walsh, Kelley, and Ormsby; by request of Department of Corrections)

READ FIRST TIME 02/20/09.

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 If an offender violates any condition or requirement of a sentence,
8 a community corrections officer may arrest or cause the arrest of the
9 offender without a warrant, pending a determination by the court or a
10 department of corrections hearing officer. If there is reasonable
11 cause to believe that an offender has violated a condition or
12 requirement of the sentence, an offender may be required to submit to
13 a search and seizure of the offender's person, residence, automobile,
14 or other personal property. For the safety and security of department
15 staff, an offender may be required to submit to pat searches or other
16 limited security searches by community corrections officers,
17 correctional officers, and other agency approved staff, without
18 reasonable cause, when present on department premises or at or
19 preparing to enter department vehicles. Pat searches of female

1 offenders shall only be conducted by female staff, except in emergency
2 situations. A community corrections officer may also arrest an
3 offender for any crime committed in his or her presence. The facts and
4 circumstances of the conduct of the offender shall be reported by the
5 community corrections officer, with recommendations, to the court or
6 department of corrections hearing officer.

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 or authorized
15 department staff, pursuant to a written order.

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