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**SUBSTITUTE HOUSE BILL 2188**

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**State of Washington**

**61st Legislature**

**2009 Regular Session**

**By** House Human Services (originally sponsored by Representatives Ross, Schmick, and Johnson; by request of Department of Corrections)

READ FIRST TIME 02/23/09.

1       AN ACT Relating to early deportation of illegal alien offenders;  
2 and amending RCW 9.94A.685.

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

4       **Sec. 1.** RCW 9.94A.685 and 1993 c 419 s 1 are each amended to read  
5 as follows:

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

18       (2) No offender may be released under this section unless the  
19 secretary or the secretary's designee (~~find [finds] that such release~~

1 ~~is in the best interests of the state of Washington. Further, releases~~  
2 ~~under this section may occur only with the approval of the sentencing~~  
3 ~~court and the prosecuting attorney of the county of conviction)) has~~  
4 ~~reached an agreement with the immigration and customs enforcement~~  
5 ~~agency that the alien offender placed on conditional release status~~  
6 ~~will be detained in total confinement at a facility operated by the~~  
7 ~~immigration and customs enforcement agency pending the offender's~~  
8 ~~return to the country of origin or other location designated in the~~  
9 ~~final deportation or exclusion order.~~

10 (3) No offender may be released under this section who is serving  
11 a sentence for a violent offense or sex offense, as defined in RCW  
12 9.94A.030, or any other offense that is a crime against a person.

13 (4) The unserved portion of the term of confinement of any offender  
14 released under this section shall be tolled at the time the offender is  
15 released to the immigration and ((~~naturalization service~~)) customs  
16 enforcement agency for deportation. Upon the release of an offender to  
17 the immigration and ((~~naturalization service~~)) customs enforcement  
18 agency, the department shall issue a warrant for the offender's arrest  
19 within the United States. This warrant shall remain in effect until  
20 the expiration of the offender's conditional release.

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

27 (6) Alien offenders released to the immigration and  
28 ((~~naturalization service~~)) customs enforcement agency for deportation  
29 under this section are not thereby relieved of their obligation to pay  
30 restitution or other legal financial obligations ordered by the  
31 sentencing court.

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

35 (8) The secretary is authorized to take all reasonable actions to  
36 implement this section and shall assist federal authorities in

1 prosecuting alien offenders who may illegally reenter the United States  
2 and enter the state of Washington.

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