
HOUSE BILL 2188

State of Washington

61st Legislature

2009 Regular Session

By Representatives Ross, Schmick, and Johnson; by request of Department of Corrections

Read first time 02/12/09. Referred to Committee on Human Services.

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)) citizenship and
12 immigration services for deportation at any time prior to the
13 expiration of the offender's term of confinement. Conditional release
14 shall continue until the expiration of the statutory maximum sentence
15 provided by law for the crime or crimes of which the offender was
16 convicted. If the offender has multiple current convictions, the
17 statutory maximum sentence allowed by law for each crime shall run
18 concurrently.

1 (2) (~~No offender may be released under this section unless the~~
2 ~~secretary or the secretary's designee find [finds] that such release is~~
3 ~~in the best interests of the state of Washington. Further, releases~~
4 ~~under this section may occur only with the approval of the sentencing~~
5 ~~court and the prosecuting attorney of the county of conviction.~~

6 ~~(3))~~ No offender may be released under this section who is serving
7 a sentence for a violent offense or sex offense, as defined in RCW
8 9.94A.030(~~, or any other offense that is a crime against a person~~).

9 ~~((4))~~ (3) The unserved portion of the term of confinement of any
10 offender released under this section shall be tolled at the time the
11 offender is released to the (~~immigration and naturalization service~~)
12 citizenship and immigration services for deportation. Upon the release
13 of an offender to the (~~immigration and naturalization service~~)
14 citizenship and immigration services, the department shall issue a
15 warrant for the offender's arrest within the United States. This
16 warrant shall remain in effect until the expiration of the offender's
17 conditional release.

18 ~~((5))~~ (4) Upon arrest of an offender, the department (~~shall~~)
19 may seek extradition as necessary and the offender (~~shall~~) may be
20 returned to the department for completion of the unserved portion of
21 the offender's term of total confinement. If returned, the offender
22 shall also be required to fully comply with all the terms and
23 conditions of the sentence.

24 ~~((6))~~ (5) Alien offenders released to the (~~immigration and~~
25 ~~naturalization service~~) citizenship and immigration services for
26 deportation under this section are not thereby relieved of their
27 obligation to pay restitution or other legal financial obligations
28 ordered by the sentencing court.

29 ~~((7))~~ (6) Any offender released pursuant to this section who
30 returns illegally to the United States may not thereafter be released
31 again pursuant to this section.

32 ~~((8))~~ (7) The secretary is authorized to take all reasonable
33 actions to implement this section and shall assist federal authorities
34 in prosecuting alien offenders who may illegally reenter the United
35 States and enter the state of Washington.

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