

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1792

61st Legislature
2009 Regular Session

Passed by the House April 20, 2009
Yeas 91 Nays 0

Speaker of the House of Representatives

Passed by the Senate April 15, 2009
Yeas 43 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1792** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1792

AS AMENDED BY THE SENATE

Passed Legislature - 2009 Regular Session

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 (1) If an offender violates any condition or requirement of a
8 sentence, a community corrections officer may arrest or cause the
9 arrest of the offender without a warrant, pending a determination by
10 the court or a department of corrections hearing officer. If there is
11 reasonable cause to believe that an offender has violated a condition
12 or requirement of the sentence, a community corrections officer may
13 require an offender (~~may be required~~) to submit to a search and
14 seizure of the offender's person, residence, automobile, or other
15 personal property.

16 (2) For the safety and security of department staff, an offender
17 may be required to submit to pat searches, or other limited security
18 searches, by community corrections officers, correctional officers, and
19 other agency approved staff, without reasonable cause, when in or on

1 department premises, grounds, or facilities, or while preparing to
2 enter department premises, grounds, facilities, or vehicles. Pat
3 searches of offenders shall be conducted only by staff who are the same
4 gender as the offender, except in emergency situations.

5 (3) A community corrections officer may also arrest an offender for
6 any crime committed in his or her presence. The facts and
7 circumstances of the conduct of the offender shall be reported by the
8 community corrections officer, with recommendations, to the court or
9 department of corrections hearing officer.

10 If a community corrections officer arrests or causes the arrest of
11 an offender under this section, the offender shall be confined and
12 detained in the county jail of the county in which the offender was
13 taken into custody, and the sheriff of that county shall receive and
14 keep in the county jail, where room is available, all prisoners
15 delivered to the jail by the community corrections officer, and such
16 offenders shall not be released from custody on bail or personal
17 recognizance, except upon approval of the court or authorized
18 department staff, pursuant to a written order.

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