

ESHB 1547 - S COMM AMD

By Committee on Human Services & Corrections

ADOPTED 04/05/2011

1 Strike everything after the enacting clause and insert the
2 following:

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

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

17 (2) No offender may be released under this section unless the
18 secretary or the secretary's designee (~~find [finds] that such release~~
19 ~~is in the best interests of the state of Washington. Further, releases~~
20 ~~under this section may occur only with the approval of the sentencing~~
21 ~~court and the prosecuting attorney of the county of conviction~~) has
22 reached an agreement with the immigration and customs enforcement
23 agency that the alien offender placed on conditional release status
24 will be detained in total confinement at a facility operated by the
25 immigration and customs enforcement agency pending the offender's
26 return to the country of origin or other location designated in the
27 final deportation or exclusion order.

28 ((+3)) No offender may be released under this section who is
29 serving a sentence for a violent offense or sex offense, as defined in

1 RCW 9.94A.030(~~(, or any other offense that is a crime against a~~
2 ~~person)~~).

3 ~~((+4))~~ (3) The unserved portion of the term of confinement of any
4 offender released under this section shall be tolled at the time the
5 offender is released to the immigration and ~~((naturalization service))~~
6 customs enforcement agency for deportation. Upon the release of an
7 offender to the immigration and ~~((naturalization service))~~ customs
8 enforcement agency, the department shall issue a warrant for the
9 offender's arrest within the United States. This warrant shall remain
10 in effect ~~((until the expiration of the offender's conditional~~
11 ~~release))~~ indefinitely.

12 ~~((+5))~~ (4) Upon arrest of an offender, the department ~~((shall))~~
13 may seek extradition as necessary and the offender ~~((shall))~~ may be
14 returned to the department for completion of the unserved portion of
15 the offender's term of total confinement. If returned, the offender
16 shall also be required to fully comply with all the terms and
17 conditions of the sentence.

18 ~~((+6))~~ (5) Alien offenders released to the immigration and
19 ~~((naturalization service))~~ customs enforcement agency for deportation
20 under this section are not thereby relieved of their obligation to pay
21 restitution or other legal financial obligations ordered by the
22 sentencing court.

23 ~~((+7))~~ (6) Any offender released pursuant to this section who
24 returns illegally to the United States may not thereafter be released
25 again pursuant to this section.

26 ~~((+8))~~ (7) The secretary is authorized to take all reasonable
27 actions to implement this section and shall assist federal authorities
28 in prosecuting alien offenders who may illegally reenter the United
29 States and enter the state of Washington.

30 (8) The provisions of this section apply to persons convicted
31 before, on, or after the effective date of this section.

32 NEW SECTION. Sec. 2. This act is necessary for the immediate
33 preservation of the public peace, health, or safety, or support of the
34 state government and its existing public institutions, and takes effect
35 immediately."

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1 On page 1, line 1 of the title, after "offenders;" strike the
2 remainder of the title and insert "amending RCW 9.94A.685; and
3 declaring an emergency."

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