

RCW 9.94A.631 Violation of condition or requirement of sentence
—Security searches authorized—Arrest by community corrections officer
—Confinement in county jail.

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

(2) For the safety and security of department staff, an offender may be required to submit to pat searches, or other limited security searches, by community corrections officers, correctional officers, and other agency approved staff, without reasonable cause, when in or on department premises, grounds, or facilities, or while preparing to enter department premises, grounds, facilities, or vehicles. Pat searches of offenders shall be conducted only by staff who are the same gender as the offender, except in emergency situations.

(3) A community corrections officer may also arrest an offender for any crime committed in his or her presence. The facts and circumstances of the conduct of the offender shall be reported by the community corrections officer, with recommendations, to the court, local law enforcement, or local prosecution for consideration of new charges. The community corrections officer's report shall serve as the notice that the department will hold the offender for not more than three days from the time of such notice for the new crime, except if the offender's underlying offense is a felony offense listed in RCW 9.94A.737(5), in which case the department will hold the offender for thirty days from the time of arrest, until a prosecuting attorney charges the offender with a crime, or until a prosecuting attorney provides written notice to the department that new charges will not be filed, whichever occurs first. This does not affect the department's authority under RCW 9.94A.737.

If a community corrections officer arrests or causes the arrest of an offender under this section, the offender shall be confined and detained in the county jail of the county in which the offender was taken into custody, and the sheriff of that county shall receive and keep in the county jail, where room is available, all prisoners delivered to the jail by the community corrections officer, and such offenders shall not be released from custody on bail or personal recognizance, except upon approval of the court or authorized department staff, pursuant to a written order. [2020 c 82 § 2; 2012 1st sp.s. c 6 § 1; 2009 c 390 § 1; 1984 c 209 § 11. Formerly RCW 9.94A.195.]

Retroactive application—2020 c 82 §§ 1-3: See note following RCW 9.94A.737.

Appropriation—Report—2020 c 82: See note following RCW 9.94A.737.

Effective date—2012 1st sp.s. c 6 §§ 1, 3 through 9, and 11 through 14: "Sections 1, 3 through 9, and 11 through 14 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing

public institutions, and take effect June 1, 2012." [2012 1st sp.s. c 6 § 15.]

Application—2012 1st sp.s. c 6: "This act applies retroactively and prospectively regardless of the date of an offender's underlying offense." [2012 1st sp.s. c 6 § 12.]

Effective dates—1984 c 209: See note following RCW 9.94A.030.