S-1253.1   _____

SUBSTITUTE SENATE BILL 5140
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State of Washington   62nd Legislature   2011 Regular Session

By Senate Human Services & Corrections (originally sponsored by Senators Hargrove, Tom, and King; by request of Department of Corrections)

READ FIRST TIME 02/14/11.

1   AN ACT Relating to the deportation of criminal alien offenders;
2   amending RCW 9.94A.685; providing an effective date; and declaring an
3   emergency.

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

5   **Sec. 1.** RCW 9.94A.685 and 1993 c 419 s 1 are each amended to read
6   as follows:
7   (1) Subject to the limitations of this section, any alien offender
8   committed to the custody of the department under the sentencing reform
9   act of 1981, chapter 9.94A RCW, who has been found by the United States
10   attorney general to be subject to a final order of deportation or
11   exclusion, may be placed on conditional release status and released to
12   the immigration and ((naturalization service)) customs enforcement
13   agency for deportation at any time prior to the expiration of the
14   offender's term of confinement. Conditional release shall continue
15   until the expiration of the statutory maximum sentence provided by law
16   for the crime or crimes of which the offender was convicted. If the
17   offender has multiple current convictions, the statutory maximum
18   sentence allowed by law for each crime shall run 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 customs enforcement agency for deportation. Upon the release of an
13 offender to the immigration and ((naturalization service)) customs
14 enforcement agency, the department shall issue a warrant for the
15 offender's arrest within the United States. This warrant shall remain
16 in effect ((until the expiration of the offender's conditional
17 release)) indefinitely.
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)) customs enforcement agency for deportation
26 under this section are not thereby relieved of their obligation to pay
27 restitution or other legal financial obligations ordered by the
28 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.
36 (8) The provisions of this section apply to persons convicted
37 before, on, or after the effective date of this section.

1   <u>NEW SECTION.</u> **Sec. 2.** This act is necessary for the immediate
2   preservation of the public peace, health, or safety, or support of the
3   state government and its existing public institutions, and takes effect
4   July 1, 2011.

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