

**RCW 9.92.060 Suspending sentences.** (1) Whenever any person is convicted of any crime except murder, burglary in the first degree, arson in the first degree, robbery, rape of a child, or rape, the superior court may, in its discretion, at the time of imposing sentence upon such person, direct that such sentence be stayed and suspended until otherwise ordered by the superior court, and, upon such terms as the superior court may determine, that the sentenced person be placed under the charge of:

(a) A community corrections officer employed by the department of corrections, if the person is subject to supervision under RCW 9.94A.501 or \*9.94A.5011; or

(b) A probation officer employed or contracted for by the county, if the county has elected to assume responsibility for the supervision of superior court misdemeanor probationers.

(2) As a condition to suspension of sentence, the superior court may require the convicted person to make such monetary payments, on such terms as the superior court deems appropriate under the circumstances, as are necessary: (a) To comply with any order of the court for the payment of family support; (b) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question or when the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement; (c) to pay any fine imposed and not suspended and the court or other costs incurred in the prosecution of the case, including reimbursement of the state for costs of extradition if return to this state by extradition was required; and (d) to contribute to a county or interlocal drug fund.

(3) At any time, including at sentencing, the court may determine that the offender is not required to pay, or may relieve the offender of the requirement to pay, full or partial restitution and accrued interest on restitution where the entity to whom restitution is owed is an insurer or a state agency, except for restitution owed to the department of labor and industries under chapter 7.68 RCW, if the court finds that the offender does not have the current or likely future ability to pay. A person does not have the current ability to pay if the person is indigent as defined in RCW 10.01.160(3). For the purposes of this subsection, the terms "insurer" and "state agency" have the same meanings as provided in RCW 9.94A.750(3).

(4) As a condition of the suspended sentence, the superior court may order the probationer to report to the secretary of corrections or such officer as the secretary may designate and as a condition of the probation to follow the instructions of the secretary. If the county legislative authority has elected to assume responsibility for the supervision of superior court misdemeanor probationers within its jurisdiction, the superior court misdemeanor probationer shall report to a probation officer employed or contracted for by the county. In cases where a superior court misdemeanor probationer is sentenced in one county, but resides within another county, there must be provisions for the probationer to report to the agency having supervision responsibility for the probationer's county of residence.

(5) If restitution to the victim has been ordered under subsection (2)(b) of this section and the superior court has ordered supervision, the officer supervising the probationer shall make a reasonable effort to ascertain whether restitution has been made as ordered. If the superior court has ordered supervision and restitution

has not been made, the officer shall inform the prosecutor of that violation of the terms of the suspended sentence not less than three months prior to the termination of the suspended sentence. [2023 c 449 s 7; 2022 c 260 s 6; 2011 1st sp.s. c 40 s 5; 2005 c 362 s 2; 1996 c 298 s 5; 1995 1st sp.s. c 19 s 30; 1987 c 202 s 142; 1982 1st ex.s. c 47 s 8; 1982 1st ex.s. c 8 s 4; 1979 c 29 s 1; 1967 c 200 s 7; 1957 c 227 s 1; 1949 c 76 s 1; 1921 c 69 s 1; 1909 c 249 s 28; 1905 c 24 s 1; Rem. Supp. 1949 s 2280.]

**\*Reviser's note:** RCW 9.94A.5011 expired August 1, 2014.

**Effective date—2023 c 449:** See note following RCW 13.40.058.

**Construction—Effective date—2022 c 260:** See notes following RCW 3.66.120.

**Application—Recalculation of community custody terms—2011 1st sp.s. c 40:** See note following RCW 9.94A.501.

**Effective date—2011 1st sp.s. c 40 ss 1-9, 42:** See note following RCW 9.94A.501.

**Effective date—2005 c 362:** See note following RCW 9.94A.501.

**Findings—Purpose—Short title—Severability—Effective date—1995 1st sp.s. c 19:** See notes following RCW 72.09.450.

**Intent—1987 c 202:** See note following RCW 2.04.190.

**Applicability—1984 c 209:** See RCW 9.92.900.

**Severability—1982 1st ex.s. c 47:** See note following RCW 9.41.190.

**Intent—Reports—1982 1st ex.s. c 8:** See note following RCW 7.68.035.

**Severability—1967 c 200:** See note following RCW 9.45.122.

*Probation: RCW 9.95.200 through 9.95.250.*

*Probation and parole services, provision by counties: RCW 36.01.070.*

*Restitution*

*alternative to fine: RCW 9A.20.030.*

*condition of probation: RCW 9.95.210.*

*disposition when victim not found or dead: RCW 7.68.290.*