

**RCW 9.94A.662 Prison-based drug offender sentencing alternative.**

(1) The court may only order a prison-based special drug offender sentencing alternative if the high end of the standard sentence range for the current offense is greater than one year.

(2) A sentence for a prison-based special drug offender sentencing alternative shall include:

(a) A period of total confinement in a state facility for one-half the midpoint of the standard sentence range or twelve months, whichever is greater;

(b) One-half the midpoint of the standard sentence range as a term of community custody, which must include appropriate substance use disorder treatment in a program that has been approved by the department of health, and for co-occurring drug and domestic violence cases, must also include an appropriate domestic violence treatment program by a state-certified domestic violence treatment provider pursuant to RCW 43.20A.735;

(c) Crime-related prohibitions, including a condition not to use illegal controlled substances;

(d) A requirement to submit to urinalysis or other testing to monitor that status; and

(e) A term of community custody pursuant to RCW 9.94A.701 to be imposed upon the failure to complete or administrative termination from the special drug offender sentencing alternative program.

(3) (a) During incarceration in the state facility, offenders sentenced under this section shall undergo a comprehensive substance use disorder assessment and receive, within available resources, treatment services appropriate for the offender. The substance use disorder treatment services shall be licensed by the department of health.

(b) When applicable for cases involving domestic violence, domestic violence treatment must be provided by a state-certified domestic violence treatment provider pursuant to RCW 43.20A.735 during the term of community custody.

(4) If the department finds that conditions of community custody have been willfully violated, the offender may be reclassified to serve the remaining balance of the original sentence. An offender who fails to complete the program or who is administratively terminated from the program shall be reclassified to serve the unexpired term of his or her sentence as ordered by the sentencing court.

(5) If an offender sentenced to the prison-based alternative under this section is found by the United States attorney general to be subject to a deportation order, a hearing shall be held by the department unless waived by the offender, and, if the department finds that the offender is subject to a valid deportation order, the department may administratively terminate the offender from the program and reclassify the offender to serve the remaining balance of the original sentence. [2021 c 215 s 103; 2020 c 252 s 2; 2019 c 263 s 503; 2009 c 389 s 4.]

**Effective date—2022 c 268; 2021 c 215:** See note following RCW 7.105.900.

**Effective date—2020 c 252:** See note following RCW 9.94A.660.

**Findings—Intent—2019 c 263 ss 202-803:** See note following RCW 10.01.240.

**Effective date—2019 c 263 ss 501-504, 601, 602, and 701-708:** See note following RCW 9.94A.500.

**Effective date—2009 c 389 ss 1 and 3-5:** See note following RCW 9.94A.505.