
HOUSE BILL 2626

State of Washington 61st Legislature 2010 Regular Session

By Representatives Kelley, Conway, Simpson, Morrell, and Hurst

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1 AN ACT Relating to a violation of any condition or requirement by
2 an offender; and amending RCW 9.94A.633.

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

4 **Sec. 1.** RCW 9.94A.633 and 2009 c 375 s 12 are each amended to read
5 as follows:

6 (1)(a) An offender who violates any condition or requirement of a
7 sentence:

8 (i) May be sanctioned with up to sixty days' confinement for each
9 violation; and

10 (ii) Must serve a mandatory minimum term of forty-eight hours in
11 total confinement for each violation.

12 (b) In lieu of confinement under (a)(i) of this subsection, an
13 offender may be sanctioned with work release, home detention with
14 electronic monitoring, work crew, community restitution, inpatient
15 treatment, daily reporting, curfew, educational or counseling sessions,
16 supervision enhanced through electronic monitoring, or any other
17 sanctions available in the community.

18 (2) If an offender was under community custody pursuant to one of
19 the following statutes, the offender may be sanctioned as follows:

1 (a) If the offender was transferred to community custody in lieu of
2 earned early release in accordance with RCW 9.94A.728((+2)), the
3 offender may be transferred to a more restrictive confinement status to
4 serve up to the remaining portion of the sentence, less credit for any
5 period actually spent in community custody or in detention awaiting
6 disposition of an alleged violation.

7 (b) If the offender was sentenced under the drug offender
8 sentencing alternative set out in RCW 9.94A.660, the offender may be
9 sanctioned in accordance with that section.

10 (c) If the offender was sentenced under the special ((~~sexual~~
11 ~~{sex}~~) sex offender sentencing alternative set out in RCW 9.94A.670,
12 the suspended sentence may be revoked and the offender committed to
13 serve the original sentence of confinement.

14 (d) If the offender was sentenced to a work ethic camp pursuant to
15 RCW 9.94A.690, the offender may be reclassified to serve the unexpired
16 term of his or her sentence in total confinement.

17 (e) If a sex offender was sentenced pursuant to RCW 9.94A.507, the
18 offender may be transferred to a more restrictive confinement status to
19 serve up to the remaining portion of the sentence, less credit for any
20 period actually spent in community custody or in detention awaiting
21 disposition of an alleged violation.

22 (3) If a probationer is being supervised by the department pursuant
23 to RCW 9.92.060, 9.95.204, or 9.95.210, the probationer may be
24 sanctioned pursuant to subsection (1) of this section. The department
25 shall have authority to issue a warrant for the arrest of an offender
26 who violates a condition of community custody, as provided in RCW
27 9.94A.716. Any sanctions shall be imposed by the department pursuant
28 to RCW 9.94A.737. The department shall provide a copy of the violation
29 hearing report to the sentencing court in a timely manner. Nothing in
30 this subsection is intended to limit the power of the sentencing court
31 to respond to a probationer's violation of conditions.

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