
HOUSE BILL 1549

State of Washington

54th Legislature

1995 Regular Session

By Representatives Ballasiotes, Morris, Wolfe, Campbell, Quall, Backlund, Dyer and Blanton; by request of Sentencing Guidelines Commission

Read first time 01/30/95. Referred to Committee on Corrections.

1 AN ACT Relating to treatment-oriented sentences for offenders
2 convicted of manufacture, delivery, or possession with intent to
3 deliver a narcotic from Schedule I or II; amending RCW 9.94A.030 and
4 9.94A.190; reenacting and amending RCW 9.94A.120; adding a new section
5 to chapter 9.94A RCW; creating a new section; prescribing penalties;
6 and declaring an emergency.

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

8 **Sec. 1.** RCW 9.94A.030 and 1994 c 261 s 16 are each amended to read
9 as follows:

10 Unless the context clearly requires otherwise, the definitions in
11 this section apply throughout this chapter.

12 (1) "Collect," or any derivative thereof, "collect and remit," or
13 "collect and deliver," when used with reference to the department of
14 corrections, means that the department is responsible for monitoring
15 and enforcing the offender's sentence with regard to the legal
16 financial obligation, receiving payment thereof from the offender, and,
17 consistent with current law, delivering daily the entire payment to the
18 superior court clerk without depositing it in a departmental account.

19 (2) "Commission" means the sentencing guidelines commission.

1 (3) "Community corrections officer" means an employee of the
2 department who is responsible for carrying out specific duties in
3 supervision of sentenced offenders and monitoring of sentence
4 conditions.

5 (4) "Community custody" means that portion of an inmate's sentence
6 of confinement in lieu of earned early release time or imposed pursuant
7 to RCW 9.94A.120(6) served in the community subject to controls placed
8 on the inmate's movement and activities by the department of
9 corrections.

10 (5) "Community placement" means that period during which the
11 offender is subject to the conditions of community custody and/or
12 postrelease supervision, which begins either upon completion of the
13 term of confinement (postrelease supervision) or at such time as the
14 offender is transferred to community custody in lieu of earned early
15 release. Community placement may consist of entirely community
16 custody, entirely postrelease supervision, or a combination of the two.

17 (6) "Community service" means compulsory service, without
18 compensation, performed for the benefit of the community by the
19 offender.

20 (7) "Community supervision" means a period of time during which a
21 convicted offender is subject to crime-related prohibitions and other
22 sentence conditions imposed by a court pursuant to this chapter or RCW
23 16.52.200(6) or 46.61.524. For first-time offenders, the supervision
24 may include crime-related prohibitions and other conditions imposed
25 pursuant to RCW 9.94A.120(5). For purposes of the interstate compact
26 for out-of-state supervision of parolees and probationers, RCW
27 9.95.270, community supervision is the functional equivalent of
28 probation and should be considered the same as probation by other
29 states.

30 (8) "Confinement" means total or partial confinement as defined in
31 this section.

32 (9) "Conviction" means an adjudication of guilt pursuant to Titles
33 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and
34 acceptance of a plea of guilty.

35 (10) "Court-ordered legal financial obligation" means a sum of
36 money that is ordered by a superior court of the state of Washington
37 for legal financial obligations which may include restitution to the
38 victim, statutorily imposed crime victims' compensation fees as
39 assessed pursuant to RCW 7.68.035, court costs, county or interlocal

1 drug funds, court-appointed attorneys' fees, and costs of defense,
2 fines, and any other financial obligation that is assessed to the
3 offender as a result of a felony conviction. Upon conviction for
4 vehicular assault while under the influence of intoxicating liquor or
5 any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the
6 influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a),
7 legal financial obligations may also include payment to a public agency
8 of the expense of an emergency response to the incident resulting in
9 the conviction, subject to the provisions in RCW 38.52.430.

10 (11) "Crime-related prohibition" means an order of a court
11 prohibiting conduct that directly relates to the circumstances of the
12 crime for which the offender has been convicted, and shall not be
13 construed to mean orders directing an offender affirmatively to
14 participate in rehabilitative programs or to otherwise perform
15 affirmative conduct.

16 (12)(a) "Criminal history" means the list of a defendant's prior
17 convictions, whether in this state, in federal court, or elsewhere.
18 The history shall include, where known, for each conviction (i) whether
19 the defendant has been placed on probation and the length and terms
20 thereof; and (ii) whether the defendant has been incarcerated and the
21 length of incarceration.

22 (b) "Criminal history" shall always include juvenile convictions
23 for sex offenses and shall also include a defendant's other prior
24 convictions in juvenile court if: (i) The conviction was for an
25 offense which is a felony or a serious traffic offense and is criminal
26 history as defined in RCW 13.40.020(9); (ii) the defendant was fifteen
27 years of age or older at the time the offense was committed; and (iii)
28 with respect to prior juvenile class B and C felonies or serious
29 traffic offenses, the defendant was less than twenty-three years of age
30 at the time the offense for which he or she is being sentenced was
31 committed.

32 (13) "Day fine" means a fine imposed by the sentencing judge that
33 equals the difference between the offender's net daily income and the
34 reasonable obligations that the offender has for the support of the
35 offender and any dependents.

36 (14) "Day reporting" means a program of enhanced supervision
37 designed to monitor the defendant's daily activities and compliance
38 with sentence conditions, and in which the defendant is required to

1 report daily to a specific location designated by the department or the
2 sentencing judge.

3 ~~(15)~~ "Department" means the department of corrections.

4 ~~((14))~~ (16) "Determinate sentence" means a sentence that states
5 with exactitude the number of actual years, months, or days of total
6 confinement, of partial confinement, of community supervision, the
7 number of actual hours or days of community service work, or dollars or
8 terms of a legal financial obligation. The fact that an offender
9 through "earned early release" can reduce the actual period of
10 confinement shall not affect the classification of the sentence as a
11 determinate sentence.

12 ~~((15))~~ (17) "Disposable earnings" means that part of the earnings
13 of an individual remaining after the deduction from those earnings of
14 any amount required by law to be withheld. For the purposes of this
15 definition, "earnings" means compensation paid or payable for personal
16 services, whether denominated as wages, salary, commission, bonuses, or
17 otherwise, and, notwithstanding any other provision of law making the
18 payments exempt from garnishment, attachment, or other process to
19 satisfy a court-ordered legal financial obligation, specifically
20 includes periodic payments pursuant to pension or retirement programs,
21 or insurance policies of any type, but does not include payments made
22 under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050,
23 or Title 74 RCW.

24 ~~((16))~~ (18) "Drug offense" means:

25 (a) Any felony violation of chapter 69.50 RCW except possession of
26 a controlled substance (RCW 69.50.401(d)) or forged prescription for a
27 controlled substance (RCW 69.50.403);

28 (b) Any offense defined as a felony under federal law that relates
29 to the possession, manufacture, distribution, or transportation of a
30 controlled substance; or

31 (c) Any out-of-state conviction for an offense that under the laws
32 of this state would be a felony classified as a drug offense under (a)
33 of this subsection.

34 ~~((17))~~ (19) "Escape" means:

35 (a) Escape in the first degree (RCW 9A.76.110), escape in the
36 second degree (RCW 9A.76.120), willful failure to return from furlough
37 (RCW 72.66.060), willful failure to return from work release (RCW
38 72.65.070), or willful failure to be available for supervision by the
39 department while in community custody (RCW 72.09.310); or

1 (b) Any federal or out-of-state conviction for an offense that
2 under the laws of this state would be a felony classified as an escape
3 under (a) of this subsection.

4 (~~(18)~~) (20) "Felony traffic offense" means:

5 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW
6 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-
7 and-run injury-accident (RCW 46.52.020(4)); or

8 (b) Any federal or out-of-state conviction for an offense that
9 under the laws of this state would be a felony classified as a felony
10 traffic offense under (a) of this subsection.

11 (~~(19)~~) (21) "Fines" means the requirement that the offender pay
12 a specific sum of money over a specific period of time to the court.

13 (~~(20)~~) (22)(a) "First-time offender" means any person who is
14 convicted of a felony (i) not classified as a violent offense or a sex
15 offense under this chapter, or (ii) that is not the manufacture,
16 delivery, or possession with intent to manufacture or deliver a
17 controlled substance classified in schedule I or II that is a narcotic
18 drug or the selling for profit of any controlled substance or
19 counterfeit substance classified in schedule I, RCW 69.50.204, except
20 leaves and flowering tops of marijuana, and except as provided in (b)
21 of this subsection, who previously has never been convicted of a felony
22 in this state, federal court, or another state, and who has never
23 participated in a program of deferred prosecution for a felony offense.

24 (b) For purposes of (a) of this subsection, a juvenile adjudication
25 for an offense committed before the age of fifteen years is not a
26 previous felony conviction except for adjudications of sex offenses.

27 (~~(21)~~) (23) "Most serious offense" means any of the following
28 felonies or a felony attempt to commit any of the following felonies,
29 as now existing or hereafter amended:

30 (a) Any felony defined under any law as a class A felony or
31 criminal solicitation of or criminal conspiracy to commit a class A
32 felony;

33 (b) Assault in the second degree;

34 (c) Assault of a child in the second degree;

35 (d) Child molestation in the second degree;

36 (e) Controlled substance homicide;

37 (f) Extortion in the first degree;

38 (g) Incest when committed against a child under age fourteen;

39 (h) Indecent liberties;

1 (i) Kidnapping in the second degree;
2 (j) Leading organized crime;
3 (k) Manslaughter in the first degree;
4 (l) Manslaughter in the second degree;
5 (m) Promoting prostitution in the first degree;
6 (n) Rape in the third degree;
7 (o) Robbery in the second degree;
8 (p) Sexual exploitation;
9 (q) Vehicular assault;
10 (r) Vehicular homicide, when proximately caused by the driving of
11 any vehicle by any person while under the influence of intoxicating
12 liquor or any drug as defined by RCW 46.61.502, or by the operation of
13 any vehicle in a reckless manner;
14 (s) Any other class B felony offense with a finding of sexual
15 motivation, as "sexual motivation" is defined under this section;
16 (t) Any other felony with a deadly weapon verdict under RCW
17 9.94A.125;
18 (u) Any felony offense in effect at any time prior to December 2,
19 1993, that is comparable to a most serious offense under this
20 subsection, or any federal or out-of-state conviction for an offense
21 that under the laws of this state would be a felony classified as a
22 most serious offense under this subsection.
23 ~~((22))~~ (24) "Nonviolent offense" means an offense which is not a
24 violent offense.
25 ~~((23))~~ (25) "Offender" means a person who has committed a felony
26 established by state law and is eighteen years of age or older or is
27 less than eighteen years of age but whose case has been transferred by
28 the appropriate juvenile court to a criminal court pursuant to RCW
29 13.40.110. Throughout this chapter, the terms "offender" and
30 "defendant" are used interchangeably.
31 ~~((24))~~ (26) "Partial confinement" means confinement for no more
32 than one year in a facility or institution operated or utilized under
33 contract by the state or any other unit of government, or, if home
34 detention or work crew has been ordered by the court, in an approved
35 residence, for a substantial portion of each day with the balance of
36 the day spent in the community. Partial confinement includes work
37 release, home detention, work crew, and a combination of work crew and
38 home detention as defined in this section.
39 ~~((25))~~ (27) "Persistent offender" is an offender who:

1 (a) Has been convicted in this state of any felony considered a
2 most serious offense; and

3 (b) Has, before the commission of the offense under (a) of this
4 subsection, been convicted as an offender on at least two separate
5 occasions, whether in this state or elsewhere, of felonies that under
6 the laws of this state would be considered most serious offenses and
7 would be included in the offender score under RCW 9.94A.360; provided
8 that of the two or more previous convictions, at least one conviction
9 must have occurred before the commission of any of the other most
10 serious offenses for which the offender was previously convicted.

11 ~~((26))~~ (28) "Postrelease supervision" is that portion of an
12 offender's community placement that is not community custody.

13 ~~((27))~~ (29) "Restitution" means the requirement that the offender
14 pay a specific sum of money over a specific period of time to the court
15 as payment of damages. The sum may include both public and private
16 costs. The imposition of a restitution order does not preclude civil
17 redress.

18 ~~((28))~~ (30) "Serious traffic offense" means:

19 (a) Driving while under the influence of intoxicating liquor or any
20 drug (RCW 46.61.502), actual physical control while under the influence
21 of intoxicating liquor or any drug (RCW 46.61.504), reckless driving
22 (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5));
23 or

24 (b) Any federal, out-of-state, county, or municipal conviction for
25 an offense that under the laws of this state would be classified as a
26 serious traffic offense under (a) of this subsection.

27 ~~((29))~~ (31) "Serious violent offense" is a subcategory of violent
28 offense and means:

29 (a) Murder in the first degree, homicide by abuse, murder in the
30 second degree, assault in the first degree, kidnapping in the first
31 degree, or rape in the first degree, assault of a child in the first
32 degree, or an attempt, criminal solicitation, or criminal conspiracy to
33 commit one of these felonies; or

34 (b) Any federal or out-of-state conviction for an offense that
35 under the laws of this state would be a felony classified as a serious
36 violent offense under (a) of this subsection.

37 ~~((30))~~ (32) "Sentence range" means the sentencing court's
38 discretionary range in imposing a nonappealable sentence.

39 ~~((31))~~ (33) "Sex offense" means:

1 (a) A felony that is a violation of chapter 9A.44 RCW or RCW
2 9A.64.020 or 9.68A.090 or that is, under chapter 9A.28 RCW, a criminal
3 attempt, criminal solicitation, or criminal conspiracy to commit such
4 crimes;

5 (b) A felony with a finding of sexual motivation under RCW
6 9.94A.127; or

7 (c) Any federal or out-of-state conviction for an offense that
8 under the laws of this state would be a felony classified as a sex
9 offense under (a) of this subsection.

10 (~~(32)~~) (34) "Sexual motivation" means that one of the purposes
11 for which the defendant committed the crime was for the purpose of his
12 or her sexual gratification.

13 (~~(33)~~) (35) "Total confinement" means confinement inside the
14 physical boundaries of a facility or institution operated or utilized
15 under contract by the state or any other unit of government for twenty-
16 four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

17 (~~(34)~~) (36) "Transition training" means written and verbal
18 instructions and assistance provided by the department to the offender
19 during the two weeks prior to the offender's successful completion of
20 the work ethic camp program. The transition training shall include
21 instructions in the offender's requirements and obligations during the
22 offender's period of community custody.

23 (~~(35)~~) (37) "Victim" means any person who has sustained
24 emotional, psychological, physical, or financial injury to person or
25 property as a direct result of the crime charged.

26 (~~(36)~~) (38) "Violent offense" means:

27 (a) Any of the following felonies, as now existing or hereafter
28 amended: Any felony defined under any law as a class A felony or an
29 attempt to commit a class A felony, criminal solicitation of or
30 criminal conspiracy to commit a class A felony, manslaughter in the
31 first degree, manslaughter in the second degree, indecent liberties if
32 committed by forcible compulsion, kidnapping in the second degree,
33 arson in the second degree, assault in the second degree, assault of a
34 child in the second degree, extortion in the first degree, robbery in
35 the second degree, vehicular assault, and vehicular homicide, when
36 proximately caused by the driving of any vehicle by any person while
37 under the influence of intoxicating liquor or any drug as defined by
38 RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

1 (b) Any conviction for a felony offense in effect at any time prior
2 to July 1, 1976, that is comparable to a felony classified as a violent
3 offense in (a) of this subsection; and

4 (c) Any federal or out-of-state conviction for an offense that
5 under the laws of this state would be a felony classified as a violent
6 offense under (a) or (b) of this subsection.

7 ~~((37))~~ (39) "Work crew" means a program of partial confinement
8 consisting of civic improvement tasks for the benefit of the community
9 of not less than thirty-five hours per week that complies with RCW
10 9.94A.135. The civic improvement tasks shall have minimal negative
11 impact on existing private industries or the labor force in the county
12 where the service or labor is performed. The civic improvement tasks
13 shall not affect employment opportunities for people with developmental
14 disabilities contracted through sheltered workshops as defined in RCW
15 82.04.385. Only those offenders sentenced to a facility operated or
16 utilized under contract by a county or the state are eligible to
17 participate on a work crew. Offenders sentenced for a sex offense as
18 defined in subsection ~~((31))~~ (33) of this section are not eligible
19 for the work crew program.

20 ~~((38))~~ (40) "Work ethic camp" means an alternative incarceration
21 program designed to reduce recidivism and lower the cost of corrections
22 by requiring offenders to complete a comprehensive array of real-world
23 job and vocational experiences, character-building work ethics
24 training, life management skills development, substance abuse
25 rehabilitation, counseling, literacy training, and basic adult
26 education.

27 ~~((39))~~ (41) "Work release" means a program of partial confinement
28 available to offenders who are employed or engaged as a student in a
29 regular course of study at school. Participation in work release shall
30 be conditioned upon the offender attending work or school at regularly
31 defined hours and abiding by the rules of the work release facility.

32 ~~((40))~~ (42) "Home detention" means a program of partial
33 confinement available to offenders wherein the offender is confined in
34 a private residence subject to electronic surveillance. ~~((Home
35 detention may not be imposed for offenders convicted of a violent
36 offense, any sex offense, any drug offense, reckless burning in the
37 first or second degree as defined in RCW 9A.48.040 or 9A.48.050,
38 assault in the third degree as defined in RCW 9A.36.031, assault of a
39 child in the third degree, unlawful imprisonment as defined in RCW~~

1 9A.40.040, or harassment as defined in RCW 9A.46.020. Home detention
2 may be imposed for offenders convicted of possession of a controlled
3 substance (RCW 69.50.401(d)) or forged prescription for a controlled
4 substance (RCW 69.50.403) if the offender fulfills the participation
5 conditions set forth in this subsection and is monitored for drug use
6 by treatment alternatives to street crime (TASC) or a comparable court
7 or agency referred program.

8 (a) Home detention may be imposed for offenders convicted of
9 burglary in the second degree as defined in RCW 9A.52.030 or
10 residential burglary conditioned upon the offender: (i) Successfully
11 completing twenty one days in a work release program, (ii) having no
12 convictions for burglary in the second degree or residential burglary
13 during the preceding two years and not more than two prior convictions
14 for burglary or residential burglary, (iii) having no convictions for
15 a violent felony offense during the preceding two years and not more
16 than two prior convictions for a violent felony offense, (iv) having no
17 prior charges of escape, and (v) fulfilling the other conditions of the
18 home detention program.

19 (b) Participation in a home detention program shall be conditioned
20 upon: (i) The offender obtaining or maintaining current employment or
21 attending a regular course of school study at regularly defined hours,
22 or the offender performing parental duties to offspring or minors
23 normally in the custody of the offender, (ii) abiding by the rules of
24 the home detention program, and (iii) compliance with court ordered
25 legal financial obligations. The home detention program may also be
26 made available to offenders whose charges and convictions do not
27 otherwise disqualify them if medical or health related conditions,
28 concerns or treatment would be better addressed under the home
29 detention program, or where the health and welfare of the offender,
30 other inmates, or staff would be jeopardized by the offender's
31 incarceration. Participation in the home detention program for medical
32 or health related reasons is conditioned on the offender abiding by the
33 rules of the home detention program and complying with court ordered
34 restitution.))

35 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.94A RCW
36 to read as follows:

37 Home detention may not be imposed for offenders convicted of a
38 violent offense, any sex offense, any drug offense, reckless burning in

1 the first or second degree as defined in RCW 9A.48.040 or 9A.48.050,
2 assault in the third degree as defined in RCW 9A.36.031, assault of a
3 child in the third degree, unlawful imprisonment as defined in RCW
4 9A.40.040, or harassment as defined in RCW 9A.46.020. Home detention
5 may be imposed for offenders convicted of possession of a controlled
6 substance under RCW 69.50.401(d) or forged prescription for a
7 controlled substance under RCW 69.50.403 if the offender fulfills the
8 participation conditions set forth in this subsection and is monitored
9 for drug use by a treatment alternatives to street crime program or a
10 comparable court or agency-referred program.

11 (1) Home detention may be imposed for offenders convicted of
12 burglary in the second degree as defined in RCW 9A.52.030 or
13 residential burglary conditioned upon the offender: (a) Successfully
14 completing twenty-one days in a work release program, (b) having no
15 convictions for burglary in the second degree or residential burglary
16 during the preceding two years and not more than two prior convictions
17 for burglary or residential burglary, (c) having no convictions for a
18 violent felony offense during the preceding two years and not more than
19 two prior convictions for a violent felony offense, (d) having no prior
20 charges of escape, and (e) fulfilling the other conditions of the home
21 detention program.

22 (2) Participation in a home detention program shall be conditioned
23 upon: (a) The offender obtaining or maintaining current employment or
24 attending a regular course of school study at regularly defined hours,
25 or the offender performing parental duties to offspring or minors
26 normally in the custody of the offender, (b) abiding by the rules of
27 the home detention program, and (c) compliance with court-ordered legal
28 financial obligations. The home detention program may also be made
29 available to offenders whose charges and convictions do not otherwise
30 disqualify them if medical or health-related conditions, concerns or
31 treatment would be better addressed under the home detention program,
32 or where the health and welfare of the offender, other inmates, or
33 staff would be jeopardized by the offender's incarceration.
34 Participation in the home detention program for medical or health-
35 related reasons is conditioned on the offender abiding by the rules of
36 the home detention program and complying with court-ordered
37 restitution.

1 **Sec. 3.** RCW 9.94A.120 and 1994 c 1 s 2 (Initiative Measure No.
2 593) and 1993 c 31 s 3 are each reenacted and amended to read as
3 follows:

4 When a person is convicted of a felony, the court shall impose
5 punishment as provided in this section.

6 (1) Except as authorized in subsections (2), (4), (5), (6), and
7 ~~((+7))~~ (8) of this section, the court shall impose a sentence within
8 the sentence range for the offense.

9 (2) The court may impose a sentence outside the standard sentence
10 range for that offense if it finds, considering the purpose of this
11 chapter, that there are substantial and compelling reasons justifying
12 an exceptional sentence.

13 (3) Whenever a sentence outside the standard range is imposed, the
14 court shall set forth the reasons for its decision in written findings
15 of fact and conclusions of law. A sentence outside the standard range
16 shall be a determinate sentence.

17 (4) A persistent offender shall be sentenced to a term of total
18 confinement for life without the possibility of parole or, when
19 authorized by RCW 10.95.030 for the crime of aggravated murder in the
20 first degree, sentenced to death, notwithstanding the maximum sentence
21 under any other law. An offender convicted of the crime of murder in
22 the first degree shall be sentenced to a term of total confinement not
23 less than twenty years. An offender convicted of the crime of assault
24 in the first degree or assault of a child in the first degree where the
25 offender used force or means likely to result in death or intended to
26 kill the victim shall be sentenced to a term of total confinement not
27 less than five years. An offender convicted of the crime of rape in
28 the first degree shall be sentenced to a term of total confinement not
29 less than five years. The foregoing minimum terms of total confinement
30 are mandatory and shall not be varied or modified as provided in
31 subsection (2) of this section. In addition, all offenders subject to
32 the provisions of this subsection shall not be eligible for community
33 custody, earned early release time, furlough, home detention, partial
34 confinement, work crew, work release, or any other form of early
35 release as defined under RCW 9.94A.150 (1), (2), (3), (5), (7), or (8),
36 or any other form of authorized leave of absence from the correctional
37 facility while not in the direct custody of a corrections officer or
38 officers during such minimum terms of total confinement except in the
39 case of an offender in need of emergency medical treatment or for the

1 purpose of commitment to an inpatient treatment facility in the case of
2 an offender convicted of the crime of rape in the first degree.

3 (5) In sentencing a first-time offender the court may waive the
4 imposition of a sentence within the sentence range and impose a
5 sentence which may include up to ninety days of confinement in a
6 facility operated or utilized under contract by the county and a
7 requirement that the offender refrain from committing new offenses.
8 The sentence may also include up to two years of community supervision,
9 which, in addition to crime-related prohibitions, may include
10 requirements that the offender perform any one or more of the
11 following:

12 (a) Devote time to a specific employment or occupation;

13 (b) Undergo available outpatient treatment for up to two years, or
14 inpatient treatment not to exceed the standard range of confinement for
15 that offense;

16 (c) Pursue a prescribed, secular course of study or vocational
17 training;

18 (d) Remain within prescribed geographical boundaries and notify the
19 court or the community corrections officer prior to any change in the
20 offender's address or employment;

21 (e) Report as directed to the court and a community corrections
22 officer; or

23 (f) Pay all court-ordered legal financial obligations as provided
24 in RCW 9.94A.030 and/or perform community service work.

25 (6)(a) An offender is eligible for the special drug offender
26 sentencing alternative if:

27 (i) The offender is convicted of the manufacture, delivery, or
28 possession with intent to manufacture or deliver a controlled substance
29 classified in Schedule I or II that is a narcotic drug or a felony that
30 is, under chapter 9A.28 RCW or RCW 69.50.407, a criminal attempt,
31 criminal solicitation, or criminal conspiracy to commit such crimes,
32 and the violation does not involve a sentence enhancement under RCW
33 9.94A.310(3);

34 (ii) The offender has no prior convictions for a felony in this
35 state, another state, or the United States; and

36 (iii) The offense involved only a small quantity of the particular
37 controlled substance as determined by the judge upon consideration of
38 such factors as the weight, purity, packaging, sale price, and street
39 value of the controlled substance.

1 (b) If the midpoint of the standard range is greater than one year
2 and the sentencing judge determines that the offender is eligible for
3 this option and that the offender and the community will benefit from
4 the use of the special drug offender sentencing alternative, the judge
5 may waive imposition of a sentence within the standard range and impose
6 a sentence that must include a period of total confinement in a state
7 facility for one-half of the midpoint of the standard range. During
8 incarceration in the state facility, offenders sentenced under this
9 subsection shall undergo a comprehensive substance abuse assessment and
10 receive, within available resources, treatment services appropriate for
11 the offender. If the midpoint of the standard range is twenty-four
12 months or less, no more than three months of the sentence may be served
13 in a work release status. The court shall also impose one year of
14 community custody that must include crime-related prohibitions
15 including a condition not to use illegal controlled substances, and a
16 requirement to submit to urinalysis or other testing to monitor that
17 status. The department may require the offender to pay thirty dollars
18 per month while on community custody to offset the cost of monitoring.
19 In addition, the court may impose any of the following conditions:

- 20 (i) Devote time to a specific employment or training;
- 21 (ii) Participate in outpatient substance abuse treatment;
- 22 (iii) Remain within prescribed geographical boundaries and notify
23 the court or the community corrections officer before any change in the
24 offender's address or employment;
- 25 (iv) Report as directed to a community corrections officer;
- 26 (v) Pay all court-ordered legal financial obligations;
- 27 (vi) Perform community service work;
- 28 (vii) Pay a day fine;
- 29 (viii) Stay out of areas designated by the sentencing judge;
- 30 (ix) Undergo day reporting.

31 (c) If the offender violates any of the sentence conditions in (b)
32 of this subsection, the department shall impose sanctions
33 administratively, with notice to the prosecuting attorney and the
34 sentencing court. Upon motion of the court or the prosecuting
35 attorney, a violation hearing shall be held by the court. If the court
36 finds that conditions have been willfully violated, the court may
37 impose confinement consisting of up to the remaining one-half of the
38 midpoint of the standard range. All total confinement served during
39 the period of community custody shall be credited to the offender,

1 regardless of whether the total confinement is served as a result of
2 the original sentence, as a result of a sanction imposed by the
3 department, or as a result of a violation found by the court. The term
4 of community custody shall be tolled by any period of time served in
5 total confinement as a result of a violation found by the court.

6 (d) The department shall determine the rules for calculating the
7 value of a day fine based on the offender's income and reasonable
8 obligations which the offender has for the support of the offender and
9 any dependents. These rules shall be developed in consultation with
10 the administrator for the courts, the office of financial management,
11 and the commission.

12 (7) If a sentence range has not been established for the
13 defendant's crime, the court shall impose a determinate sentence which
14 may include not more than one year of confinement, community service
15 work, a term of community supervision not to exceed one year, and/or
16 other legal financial obligations. The court may impose a sentence
17 which provides more than one year of confinement if the court finds,
18 considering the purpose of this chapter, that there are substantial and
19 compelling reasons justifying an exceptional sentence.

20 ((+7)) (8)(a)(i) When an offender is convicted of a sex offense
21 other than a violation of RCW 9A.44.050 or a sex offense that is also
22 a serious violent offense and has no prior convictions for a sex
23 offense or any other felony sex offenses in this or any other state,
24 the sentencing court, on its own motion or the motion of the state or
25 the defendant, may order an examination to determine whether the
26 defendant is amenable to treatment.

27 The report of the examination shall include at a minimum the
28 following: The defendant's version of the facts and the official
29 version of the facts, the defendant's offense history, an assessment of
30 problems in addition to alleged deviant behaviors, the offender's
31 social and employment situation, and other evaluation measures used.
32 The report shall set forth the sources of the evaluator's information.

33 The examiner shall assess and report regarding the defendant's
34 amenability to treatment and relative risk to the community. A
35 proposed treatment plan shall be provided and shall include, at a
36 minimum:

37 (A) Frequency and type of contact between offender and therapist;

38 (B) Specific issues to be addressed in the treatment and
39 description of planned treatment modalities;

1 (C) Monitoring plans, including any requirements regarding living
2 conditions, lifestyle requirements, and monitoring by family members
3 and others;

4 (D) Anticipated length of treatment; and

5 (E) Recommended crime-related prohibitions.

6 The court on its own motion may order, or on a motion by the state
7 shall order, a second examination regarding the offender's amenability
8 to treatment. The evaluator shall be selected by the party making the
9 motion. The defendant shall pay the cost of any second examination
10 ordered unless the court finds the defendant to be indigent in which
11 case the state shall pay the cost.

12 (ii) After receipt of the reports, the court shall consider whether
13 the offender and the community will benefit from use of this special
14 sexual offender sentencing alternative and consider the victim's
15 opinion whether the offender should receive a treatment disposition
16 under this subsection. If the court determines that this special sex
17 offender sentencing alternative is appropriate, the court shall then
18 impose a sentence within the sentence range. If this sentence is less
19 than eight years of confinement, the court may suspend the execution of
20 the sentence and impose the following conditions of suspension:

21 (A) The court shall place the defendant on community supervision
22 for the length of the suspended sentence or three years, whichever is
23 greater; and

24 (B) The court shall order treatment for any period up to three
25 years in duration. The court in its discretion shall order outpatient
26 sex offender treatment or inpatient sex offender treatment, if
27 available. A community mental health center may not be used for such
28 treatment unless it has an appropriate program designed for sex
29 offender treatment. The offender shall not change sex offender
30 treatment providers or treatment conditions without first notifying the
31 prosecutor, the community corrections officer, and the court, and shall
32 not change providers without court approval after a hearing if the
33 prosecutor or community corrections officer object to the change. In
34 addition, as conditions of the suspended sentence, the court may impose
35 other sentence conditions including up to six months of confinement,
36 not to exceed the sentence range of confinement for that offense,
37 crime-related prohibitions, and requirements that the offender perform
38 any one or more of the following:

39 (I) Devote time to a specific employment or occupation;

1 (II) Remain within prescribed geographical boundaries and notify
2 the court or the community corrections officer prior to any change in
3 the offender's address or employment;

4 (III) Report as directed to the court and a community corrections
5 officer;

6 (IV) Pay all court-ordered legal financial obligations as provided
7 in RCW 9.94A.030, perform community service work, or any combination
8 thereof; or

9 (V) Make recoupment to the victim for the cost of any counseling
10 required as a result of the offender's crime.

11 (iii) The sex offender therapist shall submit quarterly reports on
12 the defendant's progress in treatment to the court and the parties.
13 The report shall reference the treatment plan and include at a minimum
14 the following: Dates of attendance, defendant's compliance with
15 requirements, treatment activities, the defendant's relative progress
16 in treatment, and any other material as specified by the court at
17 sentencing.

18 (iv) At the time of sentencing, the court shall set a treatment
19 termination hearing for three months prior to the anticipated date for
20 completion of treatment. Prior to the treatment termination hearing,
21 the treatment professional and community corrections officer shall
22 submit written reports to the court and parties regarding the
23 defendant's compliance with treatment and monitoring requirements, and
24 recommendations regarding termination from treatment, including
25 proposed community supervision conditions. Either party may request
26 and the court may order another evaluation regarding the advisability
27 of termination from treatment. The defendant shall pay the cost of any
28 additional evaluation ordered unless the court finds the defendant to
29 be indigent in which case the state shall pay the cost. At the
30 treatment termination hearing the court may: (A) Modify conditions of
31 community supervision, and either (B) terminate treatment, or (C)
32 extend treatment for up to the remaining period of community
33 supervision.

34 (v) The court may revoke the suspended sentence at any time during
35 the period of community supervision and order execution of the sentence
36 if: (A) The defendant violates the conditions of the suspended
37 sentence, or (B) the court finds that the defendant is failing to make
38 satisfactory progress in treatment. All confinement time served during

1 the period of community supervision shall be credited to the offender
2 if the suspended sentence is revoked.

3 (vi) Except as provided in (a)(vii) of this subsection, after July
4 1, 1991, examinations and treatment ordered pursuant to this subsection
5 shall only be conducted by sex offender treatment providers certified
6 by the department of health pursuant to chapter 18.155 RCW.

7 (vii) A sex offender therapist who examines or treats a sex
8 offender pursuant to this subsection ~~((+7))~~ (8) does not have to be
9 certified by the department of health pursuant to chapter 18.155 RCW if
10 the court finds that: (A) The offender has already moved to another
11 state or plans to move to another state for reasons other than
12 circumventing the certification requirements; (B) no certified
13 providers are available for treatment within a reasonable geographical
14 distance of the offender's home; and (C) the evaluation and treatment
15 plan comply with this subsection ~~((+7))~~ (8) and the rules adopted by
16 the department of health.

17 For purposes of this subsection, "victim" means any person who has
18 sustained emotional, psychological, physical, or financial injury to
19 person or property as a result of the crime charged. "Victim" also
20 means a parent or guardian of a victim who is a minor child unless the
21 parent or guardian is the perpetrator of the offense.

22 ~~(b) ((When an offender is convicted of any felony sex offense
23 committed before July 1, 1987, and is sentenced to a term of
24 confinement of more than one year but less than six years, the
25 sentencing court may, on its own motion or on the motion of the
26 offender or the state, order the offender committed for up to thirty
27 days to the custody of the secretary of social and health services for
28 evaluation and report to the court on the offender's amenability to
29 treatment at these facilities. If the secretary of social and health
30 services cannot begin the evaluation within thirty days of the court's
31 order of commitment, the offender shall be transferred to the state for
32 confinement pending an opportunity to be evaluated at the appropriate
33 facility. The court shall review the reports and may order that the
34 term of confinement imposed be served in the sexual offender treatment
35 program at the location determined by the secretary of social and
36 health services or the secretary's designee, only if the report
37 indicates that the offender is amenable to the treatment program
38 provided at these facilities. The offender shall be transferred to the
39 state pending placement in the treatment program. Any offender who has~~

1 ~~escaped from the treatment program shall be referred back to the~~
2 ~~sentencing court.~~

3 ~~If the offender does not comply with the conditions of the~~
4 ~~treatment program, the secretary of social and health services may~~
5 ~~refer the matter to the sentencing court. The sentencing court shall~~
6 ~~commit the offender to the department of corrections to serve the~~
7 ~~balance of the term of confinement.~~

8 ~~If the offender successfully completes the treatment program before~~
9 ~~the expiration of the term of confinement, the court may convert the~~
10 ~~balance of confinement to community supervision and may place~~
11 ~~conditions on the offender including crime related prohibitions and~~
12 ~~requirements that the offender perform any one or more of the~~
13 ~~following:~~

14 ~~(i) Devote time to a specific employment or occupation;~~

15 ~~(ii) Remain within prescribed geographical boundaries and notify~~
16 ~~the court or the community corrections officer prior to any change in~~
17 ~~the offender's address or employment;~~

18 ~~(iii) Report as directed to the court and a community corrections~~
19 ~~officer;~~

20 ~~(iv) Undergo available outpatient treatment.~~

21 ~~If the offender violates any of the terms of community supervision,~~
22 ~~the court may order the offender to serve out the balance of the~~
23 ~~community supervision term in confinement in the custody of the~~
24 ~~department of corrections.~~

25 ~~After June 30, 1993, this subsection (b) shall cease to have~~
26 ~~effect.~~

27 ~~(e))~~ When an offender commits any felony sex offense on or after
28 July 1, 1987, and is sentenced to a term of confinement of more than
29 one year but less than six years, the sentencing court may, on its own
30 motion or on the motion of the offender or the state, request the
31 department of corrections to evaluate whether the offender is amenable
32 to treatment and the department may place the offender in a treatment
33 program within a correctional facility operated by the department.

34 Except for an offender who has been convicted of a violation of RCW
35 9A.44.040 or 9A.44.050, if the offender completes the treatment program
36 before the expiration of his or her term of confinement, the department
37 of corrections may request the court to convert the balance of
38 confinement to community supervision and to place conditions on the

1 offender including crime-related prohibitions and requirements that the
2 offender perform any one or more of the following:

3 (i) Devote time to a specific employment or occupation;

4 (ii) Remain within prescribed geographical boundaries and notify
5 the court or the community corrections officer prior to any change in
6 the offender's address or employment;

7 (iii) Report as directed to the court and a community corrections
8 officer;

9 (iv) Undergo available outpatient treatment.

10 If the offender violates any of the terms of his or her community
11 supervision, the court may order the offender to serve out the balance
12 of his or her community supervision term in confinement in the custody
13 of the department of corrections.

14 Nothing in ~~((e)of))~~ this subsection (8)(b) shall confer
15 eligibility for such programs for offenders convicted and sentenced for
16 a sex offense committed prior to July 1, 1987. This subsection ~~((e))~~
17 (8)(b) does not apply to any crime committed after July 1, 1990.

18 ~~((d))~~ (c) Offenders convicted and sentenced for a sex offense
19 committed prior to July 1, 1987, may, subject to available funds,
20 request an evaluation by the department of corrections to determine
21 whether they are amenable to treatment. If the offender is determined
22 to be amenable to treatment, the offender may request placement in a
23 treatment program within a correctional facility operated by the
24 department. Placement in such treatment program is subject to
25 available funds.

26 ~~((8))~~ (9)(a) When a court sentences a person to a term of total
27 confinement to the custody of the department of corrections for an
28 offense categorized as a sex offense or a serious violent offense
29 committed after July 1, 1988, but before July 1, 1990, assault in the
30 second degree, assault of a child in the second degree, any crime
31 against a person where it is determined in accordance with RCW
32 9.94A.125 that the defendant or an accomplice was armed with a deadly
33 weapon at the time of commission, or any felony offense under chapter
34 69.50 or 69.52 RCW not sentenced under subsection (6) of this section,
35 committed on or after July 1, 1988, the court shall in addition to the
36 other terms of the sentence, sentence the offender to a one-year term
37 of community placement beginning either upon completion of the term of
38 confinement or at such time as the offender is transferred to community
39 custody in lieu of earned early release in accordance with RCW

1 9.94A.150 (1) and (2). When the court sentences an offender under this
2 subsection to the statutory maximum period of confinement then the
3 community placement portion of the sentence shall consist entirely of
4 such community custody to which the offender may become eligible, in
5 accordance with RCW 9.94A.150 (1) and (2). Any period of community
6 custody actually served shall be credited against the community
7 placement portion of the sentence.

8 (b) When a court sentences a person to a term of total confinement
9 to the custody of the department of corrections for an offense
10 categorized as a sex offense or serious violent offense committed on or
11 after July 1, 1990, the court shall in addition to other terms of the
12 sentence, sentence the offender to community placement for two years or
13 up to the period of earned early release awarded pursuant to RCW
14 9.94A.150 (1) and (2), whichever is longer. The community placement
15 shall begin either upon completion of the term of confinement or at
16 such time as the offender is transferred to community custody in lieu
17 of earned early release in accordance with RCW 9.94A.150 (1) and (2).
18 When the court sentences an offender under this subsection to the
19 statutory maximum period of confinement then the community placement
20 portion of the sentence shall consist entirely of the community custody
21 to which the offender may become eligible, in accordance with RCW
22 9.94A.150 (1) and (2). Any period of community custody actually served
23 shall be credited against the community placement portion of the
24 sentence. Unless a condition is waived by the court, the terms of
25 community placement for offenders sentenced pursuant to this section
26 shall include the following conditions:

27 (i) The offender shall report to and be available for contact with
28 the assigned community corrections officer as directed;

29 (ii) The offender shall work at department of corrections-approved
30 education, employment, and/or community service;

31 (iii) The offender shall not consume controlled substances except
32 pursuant to lawfully issued prescriptions;

33 (iv) An offender in community custody shall not unlawfully possess
34 controlled substances;

35 (v) The offender shall pay supervision fees as determined by the
36 department of corrections; and

37 (vi) The residence location and living arrangements are subject to
38 the prior approval of the department of corrections during the period
39 of community placement.

1 (c) The court may also order any of the following special
2 conditions:

3 (i) The offender shall remain within, or outside of, a specified
4 geographical boundary;

5 (ii) The offender shall not have direct or indirect contact with
6 the victim of the crime or a specified class of individuals;

7 (iii) The offender shall participate in crime-related treatment or
8 counseling services;

9 (iv) The offender shall not consume alcohol; or

10 (v) The offender shall comply with any crime-related prohibitions.

11 (d) Prior to transfer to, or during, community placement, any
12 conditions of community placement may be removed or modified so as not
13 to be more restrictive by the sentencing court, upon recommendation of
14 the department of corrections.

15 ~~((+9))~~ (10) If the court imposes a sentence requiring confinement
16 of thirty days or less, the court may, in its discretion, specify that
17 the sentence be served on consecutive or intermittent days. A sentence
18 requiring more than thirty days of confinement shall be served on
19 consecutive days. Local jail administrators may schedule court-ordered
20 intermittent sentences as space permits.

21 ~~((+10))~~ (11) If a sentence imposed includes payment of a legal
22 financial obligation, the sentence shall specify the total amount of
23 the legal financial obligation owed, and shall require the offender to
24 pay a specified monthly sum toward that legal financial obligation.
25 Restitution to victims shall be paid prior to any other payments of
26 monetary obligations. Any legal financial obligation that is imposed
27 by the court may be collected by the department, which shall deliver
28 the amount paid to the county clerk for credit. The offender's
29 compliance with payment of legal financial obligations shall be
30 supervised by the department. All monetary payments ordered shall be
31 paid no later than ten years after the last date of release from
32 confinement pursuant to a felony conviction or the date the sentence
33 was entered. Independent of the department, the party or entity to
34 whom the legal financial obligation is owed shall have the authority to
35 utilize any other remedies available to the party or entity to collect
36 the legal financial obligation. Nothing in this section makes the
37 department, the state, or any of its employees, agents, or other
38 persons acting on their behalf liable under any circumstances for the
39 payment of these legal financial obligations. If an order includes

1 restitution as one of the monetary assessments, the county clerk shall
2 make disbursements to victims named in the order.

3 ~~((11))~~ (12) Except as provided under RCW 9.94A.140(1) and
4 9.94A.142(1), a court may not impose a sentence providing for a term of
5 confinement or community supervision or community placement which
6 exceeds the statutory maximum for the crime as provided in chapter
7 9A.20 RCW.

8 ~~((12))~~ (13) All offenders sentenced to terms involving community
9 supervision, community service, community placement, or legal financial
10 obligation shall be under the supervision of the secretary of the
11 department of corrections or such person as the secretary may designate
12 and shall follow explicitly the instructions of the secretary including
13 reporting as directed to a community corrections officer, remaining
14 within prescribed geographical boundaries, notifying the community
15 corrections officer of any change in the offender's address or
16 employment, and paying the supervision fee assessment. The department
17 may require offenders to pay for special services rendered on or after
18 July 25, 1993, including electronic monitoring, day reporting, and
19 telephone reporting, dependent upon the offender's ability to pay. The
20 department may pay for these services for offenders who are not able to
21 pay.

22 ~~((13))~~ (14) All offenders sentenced to terms involving community
23 supervision, community service, or community placement under the
24 supervision of the department of corrections shall not own, use, or
25 possess firearms or ammunition. Offenders who own, use, or are found
26 to be in actual or constructive possession of firearms or ammunition
27 shall be subject to the appropriate violation process and sanctions.
28 "Constructive possession" as used in this subsection means the power
29 and intent to control the firearm or ammunition. "Firearm" as used in
30 this subsection means a weapon or device from which a projectile may be
31 fired by an explosive such as gunpowder.

32 ~~((14))~~ (15) The sentencing court shall give the offender credit
33 for all confinement time served before the sentencing if that
34 confinement was solely in regard to the offense for which the offender
35 is being sentenced.

36 ~~((15))~~ (16) A departure from the standards in RCW 9.94A.400 (1)
37 and (2) governing whether sentences are to be served consecutively or
38 concurrently is an exceptional sentence subject to the limitations in

1 subsections (2) and (3) of this section, and may be appealed by the
2 defendant or the state as set forth in RCW 9.94A.210 (2) through (6).

3 ~~((16))~~ (17) The court shall order restitution whenever the
4 offender is convicted of a felony that results in injury to any person
5 or damage to or loss of property, whether the offender is sentenced to
6 confinement or placed under community supervision, unless extraordinary
7 circumstances exist that make restitution inappropriate in the court's
8 judgment. The court shall set forth the extraordinary circumstances in
9 the record if it does not order restitution.

10 ~~((17))~~ (18) As a part of any sentence, the court may impose and
11 enforce an order that relates directly to the circumstances of the
12 crime for which the offender has been convicted, prohibiting the
13 offender from having any contact with other specified individuals or a
14 specific class of individuals for a period not to exceed the maximum
15 allowable sentence for the crime, regardless of the expiration of the
16 offender's term of community supervision or community placement.

17 ~~((18))~~ (19) In any sentence of partial confinement, the court may
18 require the defendant to serve the partial confinement in work release,
19 in a program of home detention, on work crew, or in a combined program
20 of work crew and home detention.

21 ~~((19))~~ (20) All court-ordered legal financial obligations
22 collected by the department and remitted to the county clerk shall be
23 credited and paid where restitution is ordered. Restitution shall be
24 paid prior to any other payments of monetary obligations.

25 **Sec. 4.** RCW 9.94A.190 and 1991 c 181 s 5 are each amended to read
26 as follows:

27 (1) A sentence that includes a term or terms of confinement
28 totaling more than one year shall be served in a facility or
29 institution operated, or utilized under contract, by the state. Except
30 as provided for in subsection (3) of this section, a sentence of not
31 more than one year of confinement shall be served in a facility
32 operated, licensed, or utilized under contract, by the county, or if
33 home detention or work crew has been ordered by the court, in the
34 residence of either the defendant or a member of the defendant's
35 immediate family.

36 (2) If a county uses a state partial confinement facility for the
37 partial confinement of a person sentenced to confinement for not more
38 than one year, the county shall reimburse the state for the use of the

1 facility as provided for in this subsection. The office of financial
2 management shall set the rate of reimbursement based upon the average
3 per diem cost per offender in the facility. The office of financial
4 management shall determine to what extent, if any, reimbursement shall
5 be reduced or eliminated because of funds provided by the legislature
6 to the department of corrections for the purpose of covering the cost
7 of county use of state partial confinement facilities. The office of
8 financial management shall reestablish reimbursement rates each even-
9 numbered year.

10 (3) A person who is sentenced for a felony to a term of not more
11 than one year, and who is committed or returned to incarceration in a
12 state facility on another felony conviction, either under the
13 indeterminate sentencing laws, chapter 9.95 RCW, or under this chapter
14 shall serve all terms of confinement, including a sentence of not more
15 than one year, in a facility or institution operated, or utilized under
16 contract, by the state, consistent with the provisions of RCW
17 9.94A.400.

18 (4) For sentences imposed pursuant to RCW 9.94A.120(6) which have
19 a sentence range of over one year, notwithstanding any other provision
20 of this section all such sentences regardless of length shall be served
21 in a facility or institution operated, or utilized under contract, by
22 the state.

23 NEW SECTION. Sec. 5. The commission shall evaluate the impact of
24 implementing the drug offender options provided for in RCW
25 9.94A.120(6). The commission shall submit preliminary findings to the
26 legislature by December 1, 1996, and shall submit the final report to
27 the legislature by December 1, 1997. The report shall describe the
28 changes in sentencing practices related to the use of punishment
29 options for drug offenders and include the impact of sentencing
30 alternatives on state prison populations, the savings in state
31 resources, and the impact on recidivism rates.

32 NEW SECTION. Sec. 6. This act is necessary for the immediate
33 preservation of the public peace, health, or safety, or support of the
34 state government and its existing public institutions, and shall take
35 effect immediately.

--- END ---