

---

ENGROSSED SENATE BILL 5204

---

State of Washington

54th Legislature

1995 Regular Session

By Senators Hargrove, Long, Franklin, Kohl, Oke and Winsley; by request of Department of Corrections

Read first time 01/16/95. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to work ethic camps; amending RCW 9.94A.137;  
2 reenacting and amending RCW 9.94A.120; and prescribing penalties.

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

4 **Sec. 1.** RCW 9.94A.137 and 1993 c 338 s 4 are each amended to read  
5 as follows:

6 (1)(a) An offender is eligible to be sentenced to a work ethic camp  
7 if the offender:

8 ((~~a~~)) (i) Is sentenced to a term of total confinement of not less  
9 than ((~~twenty-two~~)) twenty months or more than thirty-six months;

10 ((~~b~~)) (ii) Is ((~~between the ages of~~)) eighteen ((~~and twenty-~~  
11 ~~eight~~)) years of age or older; and

12 ((~~c~~)) (iii) Has no current or prior convictions for any sex  
13 offenses or for violent offenses other than drug offenses for  
14 manufacturing, possession, delivery, or intent to deliver a controlled  
15 substance.

16 (b) The length of the work ethic camp program shall be at least one  
17 hundred twenty days and not more than one hundred eighty days. Because  
18 of the conversion ratio, earned early release time shall not accrue to  
19 offenders who successfully complete the program.

1       (2)(a) An offender is eligible to be sentenced to a modified work  
2 ethic camp if the offender:

3       (i) Is sentenced to a term of total confinement of not less than  
4 twelve months and a day or more than nineteen months;

5       (ii) Is eighteen years of age or older; and

6       (iii) Has no current or prior convictions for any sex offenses or  
7 for violent offenses other than drug offenses for manufacturing,  
8 possession, delivery, or intent to deliver a controlled substance.

9       (b) The length of the modified work ethic camp program shall be at  
10 least sixty days and not more than seventy-five days. Because of the  
11 conversion ratio, earned early release time shall not accrue to  
12 offenders who successfully complete the program.

13       (3) If the sentencing judge determines that the offender is  
14 eligible for the work ethic camp and is likely to qualify under  
15 subsection ~~((+3))~~ (4) of this section, the judge shall impose a  
16 sentence within the standard range and may recommend that the offender  
17 serve the sentence at a work ethic camp. The sentence shall provide  
18 that if the offender successfully completes the program, the department  
19 shall convert the period of work ethic camp confinement at the rate of  
20 one day of work ethic camp confinement to three days of total standard  
21 confinement. ~~((The court shall also provide that upon completion of~~  
22 the work ethic camp program, the offender shall be released on  
23 community custody for any remaining time of total confinement.)) In  
24 sentencing an offender to the work ethic camp, the court shall specify:

25 (a) That upon completion of the work ethic camp program, the offender  
26 shall be released on community custody for any remaining time of total  
27 confinement; (b) the applicable conditions of supervision on community  
28 custody status as authorized by RCW 9.94A.120(8)(b) and (c); and (c)  
29 which conditions, if violated, may result in a return to total  
30 confinement for the balance of the offender's remaining time of  
31 confinement. The department may identify offenders who are eligible  
32 for the work ethic camp and, with concurrence from the sentencing  
33 judge, may refer the offender to the work ethic camp and adjust time  
34 served and community custody requirements as prescribed in this  
35 section.

36       ~~((+3))~~ (4) The department shall place the offender in the work  
37 ethic camp program, subject to capacity, unless (a) the department  
38 determines that the offender has physical or mental impairments that  
39 would prevent participation and completion of the program, (b) the

1 department determines that the offender's custody level prevents  
2 placement in the program, or (c) the offender refuses to agree to the  
3 terms and conditions of the program.

4 ~~((4))~~ (5) An ~~((inmate))~~ offender who fails to complete the work  
5 ethic camp program, who is administratively terminated from the  
6 program, or who otherwise violates any conditions of supervision, as  
7 defined by the department, shall be reclassified to serve the unexpired  
8 term of his or her sentence as ordered by the sentencing judge and  
9 shall be subject to all rules relating to earned early release time.

10 ~~((5) The length of the work ethic camp program shall be at least~~  
11 ~~one hundred twenty days and not more than one hundred eighty days.~~  
12 ~~Because of the conversion ratio, earned early release time shall not~~  
13 ~~accrue to offenders who successfully complete the program.))~~

14 (6) During the last two weeks prior to release from the work ethic  
15 camp program the department shall provide the offender with  
16 comprehensive transition training.

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

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

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

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

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

33 (4) A persistent offender shall be sentenced to a term of total  
34 confinement for life without the possibility of parole or, when  
35 authorized by RCW 10.95.030 for the crime of aggravated murder in the  
36 first degree, sentenced to death, notwithstanding the maximum sentence  
37 under any other law. An offender convicted of the crime of murder in  
38 the first degree shall be sentenced to a term of total confinement not

1 less than twenty years. An offender convicted of the crime of assault  
2 in the first degree or assault of a child in the first degree where the  
3 offender used force or means likely to result in death or intended to  
4 kill the victim shall be sentenced to a term of total confinement not  
5 less than five years. An offender convicted of the crime of rape in  
6 the first degree shall be sentenced to a term of total confinement not  
7 less than five years. The foregoing minimum terms of total confinement  
8 are mandatory and shall not be varied or modified as provided in  
9 subsection (2) of this section. In addition, all offenders subject to  
10 the provisions of this subsection shall not be eligible for community  
11 custody, earned early release time, furlough, home detention, partial  
12 confinement, work crew, work release, or any other form of early  
13 release as defined under RCW 9.94A.150 (1), (2), (3), (5), (7), or (8),  
14 or any other form of authorized leave of absence from the correctional  
15 facility while not in the direct custody of a corrections officer or  
16 officers during such minimum terms of total confinement except in the  
17 case of an offender in need of emergency medical treatment or for the  
18 purpose of commitment to an inpatient treatment facility in the case of  
19 an offender convicted of the crime of rape in the first degree.

20 (5) In sentencing a first-time offender the court may waive the  
21 imposition of a sentence within the sentence range and impose a  
22 sentence which may include up to ninety days of confinement in a  
23 facility operated or utilized under contract by the county and a  
24 requirement that the offender refrain from committing new offenses.  
25 The sentence may also include up to two years of community supervision,  
26 which, in addition to crime-related prohibitions, may include  
27 requirements that the offender perform any one or more of the  
28 following:

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

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

33 (c) Pursue a prescribed, secular course of study or vocational  
34 training;

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

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

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

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

11 (7)(a)(i) When an offender is convicted of a sex offense other than  
12 a violation of RCW 9A.44.050 or a sex offense that is also a serious  
13 violent offense and has no prior convictions for a sex offense or any  
14 other felony sex offenses in this or any other state, the sentencing  
15 court, on its own motion or the motion of the state or the defendant,  
16 may order an examination to determine whether the defendant is amenable  
17 to treatment.

18 The report of the examination shall include at a minimum the  
19 following: The defendant's version of the facts and the official  
20 version of the facts, the defendant's offense history, an assessment of  
21 problems in addition to alleged deviant behaviors, the offender's  
22 social and employment situation, and other evaluation measures used.  
23 The report shall set forth the sources of the evaluator's information.

24 The examiner shall assess and report regarding the defendant's  
25 amenability to treatment and relative risk to the community. A  
26 proposed treatment plan shall be provided and shall include, at a  
27 minimum:

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

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

31 (C) Monitoring plans, including any requirements regarding living  
32 conditions, lifestyle requirements, and monitoring by family members  
33 and others;

34 (D) Anticipated length of treatment; and

35 (E) Recommended crime-related prohibitions.

36 The court on its own motion may order, or on a motion by the state  
37 shall order, a second examination regarding the offender's amenability  
38 to treatment. The evaluator shall be selected by the party making the  
39 motion. The defendant shall pay the cost of any second examination

1 ordered unless the court finds the defendant to be indigent in which  
2 case the state shall pay the cost.

3 (ii) After receipt of the reports, the court shall consider whether  
4 the offender and the community will benefit from use of this special  
5 sexual offender sentencing alternative and consider the victim's  
6 opinion whether the offender should receive a treatment disposition  
7 under this subsection. If the court determines that this special sex  
8 offender sentencing alternative is appropriate, the court shall then  
9 impose a sentence within the sentence range. If this sentence is less  
10 than eight years of confinement, the court may suspend the execution of  
11 the sentence and impose the following conditions of suspension:

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

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

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

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

34 (III) Report as directed to the court and a community corrections  
35 officer;

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

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

3 (iii) The sex offender therapist shall submit quarterly reports on  
4 the defendant's progress in treatment to the court and the parties.  
5 The report shall reference the treatment plan and include at a minimum  
6 the following: Dates of attendance, defendant's compliance with  
7 requirements, treatment activities, the defendant's relative progress  
8 in treatment, and any other material as specified by the court at  
9 sentencing.

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

26 (v) The court may revoke the suspended sentence at any time during  
27 the period of community supervision and order execution of the sentence  
28 if: (A) The defendant violates the conditions of the suspended  
29 sentence, or (B) the court finds that the defendant is failing to make  
30 satisfactory progress in treatment. All confinement time served during  
31 the period of community supervision shall be credited to the offender  
32 if the suspended sentence is revoked.

33 (vi) Except as provided in (a)(vii) of this subsection, after July  
34 1, 1991, examinations and treatment ordered pursuant to this subsection  
35 shall only be conducted by sex offender treatment providers certified  
36 by the department of health pursuant to chapter 18.155 RCW.

37 (vii) A sex offender therapist who examines or treats a sex  
38 offender pursuant to this subsection (7) does not have to be certified  
39 by the department of health pursuant to chapter 18.155 RCW if the court

1 finds that: (A) The offender has already moved to another state or  
2 plans to move to another state for reasons other than circumventing the  
3 certification requirements; (B) no certified providers are available  
4 for treatment within a reasonable geographical distance of the  
5 offender's home; and (C) the evaluation and treatment plan comply with  
6 this subsection (7) and the rules adopted by the department of health.

7 For purposes of this subsection, "victim" means any person who has  
8 sustained emotional, psychological, physical, or financial injury to  
9 person or property as a result of the crime charged. "Victim" also  
10 means a parent or guardian of a victim who is a minor child unless the  
11 parent or guardian is the perpetrator of the offense.

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

32 If the offender does not comply with the conditions of the  
33 treatment program, the secretary of social and health services may  
34 refer the matter to the sentencing court. The sentencing court shall  
35 commit the offender to the department of corrections to serve the  
36 balance of the term of confinement.

37 If the offender successfully completes the treatment program before  
38 the expiration of the term of confinement, the court may convert the  
39 balance of confinement to community supervision and may place

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

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

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

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

10 (iv) Undergo available outpatient treatment.

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

15 After June 30, 1993, this subsection (b) shall cease to have  
16 effect.

17 (c) When an offender commits any felony sex offense on or after  
18 July 1, 1987, and is sentenced to a term of confinement of more than  
19 one year but less than six years, the sentencing court may, on its own  
20 motion or on the motion of the offender or the state, request the  
21 department of corrections to evaluate whether the offender is amenable  
22 to treatment and the department may place the offender in a treatment  
23 program within a correctional facility operated by the department.

24 Except for an offender who has been convicted of a violation of RCW  
25 9A.44.040 or 9A.44.050, if the offender completes the treatment program  
26 before the expiration of his or her term of confinement, the department  
27 of corrections may request the court to convert the balance of  
28 confinement to community supervision and to place conditions on the  
29 offender including crime-related prohibitions and requirements that the  
30 offender perform any one or more of the following:

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

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

35 (iii) Report as directed to the court and a community corrections  
36 officer;

37 (iv) Undergo available outpatient treatment.

38 If the offender violates any of the terms of his or her community  
39 supervision, the court may order the offender to serve out the balance

1 of his or her community supervision term in confinement in the custody  
2 of the department of corrections.

3 Nothing in (c) of this subsection shall confer eligibility for such  
4 programs for offenders convicted and sentenced for a sex offense  
5 committed prior to July 1, 1987. This subsection (c) does not apply to  
6 any crime committed after July 1, 1990.

7 (d) Offenders convicted and sentenced for a sex offense committed  
8 prior to July 1, 1987, may, subject to available funds, request an  
9 evaluation by the department of corrections to determine whether they  
10 are amenable to treatment. If the offender is determined to be  
11 amenable to treatment, the offender may request placement in a  
12 treatment program within a correctional facility operated by the  
13 department. Placement in such treatment program is subject to  
14 available funds.

15 (8)(a) When a court sentences a person to a term of total  
16 confinement to the custody of the department of corrections for an  
17 offense categorized as a sex offense or a serious violent offense  
18 committed after July 1, 1988, but before July 1, 1990, assault in the  
19 second degree, assault of a child in the second degree, any crime  
20 against a person where it is determined in accordance with RCW  
21 9.94A.125 that the defendant or an accomplice was armed with a deadly  
22 weapon at the time of commission, or any felony offense under chapter  
23 69.50 or 69.52 RCW, committed on or after July 1, 1988, the court shall  
24 in addition to the other terms of the sentence, sentence the offender  
25 to a one-year term of community placement beginning either upon  
26 completion of the term of confinement or at such time as the offender  
27 is transferred to community custody in lieu of earned early release in  
28 accordance with RCW 9.94A.150 (1) and (2). When the court sentences an  
29 offender under this subsection to the statutory maximum period of  
30 confinement then the community placement portion of the sentence shall  
31 consist entirely of such community custody to which the offender may  
32 become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any  
33 period of community custody actually served shall be credited against  
34 the community placement portion of the sentence.

35 (b) When a court sentences a person to a term of total confinement  
36 to the custody of the department of corrections for an offense  
37 categorized as a sex offense or serious violent offense committed on or  
38 after July 1, 1990, the court shall in addition to other terms of the  
39 sentence, sentence the offender to community placement for two years or

1 up to the period of earned early release awarded pursuant to RCW  
2 9.94A.150 (1) and (2), whichever is longer. The community placement  
3 shall begin either upon completion of the term of confinement or at  
4 such time as the offender is transferred to community custody in lieu  
5 of earned early release in accordance with RCW 9.94A.150 (1) and (2).  
6 When the court sentences an offender under this subsection to the  
7 statutory maximum period of confinement then the community placement  
8 portion of the sentence shall consist entirely of the community custody  
9 to which the offender may become eligible, in accordance with RCW  
10 9.94A.150 (1) and (2). Any period of community custody actually served  
11 shall be credited against the community placement portion of the  
12 sentence. Unless a condition is waived by the court, the terms of  
13 community placement for offenders sentenced pursuant to this section  
14 shall include the following conditions:

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

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

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

21 (iv) An offender in community custody shall not unlawfully possess  
22 controlled substances;

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

25 (vi) The residence location and living arrangements are subject to  
26 the prior approval of the department of corrections during the period  
27 of community placement.

28 (c) The court may also order any of the following special  
29 conditions:

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

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

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

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

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

38 (d) As a part of any sentence providing for conversion from total  
39 confinement to community custody pursuant to RCW 9.94A.137(3) after

1 successful completion of a work ethic camp program, the court shall  
2 impose and enforce the conditions enumerated in (b) of this subsection  
3 and may order any of the special conditions enumerated in (c) of this  
4 subsection, including a prohibition against new felony convictions.  
5 The court shall specify which of the conditions, if violated, may  
6 result in a return to total confinement for the balance of the  
7 offender's remaining term of confinement.

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

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

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

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

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

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

29 (14) The sentencing court shall give the offender credit for all  
30 confinement time served before the sentencing if that confinement was  
31 solely in regard to the offense for which the offender is being  
32 sentenced.

33 (15) A departure from the standards in RCW 9.94A.400 (1) and (2)  
34 governing whether sentences are to be served consecutively or  
35 concurrently is an exceptional sentence subject to the limitations in  
36 subsections (2) and (3) of this section, and may be appealed by the  
37 defendant or the state as set forth in RCW 9.94A.210 (2) through (6).

38 (16) The court shall order restitution whenever the offender is  
39 convicted of a felony that results in injury to any person or damage to

1 or loss of property, whether the offender is sentenced to confinement  
2 or placed under community supervision, unless extraordinary  
3 circumstances exist that make restitution inappropriate in the court's  
4 judgment. The court shall set forth the extraordinary circumstances in  
5 the record if it does not order restitution.

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

13 (18) In any sentence of partial confinement, the court may require  
14 the defendant to serve the partial confinement in work release, in a  
15 program of home detention, on work crew, or in a combined program of  
16 work crew and home detention.

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

--- END ---