
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: H-4797.1/00

ATTY/TYPIST: KT:rmh

BRIEF DESCRIPTION:

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 7.80.130 and 1987 c 456 s 21 are each amended to read
8 as follows:

9 (1) An order entered after the receipt of a response which does not
10 contest the determination, or after it has been established at a
11 hearing that the civil infraction was committed, or after a hearing for
12 the purpose of explaining mitigating circumstances is civil in nature.

13 (2) The court may waive, reduce, or suspend the monetary penalty
14 prescribed for the civil infraction. If the court determines that a
15 person has insufficient funds to pay the monetary penalty, the court
16 may order performance of a number of hours of community (~~service~~)
17 restitution in lieu of a monetary penalty, at the rate of the then
18 state minimum wage per hour.

19 **Sec. 2.** RCW 7.80.160 and 1989 c 373 s 12 are each amended to read
20 as follows:

21 (1) A person who fails to sign a notice of civil infraction is
22 guilty of a misdemeanor.

23 (2) Any person willfully violating his or her written and signed
24 promise to appear in court or his or her written and signed promise to
25 respond to a notice of civil infraction is guilty of a misdemeanor
26 regardless of the disposition of the notice of civil infraction. A
27 written promise to appear in court or a written promise to respond to
28 a notice of civil infraction may be complied with by an appearance by
29 counsel.

30 (3) A person who willfully fails to pay a monetary penalty or to
31 perform community (~~service~~) restitution as required by a court under
32 this chapter may be found in contempt of court as provided in chapter
33 7.21 RCW.

1 **Sec. 3.** RCW 7.84.110 and 1987 c 380 s 11 are each amended to read
2 as follows:

3 (1) An order entered after the receipt of a response which does not
4 contest the determination, or after it has been established at a
5 hearing that the infraction was committed, or after a hearing for the
6 purpose of explaining mitigating circumstances, is civil in nature.

7 (2) The court may, in its discretion, waive, reduce, or suspend the
8 monetary penalty prescribed for the infraction. At the person's
9 request, the court may order performance of a number of hours of
10 community ((~~service~~)) restitution in lieu of a monetary penalty, at the
11 rate of the then state minimum wage per hour.

12 **Sec. 4.** RCW 7.84.130 and 1987 c 380 s 13 are each amended to read
13 as follows:

14 (1) Failure to pay a monetary penalty assessed by a court under the
15 provisions of this chapter is a misdemeanor under chapter 9A.20 RCW.

16 (2) Failure to complete community ((~~service~~)) restitution ordered
17 by a court under the provisions of this chapter is a misdemeanor under
18 chapter 9A.20 RCW.

19 **Sec. 5.** RCW 9.94A.030 and 1999 c 352 s 8, 1999 c 197 s 1, and 1999
20 c 196 s 2 are each reenacted and amended to read as follows:

21 Unless the context clearly requires otherwise, the definitions in
22 this section apply throughout this chapter.

23 (1) "Collect," or any derivative thereof, "collect and remit," or
24 "collect and deliver," when used with reference to the department of
25 corrections, means that the department, either directly or through a
26 collection agreement authorized by RCW 9.94A.145, is responsible for
27 monitoring and enforcing the offender's sentence with regard to the
28 legal financial obligation, receiving payment thereof from the
29 offender, and, consistent with current law, delivering daily the entire
30 payment to the superior court clerk without depositing it in a
31 departmental account.

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

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

1 (4) "Community custody" means that portion of an offender's
2 sentence of confinement in lieu of earned release time or imposed
3 pursuant to RCW 9.94A.120 (5), (6), (7), (8), (10), or (11), or RCW
4 9.94A.383, served in the community subject to controls placed on the
5 offender's movement and activities by the department of corrections.
6 For offenders placed on community custody for crimes committed on or
7 after July 1, 2000, the department shall assess the offender's risk of
8 reoffense and may establish and modify conditions of community custody,
9 in addition to those imposed by the court, based upon the risk to
10 community safety.

11 (5) "Community custody range" means the minimum and maximum period
12 of community custody included as part of a sentence under RCW
13 9.94A.120(11), as established by the sentencing guidelines commission
14 or the legislature under RCW 9.94A.040, for crimes committed on or
15 after July 1, 2000.

16 (6) "Community placement" means that period during which the
17 offender is subject to the conditions of community custody and/or
18 postrelease supervision, which begins either upon completion of the
19 term of confinement (postrelease supervision) or at such time as the
20 offender is transferred to community custody in lieu of earned release.
21 Community placement may consist of entirely community custody, entirely
22 postrelease supervision, or a combination of the two.

23 (7) "Community (~~service~~) restitution" means compulsory service,
24 without compensation, performed for the benefit of the community by the
25 offender.

26 (8) "Community supervision" means a period of time during which a
27 convicted offender is subject to crime-related prohibitions and other
28 sentence conditions imposed by a court pursuant to this chapter or RCW
29 16.52.200(6) or 46.61.524. For first-time offenders, the supervision
30 may include crime-related prohibitions and other conditions imposed
31 pursuant to RCW 9.94A.120(5). Where the court finds that any offender
32 has a chemical dependency that has contributed to his or her offense,
33 the conditions of supervision may, subject to available resources,
34 include treatment. For purposes of the interstate compact for out-of-
35 state supervision of parolees and probationers, RCW 9.95.270, community
36 supervision is the functional equivalent of probation and should be
37 considered the same as probation by other states.

38 (9) "Confinement" means total or partial confinement as defined in
39 this section.

1 (10) "Conviction" means an adjudication of guilt pursuant to Titles
2 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and
3 acceptance of a plea of guilty.

4 (11) "Court-ordered legal financial obligation" means a sum of
5 money that is ordered by a superior court of the state of Washington
6 for legal financial obligations which may include restitution to the
7 victim, statutorily imposed crime victims' compensation fees as
8 assessed pursuant to RCW 7.68.035, court costs, county or interlocal
9 drug funds, court-appointed attorneys' fees, and costs of defense,
10 fines, and any other financial obligation that is assessed to the
11 offender as a result of a felony conviction. Upon conviction for
12 vehicular assault while under the influence of intoxicating liquor or
13 any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the
14 influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a),
15 legal financial obligations may also include payment to a public agency
16 of the expense of an emergency response to the incident resulting in
17 the conviction, subject to the provisions in RCW 38.52.430.

18 (12) "Crime-related prohibition" means an order of a court
19 prohibiting conduct that directly relates to the circumstances of the
20 crime for which the offender has been convicted, and shall not be
21 construed to mean orders directing an offender affirmatively to
22 participate in rehabilitative programs or to otherwise perform
23 affirmative conduct. However, affirmative acts necessary to monitor
24 compliance with the order of a court may be required by the department.

25 (13) "Criminal history" means the list of a defendant's prior
26 convictions and juvenile adjudications, whether in this state, in
27 federal court, or elsewhere. The history shall include, where known,
28 for each conviction (a) whether the defendant has been placed on
29 probation and the length and terms thereof; and (b) whether the
30 defendant has been incarcerated and the length of incarceration.

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

35 (15) "Day reporting" means a program of enhanced supervision
36 designed to monitor the defendant's daily activities and compliance
37 with sentence conditions, and in which the defendant is required to
38 report daily to a specific location designated by the department or the
39 sentencing judge.

1 (16) "Department" means the department of corrections.

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

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

22 (19) "Drug offense" means:

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

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

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

32 (20) "Escape" means:

33 (a) Escape in the first degree (RCW 9A.76.110), escape in the
34 second degree (RCW 9A.76.120), willful failure to return from furlough
35 (RCW 72.66.060), willful failure to return from work release (RCW
36 72.65.070), or willful failure to be available for supervision by the
37 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 (21) "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 (22) "Fines" means the requirement that the offender pay a specific
12 sum of money over a specific period of time to the court.

13 (23) "First-time offender" means any person who is convicted of a
14 felony (a) not classified as a violent offense or a sex offense under
15 this chapter, or (b) that is not the manufacture, delivery, or
16 possession with intent to manufacture or deliver a controlled substance
17 classified in Schedule I or II that is a narcotic drug or flunitrazepam
18 classified in Schedule IV, nor the manufacture, delivery, or possession
19 with intent to deliver methamphetamine, its salts, isomers, and salts
20 of its isomers as defined in RCW 69.50.206(d)(2), nor the selling for
21 profit of any controlled substance or counterfeit substance classified
22 in Schedule I, RCW 69.50.204, except leaves and flowering tops of
23 marihuana, who previously has never been convicted of a felony in this
24 state, federal court, or another state, and who has never participated
25 in a program of deferred prosecution for a felony offense.

26 (24) "Home detention" means a program of partial confinement
27 available to offenders wherein the offender is confined in a private
28 residence subject to electronic surveillance.

29 (25) "Most serious offense" means any of the following felonies or
30 a felony attempt to commit any of the following felonies, as now
31 existing or hereafter amended:

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

35 (b) Assault in the second degree;

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

37 (d) Child molestation in the second degree;

38 (e) Controlled substance homicide;

39 (f) Extortion in the first degree;

1 (g) Incest when committed against a child under age fourteen;
2 (h) Indecent liberties;
3 (i) Kidnapping in the second degree;
4 (j) Leading organized crime;
5 (k) Manslaughter in the first degree;
6 (l) Manslaughter in the second degree;
7 (m) Promoting prostitution in the first degree;
8 (n) Rape in the third degree;
9 (o) Robbery in the second degree;
10 (p) Sexual exploitation;
11 (q) Vehicular assault;
12 (r) Vehicular homicide, when proximately caused by the driving of
13 any vehicle by any person while under the influence of intoxicating
14 liquor or any drug as defined by RCW 46.61.502, or by the operation of
15 any vehicle in a reckless manner;
16 (s) Any other class B felony offense with a finding of sexual
17 motivation, as "sexual motivation" is defined under this section;
18 (t) Any other felony with a deadly weapon verdict under RCW
19 9.94A.125;
20 (u) Any felony offense in effect at any time prior to December 2,
21 1993, that is comparable to a most serious offense under this
22 subsection, or any federal or out-of-state conviction for an offense
23 that under the laws of this state would be a felony classified as a
24 most serious offense under this subsection;
25 (v)(i) A prior conviction for indecent liberties under RCW
26 (~~9A.88.100~~) 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975
27 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a),
28 (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and
29 RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986,
30 until July 1, 1988;
31 (ii) A prior conviction for indecent liberties under RCW
32 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988,
33 if: (A) The crime was committed against a child under the age of
34 fourteen; or (B) the relationship between the victim and perpetrator is
35 included in the definition of indecent liberties under RCW
36 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997,
37 or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993,
38 through July 27, 1997.

1 (26) "Nonviolent offense" means an offense which is not a violent
2 offense.

3 (27) "Offender" means a person who has committed a felony
4 established by state law and is eighteen years of age or older or is
5 less than eighteen years of age but whose case is under superior court
6 jurisdiction under RCW 13.04.030 or has been transferred by the
7 appropriate juvenile court to a criminal court pursuant to RCW
8 13.40.110. Throughout this chapter, the terms "offender" and
9 "defendant" are used interchangeably.

10 (28) "Partial confinement" means confinement for no more than one
11 year in a facility or institution operated or utilized under contract
12 by the state or any other unit of government, or, if home detention or
13 work crew has been ordered by the court, in an approved residence, for
14 a substantial portion of each day with the balance of the day spent in
15 the community. Partial confinement includes work release, home
16 detention, work crew, and a combination of work crew and home detention
17 as defined in this section.

18 (29) "Persistent offender" is an offender who:

19 (a)(i) Has been convicted in this state of any felony considered a
20 most serious offense; and

21 (ii) Has, before the commission of the offense under (a) of this
22 subsection, been convicted as an offender on at least two separate
23 occasions, whether in this state or elsewhere, of felonies that under
24 the laws of this state would be considered most serious offenses and
25 would be included in the offender score under RCW 9.94A.360; provided
26 that of the two or more previous convictions, at least one conviction
27 must have occurred before the commission of any of the other most
28 serious offenses for which the offender was previously convicted; or

29 (b)(i) Has been convicted of: (A) Rape in the first degree, rape
30 of a child in the first degree, child molestation in the first degree,
31 rape in the second degree, rape of a child in the second degree, or
32 indecent liberties by forcible compulsion; (B) murder in the first
33 degree, murder in the second degree, homicide by abuse, kidnapping in
34 the first degree, kidnapping in the second degree, assault in the first
35 degree, assault in the second degree, assault of a child in the first
36 degree, or burglary in the first degree, with a finding of sexual
37 motivation; or (C) an attempt to commit any crime listed in this
38 subsection (29)(b)(i); and

1 (ii) Has, before the commission of the offense under (b)(i) of this
2 subsection, been convicted as an offender on at least one occasion,
3 whether in this state or elsewhere, of an offense listed in (b)(i) of
4 this subsection. A conviction for rape of a child in the first degree
5 constitutes a conviction under subsection (29)(b)(i) only when the
6 offender was sixteen years of age or older when the offender committed
7 the offense. A conviction for rape of a child in the second degree
8 constitutes a conviction under subsection (29)(b)(i) only when the
9 offender was eighteen years of age or older when the offender committed
10 the offense.

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

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

17 (32) "Risk assessment" means the application of an objective
18 instrument supported by research and adopted by the department for the
19 purpose of assessing an offender's risk of reoffense, taking into
20 consideration the nature of the harm done by the offender, place and
21 circumstances of the offender related to risk, the offender's
22 relationship to any victim, and any information provided to the
23 department by victims. The results of a risk assessment shall not be
24 based on unconfirmed or unconfirmable allegations.

25 (33) "Serious traffic offense" means:

26 (a) Driving while under the influence of intoxicating liquor or any
27 drug (RCW 46.61.502), actual physical control while under the influence
28 of intoxicating liquor or any drug (RCW 46.61.504), reckless driving
29 (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5));
30 or

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

34 (34) "Serious violent offense" is a subcategory of violent offense
35 and means:

36 (a) Murder in the first degree, homicide by abuse, murder in the
37 second degree, manslaughter in the first degree, assault in the first
38 degree, kidnapping in the first degree, or rape in the first degree,
39 assault of a child in the first degree, or an attempt, criminal

1 solicitation, or criminal conspiracy to commit one of these felonies;
2 or

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

6 (35) "Sentence range" means the sentencing court's discretionary
7 range in imposing a nonappealable sentence.

8 (36) "Sex offense" means:

9 (a) A felony that is a violation of chapter 9A.44 RCW, other than
10 RCW 9A.44.130(~~((+10))~~) (11), or RCW 9A.64.020 or 9.68A.090 or a felony
11 that is, under chapter 9A.28 RCW, a criminal attempt, criminal
12 solicitation, or criminal conspiracy to commit such crimes;

13 (b) Any conviction for a felony offense in effect at any time prior
14 to July 1, 1976, that is comparable to a felony classified as a sex
15 offense in (a) of this subsection;

16 (c) A felony with a finding of sexual motivation under RCW
17 9.94A.127 or 13.40.135; or

18 (d) Any federal or out-of-state conviction for an offense that
19 under the laws of this state would be a felony classified as a sex
20 offense under (a) of this subsection.

21 (37) "Sexual motivation" means that one of the purposes for which
22 the defendant committed the crime was for the purpose of his or her
23 sexual gratification.

24 (38) "Total confinement" means confinement inside the physical
25 boundaries of a facility or institution operated or utilized under
26 contract by the state or any other unit of government for twenty-four
27 hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

28 (39) "Transition training" means written and verbal instructions
29 and assistance provided by the department to the offender during the
30 two weeks prior to the offender's successful completion of the work
31 ethic camp program. The transition training shall include instructions
32 in the offender's requirements and obligations during the offender's
33 period of community custody.

34 (40) "Victim" means any person who has sustained emotional,
35 psychological, physical, or financial injury to person or property as
36 a direct result of the crime charged.

37 (41) "Violent offense" means:

38 (a) Any of the following felonies, as now existing or hereafter
39 amended: Any felony defined under any law as a class A felony or an

1 attempt to commit a class A felony, criminal solicitation of or
2 criminal conspiracy to commit a class A felony, manslaughter in the
3 first degree, manslaughter in the second degree, indecent liberties if
4 committed by forcible compulsion, kidnapping in the second degree,
5 arson in the second degree, assault in the second degree, assault of a
6 child in the second degree, extortion in the first degree, robbery in
7 the second degree, drive-by shooting, vehicular assault, and vehicular
8 homicide, when proximately caused by the driving of any vehicle by any
9 person while under the influence of intoxicating liquor or any drug as
10 defined by RCW 46.61.502, or by the operation of any vehicle in a
11 reckless manner;

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

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

18 (42) "Work crew" means a program of partial confinement consisting
19 of civic improvement tasks for the benefit of the community of not less
20 than thirty-five hours per week that complies with RCW 9.94A.135. The
21 civic improvement tasks shall have minimal negative impact on existing
22 private industries or the labor force in the county where the service
23 or labor is performed. The civic improvement tasks shall not affect
24 employment opportunities for people with developmental disabilities
25 contracted through sheltered workshops as defined in RCW 82.04.385.
26 Only those offenders sentenced to a facility operated or utilized under
27 contract by a county or the state, or sanctioned under RCW 9.94A.205,
28 are eligible to participate on a work crew. Offenders sentenced for a
29 sex offense as defined in subsection (36) of this section are not
30 eligible for the work crew program.

31 (43) "Work ethic camp" means an alternative incarceration program
32 designed to reduce recidivism and lower the cost of corrections by
33 requiring offenders to complete a comprehensive array of real-world job
34 and vocational experiences, character-building work ethics training,
35 life management skills development, substance abuse rehabilitation,
36 counseling, literacy training, and basic adult education.

37 (44) "Work release" means a program of partial confinement
38 available to offenders who are employed or engaged as a student in a
39 regular course of study at school. Participation in work release shall

1 be conditioned upon the offender attending work or school at regularly
2 defined hours and abiding by the rules of the work release facility.

3 **Sec. 6.** RCW 9.94A.040 and 1999 c 352 s 1 and 1999 c 196 s 3 are
4 each reenacted and amended to read as follows:

5 (1) A sentencing guidelines commission is established as an agency
6 of state government.

7 (2) The legislature finds that the commission, having accomplished
8 its original statutory directive to implement this chapter, and having
9 expertise in sentencing practice and policies, shall:

10 (a) Evaluate state sentencing policy, to include whether the
11 sentencing ranges and standards are consistent with and further:

12 (i) The purposes of this chapter as defined in RCW 9.94A.010; and

13 (ii) The intent of the legislature to emphasize confinement for the
14 violent offender and alternatives to confinement for the nonviolent
15 offender.

16 The commission shall provide the governor and the legislature with
17 its evaluation and recommendations under this subsection not later than
18 December 1, 1996, and every two years thereafter;

19 (b) Recommend to the legislature revisions or modifications to the
20 standard sentence ranges, state sentencing policy, prosecuting
21 standards, and other standards. If implementation of the revisions or
22 modifications would result in exceeding the capacity of correctional
23 facilities, then the commission shall accompany its recommendation with
24 an additional list of standard sentence ranges which are consistent
25 with correction capacity;

26 (c) Study the existing criminal code and from time to time make
27 recommendations to the legislature for modification;

28 (d)(i) Serve as a clearinghouse and information center for the
29 collection, preparation, analysis, and dissemination of information on
30 state and local adult and juvenile sentencing practices; (ii) develop
31 and maintain a computerized adult and juvenile sentencing information
32 system by individual superior court judge consisting of offender,
33 offense, history, and sentence information entered from judgment and
34 sentence forms for all adult felons; and (iii) conduct ongoing research
35 regarding adult and juvenile sentencing guidelines, use of total
36 confinement and alternatives to total confinement, plea bargaining, and
37 other matters relating to the improvement of the adult criminal justice
38 system and the juvenile justice system;

1 (e) Assume the powers and duties of the juvenile disposition
2 standards commission after June 30, 1996;

3 (f) Evaluate the effectiveness of existing disposition standards
4 and related statutes in implementing policies set forth in RCW
5 13.40.010 generally, specifically review the guidelines relating to the
6 confinement of minor and first offenders as well as the use of
7 diversion, and review the application of current and proposed juvenile
8 sentencing standards and guidelines for potential adverse impacts on
9 the sentencing outcomes of racial and ethnic minority youth;

10 (g) Solicit the comments and suggestions of the juvenile justice
11 community concerning disposition standards, and make recommendations to
12 the legislature regarding revisions or modifications of the standards.
13 The evaluations shall be submitted to the legislature on December 1 of
14 each odd-numbered year. The department of social and health services
15 shall provide the commission with available data concerning the
16 implementation of the disposition standards and related statutes and
17 their effect on the performance of the department's responsibilities
18 relating to juvenile offenders, and with recommendations for
19 modification of the disposition standards. The office of the
20 administrator for the courts shall provide the commission with
21 available data on diversion and dispositions of juvenile offenders
22 under chapter 13.40 RCW; and

23 (h) Not later than December 1, 1997, and at least every two years
24 thereafter, based on available information, report to the governor and
25 the legislature on:

26 (i) Racial disproportionality in juvenile and adult sentencing;

27 (ii) The capacity of state and local juvenile and adult facilities
28 and resources; and

29 (iii) Recidivism information on adult and juvenile offenders.

30 (3) Each of the commission's recommended standard sentence ranges
31 shall include one or more of the following: Total confinement, partial
32 confinement, community supervision, community ~~(service)~~ restitution,
33 and a fine.

34 (4) The standard sentence ranges of total and partial confinement
35 under this chapter are subject to the following limitations:

36 (a) If the maximum term in the range is one year or less, the
37 minimum term in the range shall be no less than one-third of the
38 maximum term in the range, except that if the maximum term in the range

1 is ninety days or less, the minimum term may be less than one-third of
2 the maximum;

3 (b) If the maximum term in the range is greater than one year, the
4 minimum term in the range shall be no less than seventy-five percent of
5 the maximum term in the range, except that for murder in the second
6 degree in seriousness level XIV under RCW 9.94A.310, the minimum term
7 in the range shall be no less than fifty percent of the maximum term in
8 the range; and

9 (c) The maximum term of confinement in a range may not exceed the
10 statutory maximum for the crime as provided in RCW 9A.20.021.

11 (5)(a) Not later than December 31, 1999, the commission shall
12 propose to the legislature the initial community custody ranges to be
13 included in sentences under RCW 9.94A.120(11) for crimes committed on
14 or after July 1, 2000. Not later than December 31 of each year, the
15 commission may propose modifications to the ranges. The ranges shall
16 be based on the principles in RCW 9.94A.010, and shall take into
17 account the funds available to the department for community custody.
18 The minimum term in each range shall not be less than one-half of the
19 maximum term.

20 (b) The legislature may, by enactment of a legislative bill, adopt
21 or modify the community custody ranges proposed by the commission. If
22 the legislature fails to adopt or modify the initial ranges in its next
23 regular session after they are proposed, the proposed ranges shall take
24 effect without legislative approval for crimes committed on or after
25 July 1, 2000.

26 (c) When the commission proposes modifications to ranges pursuant
27 to this subsection, the legislature may, by enactment of a bill, adopt
28 or modify the ranges proposed by the commission for crimes committed on
29 or after July 1 of the year after they were proposed. Unless the
30 legislature adopts or modifies the commission's proposal in its next
31 regular session, the proposed ranges shall not take effect.

32 (6) The commission shall exercise its duties under this section in
33 conformity with chapter 34.05 RCW.

34 **Sec. 7.** RCW 9.94A.120 and 1999 c 324 s 2, 1999 c 197 s 4, 1999 c
35 196 s 5, and 1999 c 147 s 3 are each reenacted and amended to read as
36 follows:

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

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

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

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

12 (4) A persistent offender shall be sentenced to a term of total
13 confinement for life without the possibility of parole or, when
14 authorized by RCW 10.95.030 for the crime of aggravated murder in the
15 first degree, sentenced to death, notwithstanding the maximum sentence
16 under any other law. An offender convicted of the crime of murder in
17 the first degree shall be sentenced to a term of total confinement not
18 less than twenty years. An offender convicted of the crime of assault
19 in the first degree or assault of a child in the first degree where the
20 offender used force or means likely to result in death or intended to
21 kill the victim shall be sentenced to a term of total confinement not
22 less than five years. An offender convicted of the crime of rape in
23 the first degree shall be sentenced to a term of total confinement not
24 less than five years. The foregoing minimum terms of total confinement
25 are mandatory and shall not be varied or modified as provided in
26 subsection (2) of this section. In addition, all offenders subject to
27 the provisions of this subsection shall not be eligible for community
28 custody, earned release time, furlough, home detention, partial
29 confinement, work crew, work release, or any other form of early
30 release as defined under RCW 9.94A.150 (1), (2), (3), ~~((+5+))~~ (6),
31 ~~((+7+))~~ (8), or ~~((+8+))~~ (9), or any other form of authorized leave of
32 absence from the correctional facility while not in the direct custody
33 of a corrections officer or officers during such minimum terms of total
34 confinement except: (a) In the case of an offender in need of
35 emergency medical treatment; (b) for the purpose of commitment to an
36 inpatient treatment facility in the case of an offender convicted of
37 the crime of rape in the first degree; or (c) for an extraordinary
38 medical placement when authorized under RCW 9.94A.150(4).

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

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

11 (ii) Undergo available outpatient treatment for up to the period
12 specified in (b) of this subsection, or inpatient treatment not to
13 exceed the standard range of confinement for that offense;

14 (iii) Pursue a prescribed, secular course of study or vocational
15 training;

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

19 (v) Report as directed to a community corrections officer; or

20 (vi) Pay all court-ordered legal financial obligations as provided
21 in RCW 9.94A.030 and/or perform community ((~~service~~)) restitution work.

22 (b) The terms and statuses applicable to sentences under (a) of
23 this subsection are:

24 (i) For sentences imposed on or after July 25, 1999, for crimes
25 committed before July 1, 2000, up to one year of community supervision.
26 If treatment is ordered, the period of community supervision may
27 include up to the period of treatment, but shall not exceed two years;
28 and

29 (ii) For crimes committed on or after July 1, 2000, up to one year
30 of community custody unless treatment is ordered, in which case the
31 period of community custody may include up to the period of treatment,
32 but shall not exceed two years. Any term of community custody imposed
33 under this subsection (5) is subject to conditions and sanctions as
34 authorized in this subsection (5) and in subsection (11)(b) and (c) of
35 this section.

36 (c) The department shall discharge from community supervision any
37 offender sentenced under this subsection (5) before July 25, 1999, who
38 has served at least one year of community supervision and has completed
39 any treatment ordered by the court.

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

3 (i) The offender is convicted of a felony that is not a violent
4 offense or sex offense and the violation does not involve a sentence
5 enhancement under RCW 9.94A.310 (3) or (4);

6 (ii) The offender has no current or prior convictions for a sex
7 offense or violent offense in this state, another state, or the United
8 States;

9 (iii) For a violation of the uniform controlled substances act
10 under chapter 69.50 RCW or a criminal solicitation to commit such a
11 violation under chapter 9A.28 RCW, the offense involved only a small
12 quantity of the particular controlled substance as determined by the
13 judge upon consideration of such factors as the weight, purity,
14 packaging, sale price, and street value of the controlled substance;
15 and

16 (iv) The offender has not been found by the United States attorney
17 general to be subject to a deportation detainer or order.

18 (b) If the standard range is greater than one year and the
19 sentencing judge determines that the offender is eligible for this
20 option and that the offender and the community will benefit from the
21 use of the special drug offender sentencing alternative, the judge may
22 waive imposition of a sentence within the standard range and impose a
23 sentence that must include a period of total confinement in a state
24 facility for one-half of the midpoint of the standard range. During
25 incarceration in the state facility, offenders sentenced under this
26 subsection shall undergo a comprehensive substance abuse assessment and
27 receive, within available resources, treatment services appropriate for
28 the offender. The treatment services shall be designed by the division
29 of alcohol and substance abuse of the department of social and health
30 services, in cooperation with the department of corrections.

31 The court shall also impose:

32 (i) The remainder of the midpoint of the standard range as a term
33 of community custody which must include appropriate substance abuse
34 treatment in a program that has been approved by the division of
35 alcohol and substance abuse of the department of social and health
36 services;

37 (ii) Crime-related prohibitions including a condition not to use
38 illegal controlled substances; and

1 (iii) A requirement to submit to urinalysis or other testing to
2 monitor that status.

3 The court may prohibit the offender from using alcohol or
4 controlled substances and may require that the monitoring for
5 controlled substances be conducted by the department or by a treatment
6 alternatives to street crime program or a comparable court or agency-
7 referred program. The offender may be required to pay thirty dollars
8 per month while on community custody to offset the cost of monitoring.
9 In addition, the court shall impose three or more of the following
10 conditions:

11 (A) Devote time to a specific employment or training;

12 (B) Remain within prescribed geographical boundaries and notify the
13 court or the community corrections officer before any change in the
14 offender's address or employment;

15 (C) Report as directed to a community corrections officer;

16 (D) Pay all court-ordered legal financial obligations;

17 (E) Perform community ((~~service~~)) restitution work;

18 (F) Stay out of areas designated by the sentencing judge;

19 (G) Such other conditions as the court may require such as
20 affirmative conditions.

21 (c) If the offender violates any of the sentence conditions in (b)
22 of this subsection, a violation hearing shall be held by the department
23 unless waived by the offender. If the department finds that conditions
24 have been willfully violated, the offender may be reclassified to serve
25 the remaining balance of the original sentence.

26 (d) The department shall determine the rules for calculating the
27 value of a day fine based on the offender's income and reasonable
28 obligations which the offender has for the support of the offender and
29 any dependents. These rules shall be developed in consultation with
30 the administrator for the courts, the office of financial management,
31 and the commission.

32 (e) An offender who fails to complete the special drug offender
33 sentencing alternative program or who is administratively terminated
34 from the program shall be reclassified to serve the unexpired term of
35 his or her sentence as ordered by the sentencing judge and shall be
36 subject to all rules relating to earned early release time. An
37 offender who violates any conditions of supervision as defined by the
38 department shall be sanctioned. Sanctions may include, but are not
39 limited to, reclassifying the offender to serve the unexpired term of

1 his or her sentence as ordered by the sentencing judge. If an offender
2 is reclassified to serve the unexpired term of his or her sentence, the
3 offender shall be subject to all rules relating to earned early release
4 time.

5 (7) If a sentence range has not been established for the
6 defendant's crime, the court shall impose a determinate sentence which
7 may include not more than one year of confinement; community
8 ((service)) restitution work; until July 1, 2000, a term of community
9 supervision not to exceed one year and on and after July 1, 2000, a
10 term of community custody not to exceed one year, subject to conditions
11 and sanctions as authorized in subsection (11)(b) and (c) of this
12 section; and/or other legal financial obligations. The court may
13 impose a sentence which provides more than one year of confinement if
14 the court finds, considering the purpose of this chapter, that there
15 are substantial and compelling reasons justifying an exceptional
16 sentence.

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

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

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

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

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

37 (C) Monitoring plans, including any requirements regarding living
38 conditions, lifestyle requirements, and monitoring by family members
39 and others;

- 1 (D) Anticipated length of treatment; and
- 2 (E) Recommended crime-related prohibitions.

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

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

18 (A) The court shall place the defendant on community custody for
19 the length of the suspended sentence or three years, whichever is
20 greater, and require the offender to comply with any conditions imposed
21 by the department of corrections under subsection (15) of this section;

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

37 (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)) restitution work, or
8 any combination 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; and

11 (C) Sex offenders sentenced under this special sex offender
12 sentencing alternative are not eligible to accrue any earned release
13 time while serving a suspended sentence.

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

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

36 (v) If a violation of conditions occurs during community custody,
37 the department shall either impose sanctions as provided for in RCW
38 9.94A.205(2)(a) or refer the violation to the court and recommend

1 revocation of the suspended sentence as provided for in (a)(vi) of this
2 subsection.

3 (vi) The court may revoke the suspended sentence at any time during
4 the period of community custody and order execution of the sentence if:
5 (A) The defendant violates the conditions of the suspended sentence, or
6 (B) the court finds that the defendant is failing to make satisfactory
7 progress in treatment. All confinement time served during the period
8 of community custody shall be credited to the offender if the suspended
9 sentence is revoked.

10 (vii) Except as provided in (a)(viii) of this subsection, after
11 July 1, 1991, examinations and treatment ordered pursuant to this
12 subsection shall only be conducted by sex offender treatment providers
13 certified by the department of health pursuant to chapter 18.155 RCW.

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

23 (ix) For purposes of this subsection (8), "victim" means any person
24 who has sustained emotional, psychological, physical, or financial
25 injury to person or property as a result of the crime charged.
26 "Victim" also means a parent or guardian of a victim who is a minor
27 child unless the parent or guardian is the perpetrator of the offense.

28 (x) If the defendant was less than eighteen years of age when the
29 charge was filed, the state shall pay for the cost of initial
30 evaluation and treatment.

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

38 Except for an offender who has been convicted of a violation of RCW
39 9A.44.040 or 9A.44.050, if the offender completes the treatment program

1 before the expiration of his or her term of confinement, the department
2 of corrections may request the court to convert the balance of
3 confinement to community supervision and to place conditions on the
4 offender including crime-related prohibitions and requirements that the
5 offender perform any one or more of the following:

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

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

10 (iii) Report as directed to the court and a community corrections
11 officer;

12 (iv) Undergo available outpatient treatment.

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

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

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

29 (d) Within the funds available for this purpose, the department
30 shall develop and monitor transition and relapse prevention strategies,
31 including risk assessment and release plans, to reduce risk to the
32 community after sex offenders' terms of confinement in the custody of
33 the department.

34 (9)(a)(i) When a court sentences a person to a term of total
35 confinement to the custody of the department of corrections for an
36 offense categorized as a sex offense or a serious violent offense
37 committed after July 1, 1988, but before July 1, 1990, assault in the
38 second degree, assault of a child in the second degree, any crime
39 against a person where it is determined in accordance with RCW

1 9.94A.125 that the defendant or an accomplice was armed with a deadly
2 weapon at the time of commission, or any felony offense under chapter
3 69.50 or 69.52 RCW not sentenced under subsection (6) of this section,
4 committed on or after July 1, 1988, but before July 25, 1999, the court
5 shall in addition to the other terms of the sentence, sentence the
6 offender to a one-year term of community placement beginning either
7 upon completion of the term of confinement or at such time as the
8 offender is transferred to community custody in lieu of earned release
9 in accordance with RCW 9.94A.150 (1) and (2). When the court sentences
10 an offender under this subsection to the statutory maximum period of
11 confinement then the community placement portion of the sentence shall
12 consist entirely of such community custody to which the offender may
13 become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any
14 period of community custody actually served shall be credited against
15 the community placement portion of the sentence.

16 (ii) Except for persons sentenced under (b) of this subsection or
17 subsection (10)(a) of this section, when a court sentences a person to
18 a term of total confinement to the custody of the department of
19 corrections for a violent offense, any crime against a person under RCW
20 9.94A.440(2), or any felony offense under chapter 69.50 or 69.52 RCW
21 not sentenced under subsection (6) of this section, committed on or
22 after July 25, 1999, but before July 1, 2000, the court shall in
23 addition to the other terms of the sentence, sentence the offender to
24 a one-year term of community placement beginning either upon completion
25 of the term of confinement or at such time as the offender is
26 transferred to community custody in lieu of earned release in
27 accordance with RCW 9.94A.150 (1) and (2). When the court sentences
28 the offender under this subsection (9)(a)(ii) to the statutory maximum
29 period of confinement, then the community placement portion of the
30 sentence shall consist entirely of such community custody to which the
31 offender may become eligible, in accordance with RCW 9.94A.150 (1) and
32 (2). Any period of community custody actually served shall be credited
33 against the community placement portion of the sentence.

34 (b) When a court sentences a person to a term of total confinement
35 to the custody of the department of corrections for an offense
36 categorized as a sex offense committed on or after July 1, 1990, but
37 before June 6, 1996, or a serious violent offense, vehicular homicide,
38 or vehicular assault, committed on or after July 1, 1990, but before
39 July 1, 2000, the court shall in addition to other terms of the

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

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

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

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

22 (iv) The offender shall pay supervision fees as determined by the
23 department of corrections;

24 (v) The residence location and living arrangements are subject to
25 the prior approval of the department of corrections during the period
26 of community placement; and

27 (vi) The offender shall submit to affirmative acts necessary to
28 monitor compliance with the orders of the court as required by the
29 department.

30 (c) As a part of any sentence imposed under (a) or (b) of this
31 subsection, the court may also order any of the following special
32 conditions:

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

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

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

39 (iv) The offender shall not consume alcohol;

1 (v) The offender shall comply with any crime-related prohibitions;
2 or

3 (vi) For an offender convicted of a felony sex offense against a
4 minor victim after June 6, 1996, the offender shall comply with any
5 terms and conditions of community placement imposed by the department
6 of corrections relating to contact between the sex offender and a minor
7 victim or a child of similar age or circumstance as a previous victim.

8 (d) 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 (10)(a) When a court sentences a person to the custody of the
13 department of corrections for an offense categorized as a sex offense
14 committed on or after June 6, 1996, but before July 1, 2000, the court
15 shall, in addition to other terms of the sentence, sentence the
16 offender to community custody for three years or up to the period of
17 earned release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever
18 is longer. The community custody shall begin either upon completion of
19 the term of confinement or at such time as the offender is transferred
20 to community custody in lieu of earned release in accordance with RCW
21 9.94A.150 (1) and (2).

22 (b) Unless a condition is waived by the court, the terms of
23 community custody shall be the same as those provided for in subsection
24 (9)(b) of this section and may include those provided for in subsection
25 (9)(c) of this section. As part of any sentence that includes a term
26 of community custody imposed under this subsection, the court shall
27 also require the offender to comply with any conditions imposed by the
28 department of corrections under subsection (15) of this section.

29 (c) At any time prior to the completion of a sex offender's term of
30 community custody, if the court finds that public safety would be
31 enhanced, the court may impose and enforce an order extending any or
32 all of the conditions imposed pursuant to this section for a period up
33 to the maximum allowable sentence for the crime as it is classified in
34 chapter 9A.20 RCW, regardless of the expiration of the offender's term
35 of community custody. If a violation of a condition extended under
36 this subsection occurs after the expiration of the offender's term of
37 community custody, it shall be deemed a violation of the sentence for
38 the purposes of RCW 9.94A.195 and may be punishable as contempt of
39 court as provided for in RCW 7.21.040.

1 (11)(a) When a court sentences a person to the custody of the
2 department of corrections for a sex offense, a violent offense, any
3 crime against a person under RCW 9.94A.440(2), or a felony offense
4 under chapter 69.50 or 69.52 RCW not sentenced under subsection (6) of
5 this section, committed on or after July 1, 2000, the court shall in
6 addition to the other terms of the sentence, sentence the offender to
7 community custody for the community custody range or up to the period
8 of earned release awarded pursuant to RCW 9.94A.150 (1) and (2),
9 whichever is longer. The community custody shall begin either upon
10 completion of the term of confinement or at such time as the offender
11 is transferred to community custody in lieu of earned release in
12 accordance with RCW 9.94A.150 (1) and (2).

13 (b) Unless a condition is waived by the court, the conditions of
14 community custody shall include those provided for in subsection
15 (9)(b)(i) through (vi) of this section. The conditions may also
16 include those provided for in subsection (9)(c)(i) through (vi) of this
17 section. The court may also order the offender to participate in
18 rehabilitative programs or otherwise perform affirmative conduct
19 reasonably related to the circumstances of the offense, the offender's
20 risk of reoffending, or the safety of the community, and the department
21 shall enforce such conditions pursuant to (f) of this subsection. As
22 part of any sentence that includes a term of community custody imposed
23 under this subsection, the court shall also require the offender to
24 comply with any conditions imposed by the department of corrections
25 under subsection (15) of this section. The department shall assess the
26 offender's risk of reoffense and may establish and modify additional
27 conditions of the offender's community custody based upon the risk to
28 community safety. The department may not impose conditions that are
29 contrary to those ordered by the court and may not contravene or
30 decrease court imposed conditions. The department shall notify the
31 offender in writing of any such conditions or modifications. In
32 setting, modifying, and enforcing conditions of community custody, the
33 department shall be deemed to be performing a quasi-judicial function.

34 (c) If an offender violates conditions imposed by the court or the
35 department pursuant to this subsection during community custody, the
36 department may transfer the offender to a more restrictive confinement
37 status and impose other available sanctions as provided in RCW
38 9.94A.205 and 9.94A.207.

1 (d) Except for terms of community custody under subsection (8) of
2 this section, the department shall discharge the offender from
3 community custody on a date determined by the department, which the
4 department may modify, based on risk and performance of the offender,
5 within the range or at the end of the period of earned release,
6 whichever is later.

7 (e) At any time prior to the completion or termination of a sex
8 offender's term of community custody, if the court finds that public
9 safety would be enhanced, the court may impose and enforce an order
10 extending any or all of the conditions imposed pursuant to this section
11 for a period up to the maximum allowable sentence for the crime as it
12 is classified in chapter 9A.20 RCW, regardless of the expiration of the
13 offender's term of community custody. If a violation of a condition
14 extended under this subsection occurs after the expiration of the
15 offender's term of community custody, it shall be deemed a violation of
16 the sentence for the purposes of RCW 9.94A.195 and may be punishable as
17 contempt of court as provided for in RCW 7.21.040. If the court
18 extends a condition beyond the expiration of the term of community
19 custody, the department is not responsible for supervision of the
20 offender's compliance with the condition.

21 (f) Within the funds available for community custody, the
22 department shall determine conditions and duration of community custody
23 on the basis of risk to community safety, and shall supervise offenders
24 during community custody on the basis of risk to community safety and
25 conditions imposed by the court. The secretary shall adopt rules to
26 implement the provisions of this subsection (11)(f).

27 (g) By the close of the next business day after receiving notice of
28 a condition imposed or modified by the department, an offender may
29 request an administrative review under rules adopted by the department.
30 The condition shall remain in effect unless the reviewing officer finds
31 that it is not reasonably related to any of the following: (i) The
32 crime of conviction; (ii) the offender's risk of reoffending; or (iii)
33 the safety of the community.

34 (12) If the court imposes a sentence requiring confinement of
35 thirty days or less, the court may, in its discretion, specify that the
36 sentence be served on consecutive or intermittent days. A sentence
37 requiring more than thirty days of confinement shall be served on
38 consecutive days. Local jail administrators may schedule court-ordered
39 intermittent sentences as space permits.

1 (13) If a sentence imposed includes payment of a legal financial
2 obligation, the sentence shall specify the total amount of the legal
3 financial obligation owed, and shall require the offender to pay a
4 specified monthly sum toward that legal financial obligation.
5 Restitution to victims shall be paid prior to any other payments of
6 monetary obligations. Any legal financial obligation that is imposed
7 by the court may be collected by the department, which shall deliver
8 the amount paid to the county clerk for credit. The offender's
9 compliance with payment of legal financial obligations shall be
10 supervised by the department for ten years following the entry of the
11 judgment and sentence or ten years following the offender's release
12 from total confinement. All monetary payments ordered shall be paid no
13 later than ten years after the last date of release from confinement
14 pursuant to a felony conviction or the date the sentence was entered
15 unless the superior court extends the criminal judgment an additional
16 ten years. If the legal financial obligations including crime victims'
17 assessments are not paid during the initial ten-year period, the
18 superior court may extend jurisdiction under the criminal judgment an
19 additional ten years as provided in RCW 9.94A.140, 9.94A.142, and
20 9.94A.145. If jurisdiction under the criminal judgment is extended,
21 the department is not responsible for supervision of the offender
22 during the subsequent period. Independent of the department, the party
23 or entity to whom the legal financial obligation is owed shall have the
24 authority to utilize any other remedies available to the party or
25 entity to collect the legal financial obligation. Nothing in this
26 section makes the department, the state, or any of its employees,
27 agents, or other persons acting on their behalf liable under any
28 circumstances for the payment of these legal financial obligations. If
29 an order includes restitution as one of the monetary assessments, the
30 county clerk shall make disbursements to victims named in the order.

31 (14) Except as provided under RCW 9.94A.140(1) and 9.94A.142(1), a
32 court may not impose a sentence providing for a term of confinement or
33 community supervision, community placement, or community custody which
34 exceeds the statutory maximum for the crime as provided in chapter
35 9A.20 RCW.

36 (15) All offenders sentenced to terms involving community
37 supervision, community ((~~service~~)) restitution, community placement,
38 community custody, or legal financial obligation shall be under the
39 supervision of the department of corrections and shall follow

1 explicitly the instructions and conditions of the department of
2 corrections. The department may require an offender to perform
3 affirmative acts it deems appropriate to monitor compliance with the
4 conditions of the sentence imposed.

5 (a) The instructions shall include, at a minimum, reporting as
6 directed to a community corrections officer, remaining within
7 prescribed geographical boundaries, notifying the community corrections
8 officer of any change in the offender's address or employment, and
9 paying the supervision fee assessment.

10 (b) For offenders sentenced to terms involving community custody
11 for crimes committed on or after June 6, 1996, the department may
12 include, in addition to the instructions in (a) of this subsection, any
13 appropriate conditions of supervision, including but not limited to,
14 prohibiting the offender from having contact with any other specified
15 individuals or specific class of individuals. For offenders sentenced
16 to terms of community custody for crimes committed on or after July 1,
17 2000, the department may additionally require the offender to
18 participate in rehabilitative programs or otherwise perform affirmative
19 conduct, and to obey all laws.

20 The conditions authorized under this subsection (15)(b) may be
21 imposed by the department prior to or during an offender's community
22 custody term. If a violation of conditions imposed by the court or the
23 department pursuant to subsection (10) of this section occurs during
24 community custody, it shall be deemed a violation of community
25 placement for the purposes of RCW 9.94A.207 and shall authorize the
26 department to transfer an offender to a more restrictive confinement
27 status as provided in RCW 9.94A.205. At any time prior to the
28 completion of an offender's term of community custody, the department
29 may recommend to the court that any or all of the conditions imposed by
30 the court or the department pursuant to subsection (10) or (11) of this
31 section be continued beyond the expiration of the offender's term of
32 community custody as authorized in subsection (10)(c) or (11)(e) of
33 this section.

34 The department may require offenders to pay for special services
35 rendered on or after July 25, 1993, including electronic monitoring,
36 day reporting, and telephone reporting, dependent upon the offender's
37 ability to pay. The department may pay for these services for
38 offenders who are not able to pay.

1 (16) All offenders sentenced to terms involving community
2 supervision, community (~~service~~) restitution, community custody, or
3 community placement under the supervision of the department of
4 corrections shall not own, use, or possess firearms or ammunition.
5 Offenders who own, use, or are found to be in actual or constructive
6 possession of firearms or ammunition shall be subject to the
7 appropriate violation process and sanctions. "Constructive possession"
8 as used in this subsection means the power and intent to control the
9 firearm or ammunition. "Firearm" as used in this subsection means a
10 weapon or device from which a projectile may be fired by an explosive
11 such as gunpowder.

12 (17) The sentencing court shall give the offender credit for all
13 confinement time served before the sentencing if that confinement was
14 solely in regard to the offense for which the offender is being
15 sentenced.

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

21 (19) The court shall order restitution whenever the offender is
22 convicted of a felony that results in injury to any person or damage to
23 or loss of property, whether the offender is sentenced to confinement
24 or placed under community supervision, unless extraordinary
25 circumstances exist that make restitution inappropriate in the court's
26 judgment. The court shall set forth the extraordinary circumstances in
27 the record if it does not order restitution.

28 (20) As a part of any sentence, the court may impose and enforce an
29 order that relates directly to the circumstances of the crime for which
30 the offender has been convicted, prohibiting the offender from having
31 any contact with other specified individuals or a specific class of
32 individuals for a period not to exceed the maximum allowable sentence
33 for the crime, regardless of the expiration of the offender's term of
34 community supervision or community placement.

35 (21) The court may order an offender whose sentence includes
36 community placement or community supervision to undergo a mental status
37 evaluation and to participate in available outpatient mental health
38 treatment, if the court finds that reasonable grounds exist to believe
39 that the offender is a mentally ill person as defined in RCW 71.24.025,

1 and that this condition is likely to have influenced the offense. An
2 order requiring mental status evaluation or treatment must be based on
3 a presentence report and, if applicable, mental status evaluations that
4 have been filed with the court to determine the offender's competency
5 or eligibility for a defense of insanity. The court may order
6 additional evaluations at a later date if deemed appropriate.

7 (22) In any sentence of partial confinement, the court may require
8 the defendant to serve the partial confinement in work release, in a
9 program of home detention, on work crew, or in a combined program of
10 work crew and home detention.

11 (23) All court-ordered legal financial obligations collected by the
12 department and remitted to the county clerk shall be credited and paid
13 where restitution is ordered. Restitution shall be paid prior to any
14 other payments of monetary obligations.

15 (24) In sentencing an offender convicted of a crime of domestic
16 violence, as defined in RCW 10.99.020, if the offender has a minor
17 child, or if the victim of the offense for which the offender was
18 convicted has a minor child, the court may, as part of any term of
19 community supervision, order the offender to participate in a domestic
20 violence perpetrator program approved under RCW 26.50.150.

21 (25)(a) Sex offender examinations and treatment ordered as a
22 special condition of community placement or community custody under
23 this section shall be conducted only by sex offender treatment
24 providers certified by the department of health under chapter 18.155
25 RCW unless the court finds that: (i) The offender has already moved to
26 another state or plans to move to another state for reasons other than
27 circumventing the certification requirements; (ii) no certified
28 providers are available for treatment within a reasonable geographic
29 distance of the offender's home, as determined in rules adopted by the
30 secretary; (iii) the evaluation and treatment plan comply with the
31 rules adopted by the department of health; or (iv) the treatment
32 provider is employed by the department. A treatment provider selected
33 by an offender who is not certified by the department of health shall
34 consult with a certified provider during the offender's period of
35 treatment to ensure compliance with the rules adopted by the department
36 of health. The frequency and content of the consultation shall be
37 based on the recommendation of the certified provider.

38 (b) A sex offender's failure to participate in treatment required
39 as a condition of community placement or community custody is a

1 violation that will not be excused on the basis that no treatment
2 provider was located within a reasonable geographic distance of the
3 offender's home.

4 **Sec. 8.** RCW 9.94A.200 and 1998 c 260 s 4 are each amended to read
5 as follows:

6 (1) If an offender violates any condition or requirement of a
7 sentence, the court may modify its order of judgment and sentence and
8 impose further punishment in accordance with this section.

9 (2) In cases where conditions from a second or later sentence of
10 community supervision begin prior to the term of the second or later
11 sentence, the court shall treat a violation of such conditions as a
12 violation of the sentence of community supervision currently being
13 served.

14 (3) If an offender fails to comply with any of the requirements or
15 conditions of a sentence the following provisions apply:

16 (a)(i) Following the violation, if the offender and the department
17 make a stipulated agreement, the department may impose sanctions such
18 as work release, home detention with electronic monitoring, work crew,
19 community ((service)) restitution, inpatient treatment, daily
20 reporting, curfew, educational or counseling sessions, supervision
21 enhanced through electronic monitoring, jail time, or other sanctions
22 available in the community.

23 (ii) Within seventy-two hours of signing the stipulated agreement,
24 the department shall submit a report to the court and the prosecuting
25 attorney outlining the violation or violations, and sanctions imposed.
26 Within fifteen days of receipt of the report, if the court is not
27 satisfied with the sanctions, the court may schedule a hearing and may
28 modify the department's sanctions. If this occurs, the offender may
29 withdraw from the stipulated agreement.

30 (iii) If the offender fails to comply with the sanction
31 administratively imposed by the department, the court may take action
32 regarding the original noncompliance. Offender failure to comply with
33 the sanction administratively imposed by the department may be
34 considered an additional violation.

35 (b) In the absence of a stipulated agreement, or where the court is
36 not satisfied with the department's sanctions as provided in (a) of
37 this subsection, the court, upon the motion of the state, or upon its
38 own motion, shall require the offender to show cause why the offender

1 should not be punished for the noncompliance. The court may issue a
2 summons or a warrant of arrest for the offender's appearance;

3 (c) The state has the burden of showing noncompliance by a
4 preponderance of the evidence. If the court finds that the violation
5 has occurred, it may order the offender to be confined for a period not
6 to exceed sixty days for each violation, and may (i) convert a term of
7 partial confinement to total confinement, (ii) convert community
8 ((~~service~~)) restitution obligation to total or partial confinement,
9 (iii) convert monetary obligations, except restitution and the crime
10 victim penalty assessment, to community ((~~service~~)) restitution hours
11 at the rate of the state minimum wage as established in RCW 49.46.020
12 for each hour of community ((~~service~~)) restitution, or (iv) order one
13 or more of the penalties authorized in (a)(i) of this subsection. Any
14 time served in confinement awaiting a hearing on noncompliance shall be
15 credited against any confinement order by the court;

16 (d) If the court finds that the violation was not willful, the
17 court may modify its previous order regarding payment of legal
18 financial obligations and regarding community ((~~service~~)) restitution
19 obligations; and

20 (e) If the violation involves a failure to undergo or comply with
21 mental status evaluation and/or outpatient mental health treatment, the
22 community corrections officer shall consult with the treatment provider
23 or proposed treatment provider. Enforcement of orders concerning
24 outpatient mental health treatment must reflect the availability of
25 treatment and must pursue the least restrictive means of promoting
26 participation in treatment. If the offender's failure to receive care
27 essential for health and safety presents a risk of serious physical
28 harm or probable harmful consequences, the civil detention and
29 commitment procedures of chapter 71.05 RCW shall be considered in
30 preference to incarceration in a local or state correctional facility.

31 (4) The community corrections officer may obtain information from
32 the offender's mental health treatment provider on the offender's
33 status with respect to evaluation, application for services,
34 registration for services, and compliance with the supervision plan,
35 without the offender's consent, as described under RCW 71.05.630.

36 (5) An offender under community placement or community supervision
37 who is civilly detained under chapter 71.05 RCW, and subsequently
38 discharged or conditionally released to the community, shall be under
39 the supervision of the department of corrections for the duration of

1 his or her period of community placement or community supervision.
2 During any period of inpatient mental health treatment that falls
3 within the period of community placement or community supervision, the
4 inpatient treatment provider and the supervising community corrections
5 officer shall notify each other about the offender's discharge,
6 release, and legal status, and shall share other relevant information.

7 (6) Nothing in this section prohibits the filing of escape charges
8 if appropriate.

9 **Sec. 9.** RCW 9.94A.380 and 1999 c 197 s 6 are each amended to read
10 as follows:

11 Alternatives to total confinement are available for offenders with
12 sentences of one year or less. These alternatives include the
13 following sentence conditions that the court may order as substitutes
14 for total confinement:

15 (1) One day of partial confinement may be substituted for one day
16 of total confinement;

17 (2) In addition, for offenders convicted of nonviolent offenses
18 only, eight hours of community ((~~service~~)) restitution may be
19 substituted for one day of total confinement, with a maximum conversion
20 limit of two hundred forty hours or thirty days. Community ((~~service~~))
21 restitution hours must be completed within the period of community
22 supervision or a time period specified by the court, which shall not
23 exceed twenty-four months, pursuant to a schedule determined by the
24 department; and

25 (3) For offenders convicted of nonviolent and nonsex offenses, the
26 court may authorize county jails to convert jail confinement to an
27 available county supervised community option and may require the
28 offender to perform affirmative conduct pursuant to RCW 9.94A.129.

29 For sentences of nonviolent offenders for one year or less, the
30 court shall consider and give priority to available alternatives to
31 total confinement and shall state its reasons in writing on the
32 judgment and sentence form if the alternatives are not used.

33 **Sec. 10.** RCW 9.94A.400 and 1999 c 352 s 11 are each amended to
34 read as follows:

35 (1)(a) Except as provided in (b) or (c) of this subsection,
36 whenever a person is to be sentenced for two or more current offenses,
37 the sentence range for each current offense shall be determined by

1 using all other current and prior convictions as if they were prior
2 convictions for the purpose of the offender score: PROVIDED, That if
3 the court enters a finding that some or all of the current offenses
4 encompass the same criminal conduct then those current offenses shall
5 be counted as one crime. Sentences imposed under this subsection shall
6 be served concurrently. Consecutive sentences may only be imposed
7 under the exceptional sentence provisions of RCW 9.94A.120 and
8 9.94A.390(2)(g) or any other provision of RCW 9.94A.390. "Same
9 criminal conduct," as used in this subsection, means two or more crimes
10 that require the same criminal intent, are committed at the same time
11 and place, and involve the same victim. This definition applies in
12 cases involving vehicular assault or vehicular homicide even if the
13 victims occupied the same vehicle.

14 (b) Whenever a person is convicted of two or more serious violent
15 offenses, as defined in RCW 9.94A.030, arising from separate and
16 distinct criminal conduct, the sentence range for the offense with the
17 highest seriousness level under RCW 9.94A.320 shall be determined using
18 the offender's prior convictions and other current convictions that are
19 not serious violent offenses in the offender score and the sentence
20 range for other serious violent offenses shall be determined by using
21 an offender score of zero. The sentence range for any offenses that
22 are not serious violent offenses shall be determined according to (a)
23 of this subsection. All sentences imposed under (b) of this subsection
24 shall be served consecutively to each other and concurrently with
25 sentences imposed under (a) of this subsection.

26 (c) If an offender is convicted under RCW 9.41.040 for unlawful
27 possession of a firearm in the first or second degree and for the
28 felony crimes of theft of a firearm or possession of a stolen firearm,
29 or both, the sentence range for each of these current offenses shall be
30 determined by using all other current and prior convictions, except
31 other current convictions for the felony crimes listed in this
32 subsection (1)(c), as if they were prior convictions. The offender
33 shall serve consecutive sentences for each conviction of the felony
34 crimes listed in this subsection (1)(c), and for each firearm
35 unlawfully possessed.

36 (2)(a) Except as provided in (b) of this subsection, whenever a
37 person while under sentence of felony commits another felony and is
38 sentenced to another term of confinement, the latter term shall not
39 begin until expiration of all prior terms.

1 (b) Whenever a second or later felony conviction results in
2 community supervision with conditions not currently in effect, under
3 the prior sentence or sentences of community supervision the court may
4 require that the conditions of community supervision contained in the
5 second or later sentence begin during the immediate term of community
6 supervision and continue throughout the duration of the consecutive
7 term of community supervision.

8 (3) Subject to subsections (1) and (2) of this section, whenever a
9 person is sentenced for a felony that was committed while the person
10 was not under sentence of a felony, the sentence shall run concurrently
11 with any felony sentence which has been imposed by any court in this or
12 another state or by a federal court subsequent to the commission of the
13 crime being sentenced unless the court pronouncing the current sentence
14 expressly orders that they be served consecutively.

15 (4) Whenever any person granted probation under RCW 9.95.210 or
16 9.92.060, or both, has the probationary sentence revoked and a prison
17 sentence imposed, that sentence shall run consecutively to any sentence
18 imposed pursuant to this chapter, unless the court pronouncing the
19 subsequent sentence expressly orders that they be served concurrently.

20 (5) However, in the case of consecutive sentences, all periods of
21 total confinement shall be served before any partial confinement,
22 community ((service)) restitution, community supervision, or any other
23 requirement or conditions of any of the sentences. Except for
24 exceptional sentences as authorized under RCW 9.94A.120(2), if two or
25 more sentences that run consecutively include periods of community
26 supervision, the aggregate of the community supervision period shall
27 not exceed twenty-four months.

28 **Sec. 11.** RCW 10.98.040 and 1999 c 143 s 51 are each amended to
29 read as follows:

30 Unless the context clearly requires otherwise, the definitions in
31 this section apply throughout this chapter.

32 (1) "Arrest and fingerprint form" means the reporting form
33 prescribed by the identification, child abuse, and criminal history
34 section to initiate compiling arrest and identification information.

35 (2) "Chief law enforcement officer" includes the sheriff or
36 director of public safety of a county, the chief of police of a city or
37 town, and chief officers of other law enforcement agencies operating
38 within the state.

1 (3) "Department" means the department of corrections.

2 (4) "Disposition" means the conclusion of a criminal proceeding at
3 any stage it occurs in the criminal justice system. Disposition
4 includes but is not limited to temporary or permanent outcomes such as
5 charges dropped by police, charges not filed by the prosecuting
6 attorney, deferred prosecution, defendant absconded, charges filed by
7 the prosecuting attorney pending court findings such as not guilty,
8 dismissed, guilty, or guilty--case appealed to higher court.

9 (5) "Disposition report" means the reporting form prescribed by the
10 identification, child abuse, and criminal history section to report the
11 legal procedures taken after completing an arrest and fingerprint form.
12 The disposition report shall include but not be limited to the
13 following types of information:

14 (a) The type of disposition;

15 (b) The statutory citation for the arrests;

16 (c) The sentence structure if the defendant was convicted of a
17 felony;

18 (d) The state identification number; and

19 (e) Identification information and other information that is
20 prescribed by the identification, child abuse, and criminal history
21 section.

22 (6) "Fingerprints" means the fingerprints taken from arrested or
23 charged persons under the procedures prescribed by the Washington state
24 patrol identification, child abuse, and criminal history section.

25 (7) "Prosecuting attorney" means the public or private attorney
26 prosecuting a criminal case.

27 (8) "Section" refers to the Washington state patrol section on
28 identification, child abuse, and criminal history.

29 (9) "Sentence structure" means itemizing the components of the
30 felony sentence. The sentence structure shall include but not be
31 limited to the total or partial confinement sentenced, and whether the
32 sentence is prison or jail, community supervision, fines, restitution,
33 or community ((~~service~~)) restitution.

34 **Sec. 12.** RCW 13.40.020 and 1997 c 338 s 10 are each amended to
35 read as follows:

36 For the purposes of this chapter:

37 (1) "Community-based rehabilitation" means one or more of the
38 following: Employment; attendance of information classes; literacy

1 classes; counseling, outpatient substance abuse treatment programs,
2 outpatient mental health programs, anger management classes, education
3 or outpatient treatment programs to prevent animal cruelty, or other
4 services; or attendance at school or other educational programs
5 appropriate for the juvenile as determined by the school district.
6 Placement in community-based rehabilitation programs is subject to
7 available funds;

8 (2) Community-based sanctions may include one or more of the
9 following:

10 (a) A fine, not to exceed five hundred dollars;

11 (b) Community ((~~service~~)) restitution not to exceed one hundred
12 fifty hours of ((~~service~~)) community restitution;

13 (3) "Community ((~~service~~)) restitution" means compulsory service,
14 without compensation, performed for the benefit of the community by the
15 offender as punishment for committing an offense. Community
16 ((~~service~~)) restitution may be performed through public or private
17 organizations or through work crews;

18 (4) "Community supervision" means an order of disposition by the
19 court of an adjudicated youth not committed to the department or an
20 order granting a deferred disposition. A community supervision order
21 for a single offense may be for a period of up to two years for a sex
22 offense as defined by RCW 9.94A.030 and up to one year for other
23 offenses. As a mandatory condition of any term of community
24 supervision, the court shall order the juvenile to refrain from
25 committing new offenses. As a mandatory condition of community
26 supervision, the court shall order the juvenile to comply with the
27 mandatory school attendance provisions of chapter 28A.225 RCW and to
28 inform the school of the existence of this requirement. Community
29 supervision is an individualized program comprised of one or more of
30 the following:

31 (a) Community-based sanctions;

32 (b) Community-based rehabilitation;

33 (c) Monitoring and reporting requirements;

34 (d) Posting of a probation bond;

35 (5) "Confinement" means physical custody by the department of
36 social and health services in a facility operated by or pursuant to a
37 contract with the state, or physical custody in a detention facility
38 operated by or pursuant to a contract with any county. The county may
39 operate or contract with vendors to operate county detention

1 facilities. The department may operate or contract to operate
2 detention facilities for juveniles committed to the department.
3 Pretrial confinement or confinement of less than thirty-one days
4 imposed as part of a disposition or modification order may be served
5 consecutively or intermittently, in the discretion of the court;

6 (6) "Court," when used without further qualification, means the
7 juvenile court judge(s) or commissioner(s);

8 (7) "Criminal history" includes all criminal complaints against the
9 respondent for which, prior to the commission of a current offense:

10 (a) The allegations were found correct by a court. If a respondent
11 is convicted of two or more charges arising out of the same course of
12 conduct, only the highest charge from among these shall count as an
13 offense for the purposes of this chapter; or

14 (b) The criminal complaint was diverted by a prosecutor pursuant to
15 the provisions of this chapter on agreement of the respondent and after
16 an advisement to the respondent that the criminal complaint would be
17 considered as part of the respondent's criminal history. A
18 successfully completed deferred adjudication that was entered before
19 July 1, 1998, or a deferred disposition shall not be considered part of
20 the respondent's criminal history;

21 (8) "Department" means the department of social and health
22 services;

23 (9) "Detention facility" means a county facility, paid for by the
24 county, for the physical confinement of a juvenile alleged to have
25 committed an offense or an adjudicated offender subject to a
26 disposition or modification order. "Detention facility" includes
27 county group homes, inpatient substance abuse programs, juvenile basic
28 training camps, and electronic monitoring;

29 (10) "Diversion unit" means any probation counselor who enters into
30 a diversion agreement with an alleged youthful offender, or any other
31 person, community accountability board, or other entity except a law
32 enforcement official or entity, with whom the juvenile court
33 administrator has contracted to arrange and supervise such agreements
34 pursuant to RCW 13.40.080, or any person, community accountability
35 board, or other entity specially funded by the legislature to arrange
36 and supervise diversion agreements in accordance with the requirements
37 of this chapter. For purposes of this subsection, "community
38 accountability board" means a board comprised of members of the local
39 community in which the juvenile offender resides. The superior court

1 shall appoint the members. The boards shall consist of at least three
2 and not more than seven members. If possible, the board should include
3 a variety of representatives from the community, such as a law
4 enforcement officer, teacher or school administrator, high school
5 student, parent, and business owner, and should represent the cultural
6 diversity of the local community;

7 (11) "Foster care" means temporary physical care in a foster family
8 home or group care facility as defined in RCW 74.15.020 and licensed by
9 the department, or other legally authorized care;

10 (12) "Institution" means a juvenile facility established pursuant
11 to chapters 72.05 and 72.16 through 72.20 RCW;

12 (13) "Intensive supervision program" means a parole program that
13 requires intensive supervision and monitoring, offers an array of
14 individualized treatment and transitional services, and emphasizes
15 community involvement and support in order to reduce the likelihood a
16 juvenile offender will commit further offenses;

17 (14) "Juvenile," "youth," and "child" mean any individual who is
18 under the chronological age of eighteen years and who has not been
19 previously transferred to adult court pursuant to RCW 13.40.110 or who
20 is otherwise under adult court jurisdiction;

21 (15) "Juvenile offender" means any juvenile who has been found by
22 the juvenile court to have committed an offense, including a person
23 eighteen years of age or older over whom jurisdiction has been extended
24 under RCW 13.40.300;

25 (16) "Local sanctions" means one or more of the following: (a)
26 0-30 days of confinement; (b) 0-12 months of community supervision; (c)
27 0-150 hours of community ((service)) restitution; or (d) \$0-\$500 fine;

28 (17) "Manifest injustice" means a disposition that would either
29 impose an excessive penalty on the juvenile or would impose a serious,
30 and clear danger to society in light of the purposes of this chapter;

31 (18) "Monitoring and reporting requirements" means one or more of
32 the following: Curfews; requirements to remain at home, school, work,
33 or court-ordered treatment programs during specified hours;
34 restrictions from leaving or entering specified geographical areas;
35 requirements to report to the probation officer as directed and to
36 remain under the probation officer's supervision; and other conditions
37 or limitations as the court may require which may not include
38 confinement;

1 (19) "Offense" means an act designated a violation or a crime if
2 committed by an adult under the law of this state, under any ordinance
3 of any city or county of this state, under any federal law, or under
4 the law of another state if the act occurred in that state;

5 (20) "Probation bond" means a bond, posted with sufficient security
6 by a surety justified and approved by the court, to secure the
7 offender's appearance at required court proceedings and compliance with
8 court-ordered community supervision or conditions of release ordered
9 pursuant to RCW 13.40.040 or 13.40.050. It also means a deposit of
10 cash or posting of other collateral in lieu of a bond if approved by
11 the court;

12 (21) "Respondent" means a juvenile who is alleged or proven to have
13 committed an offense;

14 (22) "Restitution" means financial reimbursement by the offender to
15 the victim, and shall be limited to easily ascertainable damages for
16 injury to or loss of property, actual expenses incurred for medical
17 treatment for physical injury to persons, lost wages resulting from
18 physical injury, and costs of the victim's counseling reasonably
19 related to the offense if the offense is a sex offense. Restitution
20 shall not include reimbursement for damages for mental anguish, pain
21 and suffering, or other intangible losses. Nothing in this chapter
22 shall limit or replace civil remedies or defenses available to the
23 victim or offender;

24 (23) "Secretary" means the secretary of the department of social
25 and health services. "Assistant secretary" means the assistant
26 secretary for juvenile rehabilitation for the department;

27 (24) "Services" means services which provide alternatives to
28 incarceration for those juveniles who have pleaded or been adjudicated
29 guilty of an offense or have signed a diversion agreement pursuant to
30 this chapter;

31 (25) "Sex offense" means an offense defined as a sex offense in RCW
32 9.94A.030;

33 (26) "Sexual motivation" means that one of the purposes for which
34 the respondent committed the offense was for the purpose of his or her
35 sexual gratification;

36 (27) "Surety" means an entity licensed under state insurance laws
37 or by the state department of licensing, to write corporate, property,
38 or probation bonds within the state, and justified and approved by the
39 superior court of the county having jurisdiction of the case;

1 (28) "Violation" means an act or omission, which if committed by an
 2 adult, must be proven beyond a reasonable doubt, and is punishable by
 3 sanctions which do not include incarceration;

4 (29) "Violent offense" means a violent offense as defined in RCW
 5 9.94A.030.

6 **Sec. 13.** RCW 13.40.0357 and 1998 c 290 s 5 are each amended to
 7 read as follows:

8 **DESCRIPTION AND OFFENSE CATEGORY**

| 9 | JUVENILE | JUVENILE DISPOSITION |
|----|-------------|----------------------------|
| 10 | DISPOSITION | CATEGORY FOR ATTEMPT, |
| 11 | OFFENSE | BAILJUMP, CONSPIRACY, |
| 12 | CATEGORY | DESCRIPTION (RCW CITATION) |
| 13 | | OR SOLICITATION |

14 **Arson and Malicious Mischief**

| | | | |
|----|---|----------------------------------|----|
| 15 | A | Arson 1 (9A.48.020) | B+ |
| 16 | B | Arson 2 (9A.48.030) | C |
| 17 | C | Reckless Burning 1 (9A.48.040) | D |
| 18 | D | Reckless Burning 2 (9A.48.050) | E |
| 19 | B | Malicious Mischief 1 (9A.48.070) | C |
| 20 | C | Malicious Mischief 2 (9A.48.080) | D |
| 21 | D | Malicious Mischief 3 (<\$50 is | |
| 22 | | E class) (9A.48.090) | E |
| 23 | E | Tampering with Fire Alarm | |
| 24 | | Apparatus (9.40.100) | E |
| 25 | A | Possession of Incendiary Device | |
| 26 | | (9.40.120) | B+ |

27 **Assault and Other Crimes**

28 **Involving Physical Harm**

| | | | |
|----|----|-----------------------|----|
| 29 | A | Assault 1 (9A.36.011) | B+ |
| 30 | B+ | Assault 2 (9A.36.021) | C+ |
| 31 | C+ | Assault 3 (9A.36.031) | D+ |
| 32 | D+ | Assault 4 (9A.36.041) | E |
| 33 | B+ | Drive-By Shooting | |
| 34 | | (9A.36.045) | C+ |
| 35 | D+ | Reckless Endangerment | |
| 36 | | (9A.36.050) | E |

| | | | |
|----|----|--------------------------------------|----|
| 1 | C+ | Promoting Suicide Attempt | |
| 2 | | (9A.36.060) | D+ |
| 3 | D+ | Coercion (9A.36.070) | E |
| 4 | C+ | Custodial Assault (9A.36.100) | D+ |
| 5 | | Burglary and Trespass | |
| 6 | B+ | Burglary 1 (9A.52.020) | C+ |
| 7 | B | Residential Burglary | |
| 8 | | (9A.52.025) | C |
| 9 | B | Burglary 2 (9A.52.030) | C |
| 10 | D | Burglary Tools (Possession of) | |
| 11 | | (9A.52.060) | E |
| 12 | D | Criminal Trespass 1 (9A.52.070) | E |
| 13 | E | Criminal Trespass 2 (9A.52.080) | E |
| 14 | C | Vehicle Prowling 1 (9A.52.095) | D |
| 15 | D | Vehicle Prowling 2 (9A.52.100) | E |
| 16 | | Drugs | |
| 17 | E | Possession/Consumption of Alcohol | |
| 18 | | (66.44.270) | E |
| 19 | C | Illegally Obtaining Legend Drug | |
| 20 | | (69.41.020) | D |
| 21 | C+ | Sale, Delivery, Possession of Legend | |
| 22 | | Drug with Intent to Sell | |
| 23 | | (69.41.030) | D+ |
| 24 | E | Possession of Legend Drug | |
| 25 | | (69.41.030) | E |
| 26 | B+ | Violation of Uniform Controlled | |
| 27 | | Substances Act - Narcotic, | |
| 28 | | Methamphetamine, or Flunitrazepam | |
| 29 | | Sale (69.50.401(a)(1) (i) or (ii)) | B+ |
| 30 | C | Violation of Uniform Controlled | |
| 31 | | Substances Act - Nonnarcotic Sale | |
| 32 | | (69.50.401(a)(1)(iii)) | C |
| 33 | E | Possession of Marihuana <40 grams | |
| 34 | | (69.50.401(e)) | E |
| 35 | C | Fraudulently Obtaining Controlled | |
| 36 | | Substance (69.50.403) | C |
| 37 | C+ | Sale of Controlled Substance | |
| 38 | | for Profit (69.50.410) | C+ |

| | | | |
|----|----|---------------------------------------|----|
| 1 | E | Unlawful Inhalation (9.47A.020) | E |
| 2 | B | Violation of Uniform Controlled | |
| 3 | | Substances Act - Narcotic, | |
| 4 | | Methamphetamine, or Flunitrazepam | |
| 5 | | Counterfeit Substances | |
| 6 | | (69.50.401(b)(1) (i) or (ii)) | B |
| 7 | C | Violation of Uniform Controlled | |
| 8 | | Substances Act - Nonnarcotic | |
| 9 | | Counterfeit Substances | |
| 10 | | (69.50.401(b)(1) (iii), (iv), (v)) | C |
| 11 | C | Violation of Uniform Controlled | |
| 12 | | Substances Act - Possession of a | |
| 13 | | Controlled Substance | |
| 14 | | (69.50.401(d)) | C |
| 15 | C | Violation of Uniform Controlled | |
| 16 | | Substances Act - Possession of a | |
| 17 | | Controlled Substance | |
| 18 | | (69.50.401(c)) | C |
| 19 | | Firearms and Weapons | |
| 20 | B | Theft of Firearm (9A.56.300) | C |
| 21 | B | Possession of Stolen Firearm | |
| 22 | | (9A.56.310) | C |
| 23 | E | Carrying Loaded Pistol Without | |
| 24 | | Permit (9.41.050) | E |
| 25 | C | Possession of Firearms by Minor (<18) | |
| 26 | | (9.41.040(1)(b)(iii)) | C |
| 27 | D+ | Possession of Dangerous Weapon | |
| 28 | | (9.41.250) | E |
| 29 | D | Intimidating Another Person by use | |
| 30 | | of Weapon (9.41.270) | E |
| 31 | | Homicide | |
| 32 | A+ | Murder 1 (9A.32.030) | A |
| 33 | A+ | Murder 2 (9A.32.050) | B+ |
| 34 | B+ | Manslaughter 1 (9A.32.060) | C+ |
| 35 | C+ | Manslaughter 2 (9A.32.070) | D+ |
| 36 | B+ | Vehicular Homicide (46.61.520) | C+ |

| | | | |
|----|----|---|----|
| 1 | | Kidnapping | |
| 2 | A | Kidnap 1 (9A.40.020) | B+ |
| 3 | B+ | Kidnap 2 (9A.40.030) | C+ |
| 4 | C+ | Unlawful Imprisonment | |
| 5 | | (9A.40.040) | D+ |
| 6 | | Obstructing Governmental Operation | |
| 7 | D | Obstructing a Law Enforcement | |
| 8 | | Officer (9A.76.020) | E |
| 9 | E | Resisting Arrest (9A.76.040) | E |
| 10 | B | Introducing Contraband 1 | |
| 11 | | (9A.76.140) | C |
| 12 | C | Introducing Contraband 2 | |
| 13 | | (9A.76.150) | D |
| 14 | E | Introducing Contraband 3 | |
| 15 | | (9A.76.160) | E |
| 16 | B+ | Intimidating a Public Servant | |
| 17 | | (9A.76.180) | C+ |
| 18 | B+ | Intimidating a Witness | |
| 19 | | (9A.72.110) | C+ |
| 20 | | Public Disturbance | |
| 21 | C+ | Riot with Weapon (9A.84.010) | D+ |
| 22 | D+ | Riot Without Weapon | |
| 23 | | (9A.84.010) | E |
| 24 | E | Failure to Disperse (9A.84.020) | E |
| 25 | E | Disorderly Conduct (9A.84.030) | E |
| 26 | | Sex Crimes | |
| 27 | A | Rape 1 (9A.44.040) | B+ |
| 28 | A- | Rape 2 (9A.44.050) | B+ |
| 29 | C+ | Rape 3 (9A.44.060) | D+ |
| 30 | A- | Rape of a Child 1 (9A.44.073) | B+ |
| 31 | B+ | Rape of a Child 2 (9A.44.076) | C+ |
| 32 | B | Incest 1 (9A.64.020(1)) | C |
| 33 | C | Incest 2 (9A.64.020(2)) | D |
| 34 | D+ | Indecent Exposure | |
| 35 | | (Victim <14) (9A.88.010) | E |
| 36 | E | Indecent Exposure | |
| 37 | | (Victim 14 or over) (9A.88.010) | E |
| 38 | B+ | Promoting Prostitution 1 | |

| | | | |
|----|----|---|----|
| 1 | | (9A.88.070) | C+ |
| 2 | C+ | Promoting Prostitution 2 | |
| 3 | | (9A.88.080) | D+ |
| 4 | E | O & A (Prostitution) (9A.88.030) | E |
| 5 | B+ | Indecent Liberties (9A.44.100) | C+ |
| 6 | A- | Child Molestation 1 (9A.44.083) | B+ |
| 7 | B | Child Molestation 2 (9A.44.086) | C+ |
| 8 | | Theft, Robbery, Extortion, and Forgery | |
| 9 | B | Theft 1 (9A.56.030) | C |
| 10 | C | Theft 2 (9A.56.040) | D |
| 11 | D | Theft 3 (9A.56.050) | E |
| 12 | B | Theft of Livestock (9A.56.080) | C |
| 13 | C | Forgery (9A.60.020) | D |
| 14 | A | Robbery 1 (9A.56.200) | B+ |
| 15 | B+ | Robbery 2 (9A.56.210) | C+ |
| 16 | B+ | Extortion 1 (9A.56.120) | C+ |
| 17 | C+ | Extortion 2 (9A.56.130) | D+ |
| 18 | B | Possession of Stolen Property 1 | |
| 19 | | (9A.56.150) | C |
| 20 | C | Possession of Stolen Property 2 | |
| 21 | | (9A.56.160) | D |
| 22 | D | Possession of Stolen Property 3 | |
| 23 | | (9A.56.170) | E |
| 24 | C | Taking Motor Vehicle Without | |
| 25 | | Owner's Permission (9A.56.070) | D |
| 26 | | Motor Vehicle Related Crimes | |
| 27 | E | Driving Without a License | |
| 28 | | (46.20.005) | E |
| 29 | C | Hit and Run - Injury | |
| 30 | | (46.52.020(4)) | D |
| 31 | D | Hit and Run-Attended | |
| 32 | | (46.52.020(5)) | E |
| 33 | E | Hit and Run-Unattended | |
| 34 | | (46.52.010) | E |
| 35 | C | Vehicular Assault (46.61.522) | D |
| 36 | C | Attempting to Elude Pursuing | |
| 37 | | Police Vehicle (46.61.024) | D |
| 38 | E | Reckless Driving (46.61.500) | E |

| | | | |
|----|---|------------------------------------|----|
| 1 | D | Driving While Under the Influence | |
| 2 | | (46.61.502 and 46.61.504) | E |
| 3 | | Other | |
| 4 | B | Bomb Threat (9.61.160) | C |
| 5 | C | Escape 1 (9A.76.110) | C |
| 6 | C | Escape 2 (9A.76.120) | C |
| 7 | D | Escape 3 (9A.76.130) | E |
| 8 | E | Obscene, Harassing, Etc., | |
| 9 | | Phone Calls (9.61.230) | E |
| 10 | A | Other Offense Equivalent to an | |
| 11 | | Adult Class A Felony | B+ |
| 12 | B | Other Offense Equivalent to an | |
| 13 | | Adult Class B Felony | C |
| 14 | C | Other Offense Equivalent to an | |
| 15 | | Adult Class C Felony | D |
| 16 | D | Other Offense Equivalent to an | |
| 17 | | Adult Gross Misdemeanor | E |
| 18 | E | Other Offense Equivalent to an | |
| 19 | | Adult Misdemeanor | E |
| 20 | V | Violation of Order of Restitution, | |
| 21 | | Community Supervision, or | |
| 22 | | Confinement (13.40.200) | V |

23 Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses
24 and the standard range is established as follows:

25 1st escape or attempted escape during 12-month period - 4 weeks
26 confinement

27 2nd escape or attempted escape during 12-month period - 8 weeks
28 confinement

29 3rd and subsequent escape or attempted escape during 12-month
30 period - 12 weeks confinement

31 If the court finds that a respondent has violated terms of an order,
32 it may impose a penalty of up to 30 days of confinement.

33 **JUVENILE SENTENCING STANDARDS**

34 This schedule must be used for juvenile offenders. The court may
35 select sentencing option A, B, or C.

OPTION A
JUVENILE OFFENDER SENTENCING GRID
STANDARD RANGE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

| Current Offense Category | 0 | 1 | 2 | 3 | 4 or more |
|--------------------------|--|---|--------------|---------------|-----------|
| A+ | 180 WEEKS TO AGE 21 YEARS | | | | |
| A | 103 WEEKS TO 129 WEEKS | | | | |
| A- | 15-36 WEEKS EXCEPT 30-40 WEEKS FOR 15-17 YEAR OLDS | 52-65 WEEKS | 80-100 WEEKS | 103-129 WEEKS | |
| B+ | 15-36 WEEKS | 52-65 WEEKS | 80-100 WEEKS | 103-129 WEEKS | |
| B | LOCAL SANCTIONS (LS) | 15-36 WEEKS | 52-65 WEEKS | | |
| C+ | LS | | 15-36 WEEKS | | |
| C | LS | | | 15-36 WEEKS | |
| | | Local Sanctions: | | | |
| | | 0 to 30 Days | | | |
| D+ | LS | 0 to 12 Months Community Supervision | | | |
| | | 0 to 150 Hours Community ((Service)) <u>Restitution</u> | | | |
| D | LS | \$0 to \$500 Fine | | | |
| E | LS | | | | |
| | 0 | 1 | 2 | 3 | 4 or more |

36 NOTE: References in the grid to days or weeks mean periods of
37 confinement.

38 (1) The vertical axis of the grid is the current offense category.
39 The current offense category is determined by the offense of
40 adjudication.

41 (2) The horizontal axis of the grid is the number of prior
42 adjudications included in the juvenile's criminal history. Each prior
43 felony adjudication shall count as one point. Each prior violation,

1 misdemeanor, and gross misdemeanor adjudication shall count as 1/4
2 point. Fractional points shall be rounded down.

3 (3) The standard range disposition for each offense is determined
4 by the intersection of the column defined by the prior adjudications
5 and the row defined by the current offense category.

6 (4) RCW 13.40.180 applies if the offender is being sentenced for
7 more than one offense.

8 (5) A current offense that is a violation is equivalent to an
9 offense category of E. However, a disposition for a violation shall
10 not include confinement.

11 OR

12 OPTION B

13 CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE

14 If the juvenile offender is subject to a standard range disposition
15 of local sanctions or 15 to 36 weeks of confinement and has not
16 committed an A- or B+ offense, the court may impose a disposition under
17 RCW 13.40.160(~~(+5)~~) (4) and 13.40.165.

18 OR

19 OPTION C

20 MANIFEST INJUSTICE

21 If the court determines that a disposition under option A or B would
22 effectuate a manifest injustice, the court shall impose a disposition
23 outside the standard range under RCW 13.40.160(2).

24 **Sec. 14.** RCW 13.40.080 and 1999 c 91 s 1 are each amended to read
25 as follows:

26 (1) A diversion agreement shall be a contract between a juvenile
27 accused of an offense and a diversionary unit whereby the juvenile
28 agrees to fulfill certain conditions in lieu of prosecution. Such
29 agreements may be entered into only after the prosecutor, or probation
30 counselor pursuant to this chapter, has determined that probable cause
31 exists to believe that a crime has been committed and that the juvenile
32 committed it. Such agreements shall be entered into as expeditiously
33 as possible.

34 (2) A diversion agreement shall be limited to one or more of the
35 following:

1 (a) Community (~~service~~) restitution not to exceed one hundred
2 fifty hours, not to be performed during school hours if the juvenile is
3 attending school;

4 (b) Restitution limited to the amount of actual loss incurred by
5 the victim;

6 (c) Attendance at up to ten hours of counseling and/or up to twenty
7 hours of educational or informational sessions at a community agency.
8 The educational or informational sessions may include sessions relating
9 to respect for self, others, and authority; victim awareness;
10 accountability; self-worth; responsibility; work ethics; good
11 citizenship; literacy; and life skills. For purposes of this section,
12 "community agency" may also mean a community-based nonprofit
13 organization, if approved by the diversion unit. The state shall not
14 be liable for costs resulting from the diversionary unit exercising the
15 option to permit diversion agreements to mandate attendance at up to
16 ten hours of counseling and/or up to twenty hours of educational or
17 informational sessions;

18 (d) A fine, not to exceed one hundred dollars. In determining the
19 amount of the fine, the diversion unit shall consider only the
20 juvenile's financial resources and whether the juvenile has the means
21 to pay the fine. The diversion unit shall not consider the financial
22 resources of the juvenile's parents, guardian, or custodian in
23 determining the fine to be imposed;

24 (e) Requirements to remain during specified hours at home, school,
25 or work, and restrictions on leaving or entering specified geographical
26 areas; and

27 (f) Upon request of the victim or witness, requirements to refrain
28 from any contact with victims or witnesses of offenses committed by the
29 juvenile.

30 (3) In assessing periods of community (~~service~~) restitution to be
31 performed and restitution to be paid by a juvenile who has entered into
32 a diversion agreement, the court officer to whom this task is assigned
33 shall consult with the juvenile's custodial parent or parents or
34 guardian and victims who have contacted the diversionary unit and, to
35 the extent possible, involve members of the community. Such members of
36 the community shall meet with the juvenile and advise the court officer
37 as to the terms of the diversion agreement and shall supervise the
38 juvenile in carrying out its terms.

1 (4)(a) A diversion agreement may not exceed a period of six months
2 and may include a period extending beyond the eighteenth birthday of
3 the diverttee.

4 (b) If additional time is necessary for the juvenile to complete
5 restitution to the victim, the time period limitations of this
6 subsection may be extended by an additional six months.

7 (c) If the juvenile has not paid the full amount of restitution by
8 the end of the additional six-month period, then the juvenile shall be
9 referred to the juvenile court for entry of an order establishing the
10 amount of restitution still owed to the victim. In this order, the
11 court shall also determine the terms and conditions of the restitution,
12 including a payment plan extending up to ten years if the court
13 determines that the juvenile does not have the means to make full
14 restitution over a shorter period. For the purposes of this subsection
15 (4)(c), the juvenile shall remain under the court's jurisdiction for a
16 maximum term of ten years after the juvenile's eighteenth birthday.
17 Prior to the expiration of the initial ten-year period, the juvenile
18 court may extend the judgment for restitution an additional ten years.
19 The court may not require the juvenile to pay full or partial
20 restitution if the juvenile reasonably satisfies the court that he or
21 she does not have the means to make full or partial restitution and
22 could not reasonably acquire the means to pay the restitution over a
23 ten-year period. The county clerk shall make disbursements to victims
24 named in the order. The restitution to victims named in the order
25 shall be paid prior to any payment for other penalties or monetary
26 assessments. A juvenile under obligation to pay restitution may
27 petition the court for modification of the restitution order.

28 (5) The juvenile shall retain the right to be referred to the court
29 at any time prior to the signing of the diversion agreement.

30 (6) Diverttees and potential diverttees shall be afforded due process
31 in all contacts with a diversionary unit regardless of whether the
32 juveniles are accepted for diversion or whether the diversion program
33 is successfully completed. Such due process shall include, but not be
34 limited to, the following:

35 (a) A written diversion agreement shall be executed stating all
36 conditions in clearly understandable language;

37 (b) Violation of the terms of the agreement shall be the only
38 grounds for termination;

1 (c) No divertee may be terminated from a diversion program without
2 being given a court hearing, which hearing shall be preceded by:

3 (i) Written notice of alleged violations of the conditions of the
4 diversion program; and

5 (ii) Disclosure of all evidence to be offered against the divertee;

6 (d) The hearing shall be conducted by the juvenile court and shall
7 include:

8 (i) Opportunity to be heard in person and to present evidence;

9 (ii) The right to confront and cross-examine all adverse witnesses;

10 (iii) A written statement by the court as to the evidence relied on
11 and the reasons for termination, should that be the decision; and

12 (iv) Demonstration by evidence that the divertee has substantially
13 violated the terms of his or her diversion agreement.

14 (e) The prosecutor may file an information on the offense for which
15 the divertee was diverted:

16 (i) In juvenile court if the divertee is under eighteen years of
17 age; or

18 (ii) In superior court or the appropriate court of limited
19 jurisdiction if the divertee is eighteen years of age or older.

20 (7) The diversion unit shall, subject to available funds, be
21 responsible for providing interpreters when juveniles need interpreters
22 to effectively communicate during diversion unit hearings or
23 negotiations.

24 (8) The diversion unit shall be responsible for advising a divertee
25 of his or her rights as provided in this chapter.

26 (9) The diversion unit may refer a juvenile to community-based
27 counseling or treatment programs.

28 (10) The right to counsel shall inure prior to the initial
29 interview for purposes of advising the juvenile as to whether he or she
30 desires to participate in the diversion process or to appear in the
31 juvenile court. The juvenile may be represented by counsel at any
32 critical stage of the diversion process, including intake interviews
33 and termination hearings. The juvenile shall be fully advised at the
34 intake of his or her right to an attorney and of the relevant services
35 an attorney can provide. For the purpose of this section, intake
36 interviews mean all interviews regarding the diversion agreement
37 process.

38 The juvenile shall be advised that a diversion agreement shall
39 constitute a part of the juvenile's criminal history as defined by RCW

1 13.40.020(7). A signed acknowledgment of such advisement shall be
2 obtained from the juvenile, and the document shall be maintained by the
3 diversionary unit together with the diversion agreement, and a copy of
4 both documents shall be delivered to the prosecutor if requested by the
5 prosecutor. The supreme court shall promulgate rules setting forth the
6 content of such advisement in simple language.

7 (11) When a juvenile enters into a diversion agreement, the
8 juvenile court may receive only the following information for
9 dispositional purposes:

10 (a) The fact that a charge or charges were made;

11 (b) The fact that a diversion agreement was entered into;

12 (c) The juvenile's obligations under such agreement;

13 (d) Whether the alleged offender performed his or her obligations
14 under such agreement; and

15 (e) The facts of the alleged offense.

16 (12) A diversionary unit may refuse to enter into a diversion
17 agreement with a juvenile. When a diversionary unit refuses to enter
18 a diversion agreement with a juvenile, it shall immediately refer such
19 juvenile to the court for action and shall forward to the court the
20 criminal complaint and a detailed statement of its reasons for refusing
21 to enter into a diversion agreement. The diversionary unit shall also
22 immediately refer the case to the prosecuting attorney for action if
23 such juvenile violates the terms of the diversion agreement.

24 (13) A diversionary unit may, in instances where it determines that
25 the act or omission of an act for which a juvenile has been referred to
26 it involved no victim, or where it determines that the juvenile
27 referred to it has no prior criminal history and is alleged to have
28 committed an illegal act involving no threat of or instance of actual
29 physical harm and involving not more than fifty dollars in property
30 loss or damage and that there is no loss outstanding to the person or
31 firm suffering such damage or loss, counsel and release or release such
32 a juvenile without entering into a diversion agreement. A diversion
33 unit's authority to counsel and release a juvenile under this
34 subsection shall include the authority to refer the juvenile to
35 community-based counseling or treatment programs. Any juvenile
36 released under this subsection shall be advised that the act or
37 omission of any act for which he or she had been referred shall
38 constitute a part of the juvenile's criminal history as defined by RCW
39 13.40.020(7). A signed acknowledgment of such advisement shall be

1 obtained from the juvenile, and the document shall be maintained by the
2 unit, and a copy of the document shall be delivered to the prosecutor
3 if requested by the prosecutor. The supreme court shall promulgate
4 rules setting forth the content of such advisement in simple language.
5 A juvenile determined to be eligible by a diversionary unit for release
6 as provided in this subsection shall retain the same right to counsel
7 and right to have his or her case referred to the court for formal
8 action as any other juvenile referred to the unit.

9 (14) A diversion unit may supervise the fulfillment of a diversion
10 agreement entered into before the juvenile's eighteenth birthday and
11 which includes a period extending beyond the divertee's eighteenth
12 birthday.

13 (15) If a fine required by a diversion agreement cannot reasonably
14 be paid due to a change of circumstance, the diversion agreement may be
15 modified at the request of the divertee and with the concurrence of the
16 diversion unit to convert an unpaid fine into community ((~~service~~))
17 restitution. The modification of the diversion agreement shall be in
18 writing and signed by the divertee and the diversion unit. The number
19 of hours of community ((~~service~~)) restitution in lieu of a monetary
20 penalty shall be converted at the rate of the prevailing state minimum
21 wage per hour.

22 (16) Fines imposed under this section shall be collected and paid
23 into the county general fund in accordance with procedures established
24 by the juvenile court administrator under RCW 13.04.040 and may be used
25 only for juvenile services. In the expenditure of funds for juvenile
26 services, there shall be a maintenance of effort whereby counties
27 exhaust existing resources before using amounts collected under this
28 section.

29 **Sec. 15.** RCW 13.40.160 and 1999 c 91 s 2 are each amended to read
30 as follows:

31 (1) The standard range disposition for a juvenile adjudicated of an
32 offense is determined according to RCW 13.40.0357.

33 (a) When the court sentences an offender to a local sanction as
34 provided in RCW 13.40.0357 option A, the court shall impose a
35 determinate disposition within the standard ranges, except as provided
36 in subsections (2), (3), and (4) of this section. The disposition may
37 be comprised of one or more local sanctions.

1 (b) When the court sentences an offender to a standard range as
2 provided in RCW 13.40.0357 option A that includes a term of confinement
3 exceeding thirty days, commitment shall be to the department for the
4 standard range of confinement, except as provided in subsections (2),
5 (3), and (4) of this section.

6 (2) If the court concludes, and enters reasons for its conclusion,
7 that disposition within the standard range would effectuate a manifest
8 injustice the court shall impose a disposition outside the standard
9 range, as indicated in option C of RCW 13.40.0357. The court's finding
10 of manifest injustice shall be supported by clear and convincing
11 evidence.

12 A disposition outside the standard range shall be determinate and
13 shall be comprised of confinement or community supervision, or a
14 combination thereof. When a judge finds a manifest injustice and
15 imposes a sentence of confinement exceeding thirty days, the court
16 shall sentence the juvenile to a maximum term, and the provisions of
17 RCW 13.40.030(2) shall be used to determine the range. A disposition
18 outside the standard range is appealable under RCW 13.40.230 by the
19 state or the respondent. A disposition within the standard range is
20 not appealable under RCW 13.40.230.

21 (3) When a juvenile offender is found to have committed a sex
22 offense, other than a sex offense that is also a serious violent
23 offense as defined by RCW 9.94A.030, and has no history of a prior sex
24 offense, the court, on its own motion or the motion of the state or the
25 respondent, may order an examination to determine whether the
26 respondent is amenable to treatment.

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

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

38 (a)(i) Frequency and type of contact between the offender and
39 therapist;

1 (ii) Specific issues to be addressed in the treatment and
2 description of planned treatment modalities;

3 (iii) Monitoring plans, including any requirements regarding living
4 conditions, lifestyle requirements, and monitoring by family members,
5 legal guardians, or others;

6 (iv) Anticipated length of treatment; and

7 (v) Recommended crime-related prohibitions.

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

14 After receipt of reports of the examination, the court shall then
15 consider whether the offender and the community will benefit from use
16 of this special sex offender disposition alternative and consider the
17 victim's opinion whether the offender should receive a treatment
18 disposition under this section. If the court determines that this
19 special sex offender disposition alternative is appropriate, then the
20 court shall impose a determinate disposition within the standard range
21 for the offense, or if the court concludes, and enters reasons for its
22 conclusions, that such disposition would cause a manifest injustice,
23 the court shall impose a disposition under option C, and the court may
24 suspend the execution of the disposition and place the offender on
25 community supervision for at least two years. As a condition of the
26 suspended disposition, the court may impose the conditions of community
27 supervision and other conditions, including up to thirty days of
28 confinement and requirements that the offender do any one or more of
29 the following:

30 (b)(i) Devote time to a specific education, employment, or
31 occupation;

32 (ii) Undergo available outpatient sex offender treatment for up to
33 two years, or inpatient sex offender treatment not to exceed the
34 standard range of confinement for that offense. A community mental
35 health center may not be used for such treatment unless it has an
36 appropriate program designed for sex offender treatment. The
37 respondent shall not change sex offender treatment providers or
38 treatment conditions without first notifying the prosecutor, the
39 probation counselor, and the court, and shall not change providers

1 without court approval after a hearing if the prosecutor or probation
2 counselor object to the change;

3 (iii) Remain within prescribed geographical boundaries and notify
4 the court or the probation counselor prior to any change in the
5 offender's address, educational program, or employment;

6 (iv) Report to the prosecutor and the probation counselor prior to
7 any change in a sex offender treatment provider. This change shall
8 have prior approval by the court;

9 (v) Report as directed to the court and a probation counselor;

10 (vi) Pay all court-ordered legal financial obligations, perform
11 community ((~~service~~)) restitution, or any combination thereof;

12 (vii) Make restitution to the victim for the cost of any counseling
13 reasonably related to the offense;

14 (viii) Comply with the conditions of any court-ordered probation
15 bond; or

16 (ix) The court shall order that the offender may not attend the
17 public or approved private elementary, middle, or high school attended
18 by the victim or the victim's siblings. The parents or legal guardians
19 of the offender are responsible for transportation or other costs
20 associated with the offender's change of school that would otherwise be
21 paid by the school district. The court shall send notice of the
22 disposition and restriction on attending the same school as the victim
23 or victim's siblings to the public or approved private school the
24 juvenile will attend, if known, or if unknown, to the approved private
25 schools and the public school district board of directors of the
26 district in which the juvenile resides or intends to reside. This
27 notice must be sent at the earliest possible date but not later than
28 ten calendar days after entry of the disposition.

29 The sex offender treatment provider shall submit quarterly reports
30 on the respondent's progress in treatment to the court and the parties.
31 The reports shall reference the treatment plan and include at a minimum
32 the following: Dates of attendance, respondent's compliance with
33 requirements, treatment activities, the respondent's relative progress
34 in treatment, and any other material specified by the court at the time
35 of the disposition.

36 At the time of the disposition, the court may set treatment review
37 hearings as the court considers appropriate.

38 Except as provided in this subsection (3), after July 1, 1991,
39 examinations and treatment ordered pursuant to this subsection shall

1 only be conducted by sex offender treatment providers certified by the
2 department of health pursuant to chapter 18.155 RCW. A sex offender
3 therapist who examines or treats a juvenile sex offender pursuant to
4 this subsection does not have to be certified by the department of
5 health pursuant to chapter 18.155 RCW if the court finds that: (A) The
6 offender has already moved to another state or plans to move to another
7 state for reasons other than circumventing the certification
8 requirements; (B) no certified providers are available for treatment
9 within a reasonable geographical distance of the offender's home; and
10 (C) the evaluation and treatment plan comply with this subsection (4)
11 [(3)] and the rules adopted by the department of health.

12 If the offender violates any condition of the disposition or the
13 court finds that the respondent is failing to make satisfactory
14 progress in treatment, the court may revoke the suspension and order
15 execution of the disposition or the court may impose a penalty of up to
16 thirty days' confinement for violating conditions of the disposition.
17 The court may order both execution of the disposition and up to thirty
18 days' confinement for the violation of the conditions of the
19 disposition. The court shall give credit for any confinement time
20 previously served if that confinement was for the offense for which the
21 suspension is being revoked.

22 For purposes of this section, "victim" means any person who has
23 sustained emotional, psychological, physical, or financial injury to
24 person or property as a direct result of the crime charged. "Victim"
25 may also include a known parent or guardian of a victim who is a minor
26 child unless the parent or guardian is the perpetrator of the offense.

27 A disposition entered under this subsection (3) is not appealable
28 under RCW 13.40.230.

29 (4) If the juvenile offender is subject to a standard range
30 disposition of local sanctions or 15 to 36 weeks of confinement and has
31 not committed an A- or B+ offense, the court may impose the disposition
32 alternative under RCW 13.40.165.

33 (5) RCW 13.40.193 shall govern the disposition of any juvenile
34 adjudicated of possessing a firearm in violation of RCW
35 9.41.040(1)(b)(iii) or any crime in which a special finding is entered
36 that the juvenile was armed with a firearm.

37 (6) Whenever a juvenile offender is entitled to credit for time
38 spent in detention prior to a dispositional order, the dispositional

1 order shall specifically state the number of days of credit for time
2 served.

3 (7) Except as provided under subsection (3) or (4) of this section
4 or RCW 13.40.127, the court shall not suspend or defer the imposition
5 or the execution of the disposition.

6 (8) In no case shall the term of confinement imposed by the court
7 at disposition exceed that to which an adult could be subjected for the
8 same offense.

9 **Sec. 16.** RCW 13.40.165 and 1997 c 338 s 26 are each amended to
10 read as follows:

11 (1) When a juvenile offender is subject to a standard range
12 disposition of local sanctions or 15 to 36 weeks of confinement and has
13 not committed an A- or B+ offense, the court, on its own motion or the
14 motion of the state or the respondent if the evidence shows that the
15 offender may be chemically dependent, may order an examination by a
16 chemical dependency counselor from a chemical dependency treatment
17 facility approved under chapter 70.96A RCW to determine if the youth is
18 chemically dependent and amenable to treatment.

19 (2) The report of the examination shall include at a minimum the
20 following: The respondent's version of the facts and the official
21 version of the facts, the respondent's offense history, an assessment
22 of drug-alcohol problems and previous treatment attempts, the
23 respondent's social, educational, and employment situation, and other
24 evaluation measures used. The report shall set forth the sources of
25 the examiner's information.

26 (3) The examiner shall assess and report regarding the respondent's
27 amenability to treatment and relative risk to the community. A
28 proposed treatment plan shall be provided and shall include, at a
29 minimum:

30 (a) Whether inpatient and/or outpatient treatment is recommended;

31 (b) Availability of appropriate treatment;

32 (c) Monitoring plans, including any requirements regarding living
33 conditions, lifestyle requirements, and monitoring by family members,
34 legal guardians, or others;

35 (d) Anticipated length of treatment;

36 (e) Recommended crime-related prohibitions; and

37 (f) Whether the respondent is amenable to treatment.

1 (4) The court on its own motion may order, or on a motion by the
2 state shall order, a second examination regarding the offender's
3 amenability to treatment. The evaluator shall be selected by the party
4 making the motion. The defendant shall pay the cost of any examination
5 ordered under this subsection (4) or subsection (1) of this section
6 unless the court finds that the offender is indigent and no third party
7 insurance coverage is available, in which case the state shall pay the
8 cost.

9 (5)(a) After receipt of reports of the examination, the court shall
10 then consider whether the offender and the community will benefit from
11 use of this chemical dependency disposition alternative and consider
12 the victim's opinion whether the offender should receive a treatment
13 disposition under this section.

14 (b) If the court determines that this chemical dependency
15 disposition alternative is appropriate, then the court shall impose the
16 standard range for the offense, suspend execution of the disposition,
17 and place the offender on community supervision for up to one year. As
18 a condition of the suspended disposition, the court shall require the
19 offender to undergo available outpatient drug/alcohol treatment and/or
20 inpatient drug/alcohol treatment. For purposes of this section, the
21 sum of confinement time and inpatient treatment may not exceed ninety
22 days. As a condition of the suspended disposition, the court may
23 impose conditions of community supervision and other sanctions,
24 including up to thirty days of confinement, one hundred fifty hours of
25 community ((service)) restitution, and payment of legal financial
26 obligations and restitution.

27 (6) The drug/alcohol treatment provider shall submit monthly
28 reports on the respondent's progress in treatment to the court and the
29 parties. The reports shall reference the treatment plan and include at
30 a minimum the following: Dates of attendance, respondent's compliance
31 with requirements, treatment activities, the respondent's relative
32 progress in treatment, and any other material specified by the court at
33 the time of the disposition.

34 At the time of the disposition, the court may set treatment review
35 hearings as the court considers appropriate.

36 If the offender violates any condition of the disposition or the
37 court finds that the respondent is failing to make satisfactory
38 progress in treatment, the court may revoke the suspension and order
39 execution of the disposition. The court shall give credit for any

1 confinement time previously served if that confinement was for the
2 offense for which the suspension is being revoked.

3 (7) For purposes of this section, "victim" means any person who has
4 sustained emotional, psychological, physical, or financial injury to
5 person or property as a direct result of the offense charged.

6 (8) Whenever a juvenile offender is entitled to credit for time
7 spent in detention prior to a dispositional order, the dispositional
8 order shall specifically state the number of days of credit for time
9 served.

10 (9) In no case shall the term of confinement imposed by the court
11 at disposition exceed that to which an adult could be subjected for the
12 same offense.

13 (10) A disposition under this section is not appealable under RCW
14 13.40.230.

15 **Sec. 17.** RCW 13.40.180 and 1981 c 299 s 14 are each amended to
16 read as follows:

17 Where a disposition is imposed on a youth for two or more offenses,
18 the terms shall run consecutively, subject to the following
19 limitations:

20 (1) Where the offenses were committed through a single act or
21 omission, omission, or through an act or omission which in itself
22 constituted one of the offenses and also was an element of the other,
23 the aggregate of all the terms shall not exceed one hundred fifty
24 percent of the term imposed for the most serious offense;

25 (2) The aggregate of all consecutive terms shall not exceed three
26 hundred percent of the term imposed for the most serious offense; and

27 (3) The aggregate of all consecutive terms of community supervision
28 shall not exceed two years in length, or require payment of more than
29 two hundred dollars in fines or the performance of more than two
30 hundred hours of community ((~~service~~) restitution).

31 **Sec. 18.** RCW 13.40.200 and 1997 c 338 s 31 are each amended to
32 read as follows:

33 (1) When a respondent fails to comply with an order of restitution,
34 community supervision, penalty assessments, or confinement of less than
35 thirty days, the court upon motion of the prosecutor or its own motion,
36 may modify the order after a hearing on the violation.

1 (2) The hearing shall afford the respondent the same due process of
2 law as would be afforded an adult probationer. The court may issue a
3 summons or a warrant to compel the respondent's appearance. The state
4 shall have the burden of proving by a preponderance of the evidence the
5 fact of the violation. The respondent shall have the burden of showing
6 that the violation was not a willful refusal to comply with the terms
7 of the order. If a respondent has failed to pay a fine, penalty
8 assessments, or restitution or to perform community ~~((service))~~
9 restitution hours, as required by the court, it shall be the
10 respondent's burden to show that he or she did not have the means and
11 could not reasonably have acquired the means to pay the fine, penalty
12 assessments, or restitution or perform community ~~((service))~~
13 restitution.

14 (3) If the court finds that a respondent has willfully violated the
15 terms of an order pursuant to subsections (1) and (2) of this section,
16 it may impose a penalty of up to thirty days' confinement. Penalties
17 for multiple violations occurring prior to the hearing shall not be
18 aggregated to exceed thirty days' confinement. Regardless of the
19 number of times a respondent is brought to court for violations of the
20 terms of a single disposition order, the combined total number of days
21 spent by the respondent in detention shall never exceed the maximum
22 term to which an adult could be sentenced for the underlying offense.

23 (4) If a respondent has been ordered to pay a fine or monetary
24 penalty and due to a change of circumstance cannot reasonably comply
25 with the order, the court, upon motion of the respondent, may order
26 that the unpaid fine or monetary penalty be converted to community
27 ~~((service))~~ restitution. The number of hours of community ~~((service))~~
28 restitution in lieu of a monetary penalty or fine shall be converted at
29 the rate of the prevailing state minimum wage per hour. The monetary
30 penalties or fines collected shall be deposited in the county general
31 fund. A failure to comply with an order under this subsection shall be
32 deemed a failure to comply with an order of community supervision and
33 may be proceeded against as provided in this section.

34 (5) When a respondent has willfully violated the terms of a
35 probation bond, the court may modify, revoke, or retain the probation
36 bond as provided in RCW 13.40.054.

37 **Sec. 19.** RCW 13.40.205 and 1990 c 3 s 103 are each amended to read
38 as follows:

1 (1) A juvenile sentenced to a term of confinement to be served
2 under the supervision of the department shall not be released from the
3 physical custody of the department prior to the release date
4 established under RCW 13.40.210 except as otherwise provided in this
5 section.

6 (2) A juvenile serving a term of confinement under the supervision
7 of the department may be released on authorized leave from the physical
8 custody of the department only if consistent with public safety and if:

9 (a) Sixty percent of the minimum term of confinement has been
10 served; and

11 (b) The purpose of the leave is to enable the juvenile:

12 (i) To visit the juvenile's family for the purpose of strengthening
13 or preserving family relationships;

14 (ii) To make plans for parole or release which require the
15 juvenile's personal appearance in the community and which will
16 facilitate the juvenile's reintegration into the community; or

17 (iii) To make plans for a residential placement out of the
18 juvenile's home which requires the juvenile's personal appearance in
19 the community.

20 (3) No authorized leave may exceed seven consecutive days. The
21 total of all pre-minimum term authorized leaves granted to a juvenile
22 prior to final discharge from confinement shall not exceed thirty days.

23 (4) Prior to authorizing a leave, the secretary shall require a
24 written leave plan, which shall detail the purpose of the leave and how
25 it is to be achieved, the address at which the juvenile shall reside,
26 the identity of the person responsible for supervising the juvenile
27 during the leave, and a statement by such person acknowledging
28 familiarity with the leave plan and agreeing to supervise the juvenile
29 and to notify the secretary immediately if the juvenile violates any
30 terms or conditions of the leave. The leave plan shall include such
31 terms and conditions as the secretary deems appropriate and shall be
32 signed by the juvenile.

33 (5) Upon authorizing a leave, the secretary shall issue to the
34 juvenile an authorized leave order which shall contain the name of the
35 juvenile, the fact that the juvenile is on leave from a designated
36 facility, the time period of the leave, and the identity of an
37 appropriate official of the department to contact when necessary. The
38 authorized leave order shall be carried by the juvenile at all times
39 while on leave.

1 (6) Prior to the commencement of any authorized leave, the
2 secretary shall give notice of the leave to the appropriate law
3 enforcement agency in the jurisdiction in which the juvenile will
4 reside during the leave period. The notice shall include the identity
5 of the juvenile, the time period of the leave, the residence of the
6 juvenile during the leave, and the identity of the person responsible
7 for supervising the juvenile during the leave.

8 (7) The secretary may authorize a leave, which shall not exceed
9 forty-eight hours plus travel time, to meet an emergency situation such
10 as a death or critical illness of a member of the juvenile's family.
11 The secretary may authorize a leave, which shall not exceed the period
12 of time medically necessary, to obtain medical care not available in a
13 juvenile facility maintained by the department. In cases of emergency
14 or medical leave the secretary may waive all or any portions of
15 subsections (2)(a), (3), (4), (5), and (6) of this section.

16 (8) If requested by the juvenile's victim or the victim's immediate
17 family, the secretary shall give notice of any leave to the victim or
18 the victim's immediate family.

19 (9) A juvenile who violates any condition of an authorized leave
20 plan may be taken into custody and returned to the department in the
21 same manner as an adult in identical circumstances.

22 (10) Notwithstanding the provisions of this section, a juvenile
23 placed in minimum security status may participate in work, educational,
24 community ((~~service~~)) restitution, or treatment programs in the
25 community up to twelve hours a day if approved by the secretary. Such
26 a release shall not be deemed a leave of absence.

27 (11) Subsections (6), (7), and (8) of this section do not apply to
28 juveniles covered by RCW 13.40.215.

29 **Sec. 20.** RCW 13.40.210 and 1997 c 338 s 32 are each amended to
30 read as follows:

31 (1) The secretary shall, except in the case of a juvenile committed
32 by a court to a term of confinement in a state institution outside the
33 appropriate standard range for the offense(s) for which the juvenile
34 was found to be guilty established pursuant to RCW 13.40.030, set a
35 release or discharge date for each juvenile committed to its custody.
36 The release or discharge date shall be within the prescribed range to
37 which a juvenile has been committed except as provided in RCW 13.40.320
38 concerning offenders the department determines are eligible for the

1 juvenile offender basic training camp program. Such dates shall be
2 determined prior to the expiration of sixty percent of a juvenile's
3 minimum term of confinement included within the prescribed range to
4 which the juvenile has been committed. The secretary shall release any
5 juvenile committed to the custody of the department within four
6 calendar days prior to the juvenile's release date or on the release
7 date set under this chapter. Days spent in the custody of the
8 department shall be tolled by any period of time during which a
9 juvenile has absented himself or herself from the department's
10 supervision without the prior approval of the secretary or the
11 secretary's designee.

12 (2) The secretary shall monitor the average daily population of the
13 state's juvenile residential facilities. When the secretary concludes
14 that in-residence population of residential facilities exceeds one
15 hundred five percent of the rated bed capacity specified in statute, or
16 in absence of such specification, as specified by the department in
17 rule, the secretary may recommend reductions to the governor. On
18 certification by the governor that the recommended reductions are
19 necessary, the secretary has authority to administratively release a
20 sufficient number of offenders to reduce in-residence population to one
21 hundred percent of rated bed capacity. The secretary shall release
22 those offenders who have served the greatest proportion of their
23 sentence. However, the secretary may deny release in a particular case
24 at the request of an offender, or if the secretary finds that there is
25 no responsible custodian, as determined by the department, to whom to
26 release the offender, or if the release of the offender would pose a
27 clear danger to society. The department shall notify the committing
28 court of the release at the time of release if any such early releases
29 have occurred as a result of excessive in-residence population. In no
30 event shall an offender adjudicated of a violent offense be granted
31 release under the provisions of this subsection.

32 (3)(a) Following the juvenile's release under subsection (1) of
33 this section, the secretary may require the juvenile to comply with a
34 program of parole to be administered by the department in his or her
35 community which shall last no longer than eighteen months, except that
36 in the case of a juvenile sentenced for rape in the first or second
37 degree, rape of a child in the first or second degree, child
38 molestation in the first degree, or indecent liberties with forcible
39 compulsion, the period of parole shall be twenty-four months and, in

1 the discretion of the secretary, may be up to thirty-six months when
2 the secretary finds that an additional period of parole is necessary
3 and appropriate in the interests of public safety or to meet the
4 ongoing needs of the juvenile. A parole program is mandatory for
5 offenders released under subsection (2) of this section. The decision
6 to place an offender on parole shall be based on an assessment by the
7 department of the offender's risk for reoffending upon release. The
8 department shall prioritize available parole resources to provide
9 supervision and services to offenders at moderate to high risk for
10 reoffending.

11 (b) The secretary shall, for the period of parole, facilitate the
12 juvenile's reintegration into his or her community and to further this
13 goal shall require the juvenile to refrain from possessing a firearm or
14 using a deadly weapon and refrain from committing new offenses and may
15 require the juvenile to: (i) Undergo available medical, psychiatric,
16 drug and alcohol, sex offender, mental health, and other offense-
17 related treatment services; (ii) report as directed to a parole officer
18 and/or designee; (iii) pursue a course of study, vocational training,
19 or employment; (iv) notify the parole officer of the current address
20 where he or she resides; (v) be present at a particular address during
21 specified hours; (vi) remain within prescribed geographical boundaries;
22 (vii) submit to electronic monitoring; (viii) refrain from using
23 illegal drugs and alcohol, and submit to random urinalysis when
24 requested by the assigned parole officer; (ix) refrain from contact
25 with specific individuals or a specified class of individuals; (x) meet
26 other conditions determined by the parole officer to further enhance
27 the juvenile's reintegration into the community; (xi) pay any court-
28 ordered fines or restitution; and (xii) perform community ((~~service~~))
29 restitution. Community ((~~service~~)) restitution for the purpose of this
30 section means compulsory service, without compensation, performed for
31 the benefit of the community by the offender. Community ((~~service~~))
32 restitution may be performed through public or private organizations or
33 through work crews.

34 (c) The secretary may further require up to twenty-five percent of
35 the highest risk juvenile offenders who are placed on parole to
36 participate in an intensive supervision program. Offenders
37 participating in an intensive supervision program shall be required to
38 comply with all terms and conditions listed in (b) of this subsection
39 and shall also be required to comply with the following additional

1 terms and conditions: (i) Obey all laws and refrain from any conduct
2 that threatens public safety; (ii) report at least once a week to an
3 assigned community case manager; and (iii) meet all other requirements
4 imposed by the community case manager related to participating in the
5 intensive supervision program. As a part of the intensive supervision
6 program, the secretary may require day reporting.

7 (d) After termination of the parole period, the juvenile shall be
8 discharged from the department's supervision.

9 (4)(a) The department may also modify parole for violation thereof.
10 If, after affording a juvenile all of the due process rights to which
11 he or she would be entitled if the juvenile were an adult, the
12 secretary finds that a juvenile has violated a condition of his or her
13 parole, the secretary shall order one of the following which is
14 reasonably likely to effectuate the purpose of the parole and to
15 protect the public: (i) Continued supervision under the same
16 conditions previously imposed; (ii) intensified supervision with
17 increased reporting requirements; (iii) additional conditions of
18 supervision authorized by this chapter; (iv) except as provided in
19 (a)(v) of this subsection, imposition of a period of confinement not to
20 exceed thirty days in a facility operated by or pursuant to a contract
21 with the state of Washington or any city or county for a portion of
22 each day or for a certain number of days each week with the balance of
23 the days or weeks spent under supervision; and (v) the secretary may
24 order any of the conditions or may return the offender to confinement
25 for the remainder of the sentence range if the offense for which the
26 offender was sentenced is rape in the first or second degree, rape of
27 a child in the first or second degree, child molestation in the first
28 degree, indecent liberties with forcible compulsion, or a sex offense
29 that is also a serious violent offense as defined by RCW 9.94A.030.

30 (b) If the department finds that any juvenile in a program of
31 parole has possessed a firearm or used a deadly weapon during the
32 program of parole, the department shall modify the parole under (a) of
33 this subsection and confine the juvenile for at least thirty days.
34 Confinement shall be in a facility operated by or pursuant to a
35 contract with the state or any county.

36 (5) A parole officer of the department of social and health
37 services shall have the power to arrest a juvenile under his or her
38 supervision on the same grounds as a law enforcement officer would be
39 authorized to arrest the person.

1 (6) If so requested and approved under chapter 13.06 RCW, the
2 secretary shall permit a county or group of counties to perform
3 functions under subsections (3) through (5) of this section.

4 **Sec. 21.** RCW 13.40.250 and 1997 c 338 s 36 are each amended to
5 read as follows:

6 A traffic or civil infraction case involving a juvenile under the
7 age of sixteen may be diverted in accordance with the provisions of
8 this chapter or filed in juvenile court.

9 (1) If a notice of a traffic or civil infraction is filed in
10 juvenile court, the juvenile named in the notice shall be afforded the
11 same due process afforded to adult defendants in traffic infraction
12 cases.

13 (2) A monetary penalty imposed upon a juvenile under the age of
14 sixteen who is found to have committed a traffic or civil infraction
15 may not exceed one hundred dollars. At the juvenile's request, the
16 court may order performance of a number of hours of community
17 ((~~service~~)) restitution in lieu of a monetary penalty, at the rate of
18 the prevailing state minimum wage per hour.

19 (3) A diversion agreement entered into by a juvenile referred
20 pursuant to this section shall be limited to thirty hours of community
21 ((~~service~~)) restitution, or educational or informational sessions.

22 (4) If a case involving the commission of a traffic or civil
23 infraction or offense by a juvenile under the age of sixteen has been
24 referred to a diversion unit, an abstract of the action taken by the
25 diversion unit may be forwarded to the department of licensing in the
26 manner provided for in RCW 46.20.270(2).

27 **Sec. 22.** RCW 28A.225.090 and 1999 c 319 s 4 are each amended to
28 read as follows:

29 (1) A court may order a child subject to a petition under RCW
30 28A.225.035 to:

31 (a) Attend the child's current school;

32 (b) If there is space available and the program can provide
33 educational services appropriate for the child, order the child to
34 attend another public school, an alternative education program, center,
35 a skill center, dropout prevention program, or another public
36 educational program;

1 (c) Attend a private nonsectarian school or program including an
2 education center. Before ordering a child to attend an approved or
3 certified private nonsectarian school or program, the court shall: (i)
4 Consider the public and private programs available; (ii) find that
5 placement is in the best interest of the child; and (iii) find that the
6 private school or program is willing to accept the child and will not
7 charge any fees in addition to those established by contract with the
8 student's school district. If the court orders the child to enroll in
9 a private school or program, the child's school district shall contract
10 with the school or program to provide educational services for the
11 child. The school district shall not be required to contract for a
12 weekly rate that exceeds the state general apportionment dollars
13 calculated on a weekly basis generated by the child and received by the
14 district. A school district shall not be required to enter into a
15 contract that is longer than the remainder of the school year. A
16 school district shall not be required to enter into or continue a
17 contract if the child is no longer enrolled in the district;

18 (d) Be referred to a community truancy board, if available; or

19 (e) Submit to testing for the use of controlled substances or
20 alcohol based on a determination that such testing is appropriate to
21 the circumstances and behavior of the child and will facilitate the
22 child's compliance with the mandatory attendance law.

23 (2) If the child fails to comply with the court order, the court
24 may order the child to be subject to detention, as provided in RCW
25 7.21.030(2)(e), or may impose alternatives to detention such as
26 community ((~~service~~)) restitution. Failure by a child to comply with
27 an order issued under this subsection shall not be subject to detention
28 for a period greater than that permitted pursuant to a civil contempt
29 proceeding against a child under chapter 13.32A RCW.

30 (3) Any parent violating any of the provisions of either RCW
31 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than
32 twenty-five dollars for each day of unexcused absence from school. It
33 shall be a defense for a parent charged with violating RCW 28A.225.010
34 to show that he or she exercised reasonable diligence in attempting to
35 cause a child in his or her custody to attend school or that the
36 child's school did not perform its duties as required in RCW
37 28A.225.020. The court may order the parent to provide community
38 ((~~service~~)) restitution instead of imposing a fine. Any fine imposed
39 pursuant to this section may be suspended upon the condition that a

1 parent charged with violating RCW 28A.225.010 shall participate with
2 the school and the child in a supervised plan for the child's
3 attendance at school or upon condition that the parent attend a
4 conference or conferences scheduled by a school for the purpose of
5 analyzing the causes of a child's absence.

6 (4) If a child continues to be truant after entering into a court-
7 approved order with the truancy board under RCW 28A.225.035, the
8 juvenile court shall find the child in contempt, and the court may
9 order the child to be subject to detention, as provided in RCW
10 7.21.030(2)(e), or may impose alternatives to detention such as
11 meaningful community ((~~service~~)) restitution. Failure by a child to
12 comply with an order issued under this subsection may not subject a
13 child to detention for a period greater than that permitted under a
14 civil contempt proceeding against a child under chapter 13.32A RCW.

15 (5) Subsections (1), (2), and (4) of this section shall not apply
16 to a six or seven year-old child required to attend public school under
17 RCW 28A.225.015.

18 **Sec. 23.** RCW 35.21.209 and 1984 c 24 s 1 are each amended to read
19 as follows:

20 The legislative authority of a city or town may purchase liability
21 insurance in an amount it deems reasonable to protect the city or town,
22 its officers, and employees against liability for the wrongful acts of
23 offenders or injury or damage incurred by offenders in the course of
24 court-ordered community ((~~service~~)) restitution, and may elect to treat
25 offenders as employees and/or workers under Title 51 RCW.

26 **Sec. 24.** RCW 35A.21.220 and 1984 c 24 s 2 are each amended to read
27 as follows:

28 The legislative authority of a code city may purchase liability
29 insurance in an amount it deems reasonable to protect the code city,
30 its officers, and employees against liability for the wrongful acts of
31 offenders or injury or damage incurred by offenders in the course of
32 court-ordered community ((~~service~~)) restitution, and may elect to treat
33 offenders as employees and/or workers under Title 51 RCW.

34 **Sec. 25.** RCW 36.16.139 and 1984 c 24 s 3 are each amended to read
35 as follows:

1 The legislative authority of a county may purchase liability
2 insurance in an amount it deems reasonable to protect the county, its
3 officers, and employees against liability for the wrongful acts of
4 offenders or injury or damage incurred by offenders in the course of
5 community ((service)) restitution imposed by court order or pursuant to
6 RCW 13.40.080. The legislative authority of a county may elect to
7 treat offenders as employees and/or workers under Title 51 RCW.

8 **Sec. 26.** RCW 46.16.381 and 1999 c 136 s 1 are each amended to read
9 as follows:

10 (1) The director shall grant special parking privileges to any
11 person who has a disability that limits or impairs the ability to walk
12 and meets one of the following criteria, as determined by a licensed
13 physician:

14 (a) Cannot walk two hundred feet without stopping to rest;

15 (b) Is severely limited in ability to walk due to arthritic,
16 neurological, or orthopedic condition;

17 (c) Is so severely disabled, that the person cannot walk without
18 the use of or assistance from a brace, cane, another person, prosthetic
19 device, wheelchair, or other assistive device;

20 (d) Uses portable oxygen;

21 (e) Is restricted by lung disease to such an extent that forced
22 expiratory respiratory volume, when measured by spirometry is less than
23 one liter per second or the arterial oxygen tension is less than sixty
24 mm/hg on room air at rest;

25 (f) Impairment by cardiovascular disease or cardiac condition to
26 the extent that the person's functional limitations are classified as
27 class III or IV under standards accepted by the American Heart
28 Association; or

29 (g) Has a disability resulting from an acute sensitivity to
30 automobile emissions which limits or impairs the ability to walk. The
31 personal physician of the applicant shall document that the disability
32 is comparable in severity to the others listed in this subsection.

33 (2) The applications for disabled parking permits and temporary
34 disabled parking permits are official state documents. Knowingly
35 providing false information in conjunction with the application is a
36 gross misdemeanor punishable under chapter 9A.20 RCW. The following
37 statement must appear on each application form immediately below the
38 physician's signature and immediately below the applicant's signature:

1 "A disabled parking permit may be issued only for a medical necessity
2 that severely affects mobility (RCW 46.16.381). Knowingly providing
3 false information on this application is a gross misdemeanor. The
4 penalty is up to one year in jail and a fine of up to \$5,000 or both."

5 (3) Persons who qualify for special parking privileges are entitled
6 to receive from the department of licensing a removable windshield
7 placard bearing the international symbol of access and an individual
8 serial number, along with a special identification card bearing the
9 name and date of birth of the person to whom the placard is issued, and
10 the placard's serial number. The special identification card shall be
11 issued no later than January 1, 2000, to all persons who are issued
12 parking placards, including those issued for temporary disabilities,
13 and special disabled parking license plates. By July 1, 2001, the
14 department shall incorporate a photograph of the holder of the disabled
15 parking permit into all special identification cards issued after that
16 date. The department, in conjunction with the governor's committee on
17 disability issues and employment, shall assess options for issuing a
18 photo identification card to each person who qualifies for a permanent
19 parking placard, a temporary parking placard, or a special disabled
20 parking license plate and report findings to the legislative
21 transportation committee no later than December 31, 2000. The
22 department shall design the placard to be displayed when the vehicle is
23 parked by suspending it from the rearview mirror, or in the absence of
24 a rearview mirror the card may be displayed on the dashboard of any
25 vehicle used to transport the disabled person. Instead of regular
26 motor vehicle license plates, disabled persons are entitled to receive
27 special license plates bearing the international symbol of access for
28 one vehicle registered in the disabled person's name. Disabled persons
29 who are not issued the special license plates are entitled to receive
30 a second special placard upon submitting a written request to the
31 department. Persons who have been issued the parking privileges and
32 who are using a vehicle or are riding in a vehicle displaying the
33 special license plates or placard may park in places reserved for
34 mobility disabled persons. The director shall adopt rules providing
35 for the issuance of special placards and license plates to public
36 transportation authorities, nursing homes licensed under chapter 18.51
37 RCW, boarding homes licensed under chapter 18.20 RCW, senior citizen
38 centers, private nonprofit agencies as defined in chapter 24.03 RCW,
39 and vehicles registered with the department as cabulances that

1 regularly transport disabled persons who have been determined eligible
2 for special parking privileges provided under this section. The
3 director may issue special license plates for a vehicle registered in
4 the name of the public transportation authority, nursing home, boarding
5 homes, senior citizen center, private nonprofit agency, or cabulance
6 service if the vehicle is primarily used to transport persons with
7 disabilities described in this section. Public transportation
8 authorities, nursing homes, boarding homes, senior citizen centers,
9 private nonprofit agencies, and cabulance services are responsible for
10 insuring that the special placards and license plates are not used
11 improperly and are responsible for all fines and penalties for improper
12 use.

13 (4) Whenever the disabled person transfers or assigns his or her
14 interest in the vehicle, the special license plates shall be removed
15 from the motor vehicle. If another vehicle is acquired by the disabled
16 person and the vehicle owner qualifies for a special plate, the plate
17 shall be attached to the vehicle, and the director shall be immediately
18 notified of the transfer of the plate. If another vehicle is not
19 acquired by the disabled person, the removed plate shall be immediately
20 surrendered to the director.

21 (5) The special license plate shall be renewed in the same manner
22 and at the time required for the renewal of regular motor vehicle
23 license plates under this chapter. No special license plate may be
24 issued to a person who is temporarily disabled. A person who has a
25 condition expected to improve within six months may be issued a
26 temporary placard for a period not to exceed six months. If the
27 condition exists after six months a new temporary placard shall be
28 issued upon receipt of a new certification from the disabled person's
29 physician. The permanent parking placard and identification card of a
30 disabled person shall be renewed at least every five years, as required
31 by the director, by satisfactory proof of the right to continued use of
32 the privileges. In the event of the permit holder's death, the parking
33 placard and identification card must be immediately surrendered to the
34 department. The department shall match and purge its disabled permit
35 data base with available death record information at least every twelve
36 months.

37 (6) Each person who has been issued a permanent disabled parking
38 permit on or before July 1, 1998, must renew the permit no later than

1 July 1, 2003, subject to a schedule to be set by the department, or the
2 permit will expire.

3 (7) Additional fees shall not be charged for the issuance of the
4 special placards or the identification cards. No additional fee may be
5 charged for the issuance of the special license plates except the
6 regular motor vehicle registration fee and any other fees and taxes
7 required to be paid upon registration of a motor vehicle.

8 (8) Any unauthorized use of the special placard, special license
9 plate, or identification card is a traffic infraction with a monetary
10 penalty of two hundred fifty dollars.

11 (9) It is a parking infraction, with a monetary penalty of two
12 hundred fifty dollars for a person to make inaccessible the access
13 aisle located next to a space reserved for physically disabled persons.
14 The clerk of the court shall report all violations related to this
15 subsection to the department.

16 (10) It is a parking infraction, with a monetary penalty of two
17 hundred fifty dollars for any person to park a vehicle in a parking
18 place provided on private property without charge or on public property
19 reserved for physically disabled persons without a special license
20 plate or placard. If a person is charged with a violation, the person
21 shall not be determined to have committed an infraction if the person
22 produces in court or before the court appearance the special license
23 plate or placard required under this section. A local jurisdiction
24 providing nonmetered, on-street parking places reserved for physically
25 disabled persons may impose by ordinance time restrictions of no less
26 than four hours on the use of these parking places. A local
27 jurisdiction may impose by ordinance time restrictions of no less than
28 four hours on the use of nonreserved, on-street parking spaces by
29 vehicles displaying the special parking placards. All time
30 restrictions must be clearly posted.

31 (11) The penalties imposed under subsections (9) and (10) of this
32 section shall be used by that local jurisdiction exclusively for law
33 enforcement. The court may also impose an additional penalty
34 sufficient to reimburse the local jurisdiction for any costs it may
35 have incurred in removal and storage of the improperly parked vehicle.

36 (12) Except as provided by subsection (2) of this section, it is a
37 traffic infraction with a monetary penalty of two hundred fifty dollars
38 for any person willfully to obtain a special license plate, placard, or

1 identification card in a manner other than that established under this
2 section.

3 (13)(a) A law enforcement agency authorized to enforce parking laws
4 may appoint volunteers, with a limited commission, to issue notices of
5 infractions for violations of this section or RCW 46.61.581.
6 Volunteers must be at least twenty-one years of age. The law
7 enforcement agency appointing volunteers may establish any other
8 qualifications the agency deems desirable.

9 (b) An agency appointing volunteers under this section must provide
10 training to the volunteers before authorizing them to issue notices of
11 infractions.

12 (c) A notice of infraction issued by a volunteer appointed under
13 this subsection has the same force and effect as a notice of infraction
14 issued by a police officer for the same offense.

15 (d) A police officer or a volunteer may request a person to show
16 the person's identification card or special parking placard when
17 investigating the possibility of a violation of this section. If the
18 request is refused, the person in charge of the vehicle may be issued
19 a notice of infraction for a violation of this section.

20 (14) For second or subsequent violations of this section, in
21 addition to a monetary fine, the violator must complete a minimum of
22 forty hours of:

23 (a) Community ((~~service~~)) restitution for a nonprofit organization
24 that serves the disabled community or persons having disabling
25 diseases; or

26 (b) Any other community ((~~service~~)) restitution that may sensitize
27 the violator to the needs and obstacles faced by persons who have
28 disabilities.

29 (15) The court may not suspend more than one-half of any fine
30 imposed under subsection (8), (9), (10), or (12) of this section.

31 **Sec. 27.** RCW 46.20.031 and 1999 c 6 s 7 are each amended to read
32 as follows:

33 The department shall not issue a driver's license to a person:

34 (1) Who is under the age of sixteen years;

35 (2) Whose driving privilege has been withheld unless and until the
36 department may authorize the driving privilege under RCW 46.20.311;

37 (3) Who has been classified as an alcoholic, drug addict, alcohol
38 abuser, or drug abuser by a program approved by the department of

1 social and health services. The department may, however, issue a
2 license if the person:

3 (a) Has been granted a deferred prosecution under chapter 10.05
4 RCW; or

5 (b) Is satisfactorily participating in or has successfully
6 completed an alcohol or drug abuse treatment program approved by the
7 department of social and health services and has established control of
8 his or her alcohol or drug abuse problem;

9 (4) Who has previously been adjudged to be mentally ill or insane,
10 or to be incompetent due to a mental disability or disease. The
11 department shall, however, issue a license to the person if he or she
12 otherwise qualifies and:

13 (a) Has been restored to competency by the methods provided by law;
14 or

15 (b) The superior court finds the person able to operate a motor
16 vehicle with safety upon the highways during such incompetency;

17 (5) Who has not passed the driver's licensing examination required
18 by RCW 46.20.120 and 46.20.305, if applicable;

19 (6) Who is required under the laws of this state to deposit proof
20 of financial responsibility and who has not deposited such proof;

21 (7) Who is unable to safely operate a motor vehicle upon the
22 highways due to a physical or mental disability. The department's
23 conclusion that a person is barred from licensing under this subsection
24 must be reasonable and be based upon good and substantial evidence.
25 This determination is subject to review by a court of competent
26 jurisdiction;

27 (8) Who has violated his or her written promise to appear, respond,
28 or comply regarding a notice of infraction issued for abandonment of a
29 vehicle in violation of RCW 46.55.105, unless:

30 (a) The court has not notified the department of the violation;

31 (b) The department has received notice from the court showing that
32 the person has been found not to have committed the violation of RCW
33 46.55.105; or

34 (c) The person has paid all monetary penalties owing, including
35 completion of community ((~~service~~)) restitution, and the court is
36 satisfied that the person has made restitution as provided by RCW
37 46.55.105(2).

1 **Sec. 28.** RCW 46.30.020 and 1991 sp.s. c 25 s 1 are each amended to
2 read as follows:

3 (1)(a) No person may operate a motor vehicle subject to
4 registration under chapter 46.16 RCW in this state unless the person is
5 insured under a motor vehicle liability policy with liability limits of
6 at least the amounts provided in RCW 46.29.090, is self-insured as
7 provided in RCW 46.29.630, is covered by a certificate of deposit in
8 conformance with RCW 46.29.550, or is covered by a liability bond of at
9 least the amounts provided in RCW 46.29.090. Written proof of
10 financial responsibility for motor vehicle operation must be provided
11 on the request of a law enforcement officer in the format specified
12 under RCW 46.30.030.

13 (b) A person who drives a motor vehicle that is required to be
14 registered in another state that requires drivers and owners of
15 vehicles in that state to maintain insurance or financial
16 responsibility shall, when requested by a law enforcement officer,
17 provide evidence of financial responsibility or insurance as is
18 required by the laws of the state in which the vehicle is registered.

19 (c) When asked to do so by a law enforcement officer, failure to
20 display an insurance identification card as specified under RCW
21 46.30.030 creates a presumption that the person does not have motor
22 vehicle insurance.

23 (d) Failure to provide proof of motor vehicle insurance is a
24 traffic infraction and is subject to penalties as set by the supreme
25 court under RCW 46.63.110 or community ((~~service~~)) restitution.

26 (2) If a person cited for a violation of subsection (1) of this
27 section appears in person before the court and provides written
28 evidence that at the time the person was cited, he or she was in
29 compliance with the financial responsibility requirements of subsection
30 (1) of this section, the citation shall be dismissed. In lieu of
31 personal appearance, a person cited for a violation of subsection (1)
32 of this section may, before the date scheduled for the person's
33 appearance before the court, submit by mail to the court written
34 evidence that at the time the person was cited, he or she was in
35 compliance with the financial responsibility requirements of subsection
36 (1) of this section, in which case the citation shall be dismissed
37 without cost, except that the court may assess court administrative
38 costs of twenty-five dollars at the time of dismissal.

39 (3) The provisions of this chapter shall not govern:

1 (a) The operation of a motor vehicle registered under RCW
2 46.16.305(1), governed by RCW 46.16.020, or registered with the
3 Washington utilities and transportation commission as common or
4 contract carriers; or

5 (b) The operation of a motorcycle as defined in RCW 46.04.330, a
6 motor-driven cycle as defined in RCW 46.04.332, or a moped as defined
7 in RCW 46.04.304.

8 (4) RCW 46.29.490 shall not be deemed to govern all motor vehicle
9 liability policies required by this chapter but only those certified
10 for the purposes stated in chapter 46.29 RCW.

11 **Sec. 29.** RCW 46.63.120 and 1979 ex.s. c 136 s 14 are each amended
12 to read as follows:

13 (1) An order entered after the receipt of a response which does not
14 contest the determination, or after it has been established at a
15 hearing that the infraction was committed, or after a hearing for the
16 purpose of explaining mitigating circumstances is civil in nature.

17 (2) The court may include in the order the imposition of any
18 penalty authorized by the provisions of this chapter for the commission
19 of an infraction. The court may, in its discretion, waive, reduce, or
20 suspend the monetary penalty prescribed for the infraction. At the
21 person's request the court may order performance of a number of hours
22 of community ((service)) restitution in lieu of a monetary penalty, at
23 the rate of the then state minimum wage per hour.

24 **Sec. 30.** RCW 66.20.200 and 1994 c 201 s 1 are each amended to read
25 as follows:

26 It shall be unlawful for the owner of a card of identification to
27 transfer the card to any other person for the purpose of aiding such
28 person to procure alcoholic beverages from any licensee or store
29 employee. Any person who shall permit his or her card of
30 identification to be used by another or transfer such card to another
31 for the purpose of aiding such transferee to obtain alcoholic beverages
32 from a licensee or store employee or gain admission to a premises or
33 portion of a premises classified by the board as off-limits to persons
34 under twenty-one years of age, shall be guilty of a misdemeanor
35 punishable as provided by RCW 9A.20.021, except that a minimum fine of
36 two hundred fifty dollars shall be imposed and any sentence requiring
37 community ((service)) restitution shall require not fewer than twenty-

1 five hours of (~~such service~~) community restitution. Any person not
2 entitled thereto who unlawfully procures or has issued or transferred
3 to him or her a card of identification, and any person who possesses a
4 card of identification not issued to him or her, and any person who
5 makes any false statement on any certification card required by RCW
6 66.20.190, as now or hereafter amended, to be signed by him or her,
7 shall be guilty of a misdemeanor punishable as provided by RCW
8 9A.20.021, except that a minimum fine of two hundred fifty dollars
9 shall be imposed and any sentence requiring community (~~service~~)
10 restitution shall require not fewer than twenty-five hours of (~~such~~
11 ~~service~~) community restitution.

12 **Sec. 31.** RCW 66.44.291 and 1987 c 101 s 1 are each amended to read
13 as follows:

14 Every person between the ages of eighteen and twenty, inclusive,
15 who is convicted of a violation of RCW 66.44.290 is guilty of a
16 misdemeanor punishable as provided by RCW 9A.20.021, except that a
17 minimum fine of two hundred fifty dollars shall be imposed and any
18 sentence requiring community (~~service~~) restitution shall require not
19 fewer than twenty-five hours of (~~such service~~) community restitution.

20 **Sec. 32.** RCW 66.44.325 and 1987 c 101 s 2 are each amended to read
21 as follows:

22 Any person who transfers in any manner an identification of age to
23 a minor for the purpose of permitting such minor to obtain alcoholic
24 beverages shall be guilty of a misdemeanor punishable as provided by
25 RCW 9A.20.021, except that a minimum fine of two hundred fifty dollars
26 shall be imposed and any sentence requiring community (~~service~~)
27 restitution shall require not fewer than twenty-five hours of (~~such~~
28 ~~service~~) community restitution: PROVIDED, That corroborative
29 testimony of a witness other than the minor shall be a condition
30 precedent to conviction.

31 **Sec. 33.** RCW 69.50.425 and 1989 c 271 s 105 are each amended to
32 read as follows:

33 A person who is convicted of a misdemeanor violation of any
34 provision of this chapter shall be punished by imprisonment for not
35 less than twenty-four consecutive hours, and by a fine of not less than
36 two hundred fifty dollars. On a second or subsequent conviction, the

1 fine shall not be less than five hundred dollars. These fines shall be
2 in addition to any other fine or penalty imposed. Unless the court
3 finds that the imposition of the minimum imprisonment will pose a
4 substantial risk to the defendant's physical or mental well-being or
5 that local jail facilities are in an overcrowded condition, the minimum
6 term of imprisonment shall not be suspended or deferred. If the court
7 finds such risk or overcrowding exists, it shall sentence the defendant
8 to a minimum of forty hours of community (~~service~~) restitution. If
9 a minimum term of imprisonment is suspended or deferred, the court
10 shall state in writing the reason for granting the suspension or
11 deferral and the facts upon which the suspension or deferral is based.
12 Unless the court finds the person to be indigent, the minimum fine
13 shall not be suspended or deferred.

14 **Sec. 34.** RCW 70.93.060 and 1997 c 159 s 1 are each amended to read
15 as follows:

16 (1) No person shall throw, drop, deposit, discard, or otherwise
17 dispose of litter upon any public property in the state or upon private
18 property in this state not owned by him or her or in the waters of this
19 state whether from a vehicle or otherwise including but not limited to
20 any public highway, public park, beach, campground, forest land,
21 recreational area, trailer park, highway, road, street, or alley
22 except:

23 (a) When the property is designated by the state or its agencies or
24 political subdivisions for the disposal of garbage and refuse, and the
25 person is authorized to use such property for that purpose;

26 (b) Into a litter receptacle in a manner that will prevent litter
27 from being carried away or deposited by the elements upon any part of
28 said private or public property or waters.

29 (2)(a) Except as provided in subsection (4) of this section, it is
30 a class 3 civil infraction as provided in RCW 7.80.120 for a person to
31 litter in an amount less than or equal to one cubic foot.

32 (b) It is a class 1 civil infraction as provided in RCW 7.80.120
33 for a person to litter in an amount greater than one cubic foot.
34 Unless suspended or modified by a court, the person shall also pay a
35 litter cleanup fee of twenty-five dollars per cubic foot of litter.
36 The court may, in addition to or in lieu of part or all of the cleanup
37 fee, order the person to pick up and remove litter from the property,

1 with prior permission of the legal owner or, in the case of public
2 property, of the agency managing the property.

3 (3) If the violation occurs in a state park, the court shall, in
4 addition to any other penalties assessed, order the person to perform
5 twenty-four hours of community ((~~service~~)) restitution in the state
6 park where the violation occurred if the state park has stated an
7 intent to participate as provided in RCW ((~~43.51.048(2)~~))
8 79A.05.050(2).

9 (4) It is a class 1 civil infraction as provided in RCW 7.80.120
10 for a person to discard, in violation of this section, a cigarette,
11 cigar, or other tobacco product that is capable of starting a fire.

12 **Sec. 35.** RCW 70.93.250 and 1998 c 257 s 10 and 1998 c 245 s 128
13 are each reenacted and amended to read as follows:

14 (1) The department shall provide funding to local units of
15 government to establish, conduct, and evaluate community ((~~service~~))
16 restitution and other programs for waste reduction, litter and illegal
17 dump cleanup, and recycling. Programs eligible for funding under this
18 section shall include, but not be limited to, programs established
19 pursuant to RCW 72.09.260.

20 (2) Funds may be offered for costs associated with community waste
21 reduction, litter cleanup and prevention, and recycling activities.
22 The funding program must be flexible, allowing local governments to use
23 funds broadly to meet their needs to reduce waste, control litter and
24 illegal dumping, and promote recycling. Local governments are required
25 to contribute resources or in-kind services. The department shall
26 evaluate funding requests from local government according to the same
27 criteria as those developed in RCW 70.93.220, provide funds according
28 to the effectiveness and efficiency of local government litter control
29 programs, and monitor the results of all local government programs
30 under this section.

31 (3) Local governments shall report information as requested by the
32 department in funding agreements entered into by the department and a
33 local government. The department shall report to the appropriate
34 standing committees of the legislature by December of even-numbered
35 years on the effectiveness of local government waste reduction, litter,
36 and recycling programs funded under this section.

1 **Sec. 36.** RCW 70.155.080 and 1998 c 133 s 2 are each amended to
2 read as follows:

3 (1) A person under the age of eighteen who purchases or attempts to
4 purchase, possesses, or obtains or attempts to obtain cigarettes or
5 tobacco products commits a class 3 civil infraction under chapter 7.80
6 RCW and is subject to a fine as set out in chapter 7.80 RCW or
7 participation in up to four hours of community ((~~service~~)) restitution,
8 or both. The court may also require participation in a smoking
9 cessation program. This provision does not apply if a person under the
10 age of eighteen, with parental authorization, is participating in a
11 controlled purchase as part of a liquor control board, law enforcement,
12 or local health department activity.

13 (2) Municipal and district courts within the state have
14 jurisdiction for enforcement of this section.

15 **Sec. 37.** RCW 72.09.060 and 1989 c 185 s 3 are each amended to read
16 as follows:

17 The department of corrections may be organized into such divisions
18 or offices as the secretary may determine, but shall include divisions
19 for (1) correctional industries, (2) prisons and other custodial
20 institutions and (3) probation, parole, community ((~~service~~))
21 restitution, restitution, and other nonincarcerative sanctions. The
22 secretary shall have at least one person on his or her staff who shall
23 have the responsibility for developing a program which encourages the
24 use of volunteers, for citizen advisory groups, and for similar public
25 involvement programs in the corrections area. Minimum qualification
26 for staff assigned to public involvement responsibilities shall include
27 previous experience in working with volunteers or volunteer agencies.

28 **Sec. 38.** RCW 72.09.100 and 1995 1st sp.s. c 19 s 33 are each
29 amended to read as follows:

30 It is the intent of the legislature to vest in the department the
31 power to provide for a comprehensive inmate work program and to remove
32 statutory and other restrictions which have limited work programs in
33 the past. For purposes of establishing such a comprehensive program,
34 the legislature recommends that the department consider adopting any or
35 all, or any variation of, the following classes of work programs:

36 (1) CLASS I: FREE VENTURE INDUSTRIES. The employer model
37 industries in this class shall be operated and managed in total or in

1 part by any profit or nonprofit organization pursuant to an agreement
2 between the organization and the department. The organization shall
3 produce goods or services for sale to both the public and private
4 sector.

5 The customer model industries in this class shall be operated and
6 managed by the department to provide Washington state manufacturers or
7 businesses with products or services currently produced or provided by
8 out-of-state or foreign suppliers. The correctional industries board
9 of directors shall review these proposed industries before the
10 department contracts to provide such products or services. The review
11 shall include an analysis of the potential impact of the proposed
12 products and services on the Washington state business community and
13 labor market.

14 The department of corrections shall supply appropriate security and
15 custody services without charge to the participating firms.

16 Inmates who work in free venture industries shall do so at their
17 own choice. They shall be paid a wage comparable to the wage paid for
18 work of a similar nature in the locality in which the industry is
19 located, as determined by the director of correctional industries. If
20 the director cannot reasonably determine the comparable wage, then the
21 pay shall not be less than the federal minimum wage.

22 An inmate who is employed in the class I program of correctional
23 industries shall not be eligible for unemployment compensation benefits
24 pursuant to any of the provisions of Title 50 RCW until released on
25 parole or discharged.

26 (2) CLASS II: TAX REDUCTION INDUSTRIES. Industries in this class
27 shall be state-owned and operated enterprises designed to reduce the
28 costs for goods and services for tax-supported agencies and for
29 nonprofit organizations. The industries selected for development
30 within this class shall, as much as possible, match the available pool
31 of inmate work skills and aptitudes with the work opportunities in the
32 free community. The industries shall be closely patterned after
33 private sector industries but with the objective of reducing public
34 support costs rather than making a profit. The products and services
35 of this industry, including purchased products and services necessary
36 for a complete product line, may be sold to public agencies, to
37 nonprofit organizations, and to private contractors when the goods
38 purchased will be ultimately used by a public agency or a nonprofit
39 organization. Clothing manufactured by an industry in this class may

1 be donated to nonprofit organizations that provide clothing free of
2 charge to low-income persons. Correctional industries products and
3 services shall be reviewed by the correctional industries board of
4 directors before offering such products and services for sale to
5 private contractors. The board of directors shall conduct a yearly
6 marketing review of the products and services offered under this
7 subsection. Such review shall include an analysis of the potential
8 impact of the proposed products and services on the Washington state
9 business community. To avoid waste or spoilage and consequent loss to
10 the state, when there is no public sector market for such goods,
11 byproducts and surpluses of timber, agricultural, and animal husbandry
12 enterprises may be sold to private persons, at private sale. Surplus
13 byproducts and surpluses of timber, agricultural and animal husbandry
14 enterprises that cannot be sold to public agencies or to private
15 persons may be donated to nonprofit organizations. All sales of
16 surplus products shall be carried out in accordance with rules
17 prescribed by the secretary.

18 Security and custody services shall be provided without charge by
19 the department of corrections.

20 Inmates working in this class of industries shall do so at their
21 own choice and shall be paid for their work on a gratuity scale which
22 shall not exceed the wage paid for work of a similar nature in the
23 locality in which the industry is located and which is approved by the
24 director of correctional industries.

25 Subject to approval of the correctional industries board,
26 provisions of RCW 41.06.380 prohibiting contracting out work performed
27 by classified employees shall not apply to contracts with Washington
28 state businesses entered into by the department of corrections through
29 class II industries.

30 (3) CLASS III: INSTITUTIONAL SUPPORT INDUSTRIES. Industries in
31 this class shall be operated by the department of corrections. They
32 shall be designed and managed to accomplish the following objectives:

33 (a) Whenever possible, to provide basic work training and
34 experience so that the inmate will be able to qualify for better work
35 both within correctional industries and the free community. It is not
36 intended that an inmate's work within this class of industries should
37 be his or her final and total work experience as an inmate.

38 (b) Whenever possible, to provide forty hours of work or work
39 training per week.

1 (c) Whenever possible, to offset tax and other public support
2 costs.

3 Supervising, management, and custody staff shall be employees of
4 the department.

5 All able and eligible inmates who are assigned work and who are not
6 working in other classes of industries shall work in this class.

7 Except for inmates who work in work training programs, inmates in
8 this class shall be paid for their work in accordance with an inmate
9 gratuity scale. The scale shall be adopted by the secretary of
10 corrections.

11 (4) CLASS IV: COMMUNITY WORK INDUSTRIES. Industries in this class
12 shall be operated by the department of corrections. They shall be
13 designed and managed to provide services in the inmate's resident
14 community at a reduced cost. The services shall be provided to public
15 agencies, to persons who are poor or infirm, or to nonprofit
16 organizations.

17 Inmates in this program shall reside in facilities owned by,
18 contracted for, or licensed by the department of corrections. A unit
19 of local government shall provide work supervision services without
20 charge to the state and shall pay the inmate's wage.

21 The department of corrections shall reimburse participating units
22 of local government for liability and workers compensation insurance
23 costs.

24 Inmates who work in this class of industries shall do so at their
25 own choice and shall receive a gratuity which shall not exceed the wage
26 paid for work of a similar nature in the locality in which the industry
27 is located.

28 (5) CLASS V: COMMUNITY ((~~SERVICE~~)) RESTITUTION PROGRAMS. Programs
29 in this class shall be subject to supervision by the department of
30 corrections. The purpose of this class of industries is to enable an
31 inmate, placed on community supervision, to work off all or part of a
32 community ((~~service~~)) restitution order as ordered by the sentencing
33 court.

34 Employment shall be in a community ((~~service~~)) restitution program
35 operated by the state, local units of government, or a nonprofit
36 agency.

37 To the extent that funds are specifically made available for such
38 purposes, the department of corrections shall reimburse nonprofit
39 agencies for workers compensation insurance costs.

1 **Sec. 39.** RCW 72.09.260 and 1990 c 66 s 2 are each amended to read
2 as follows:

3 (1) The department shall assist local units of government in
4 establishing community ((~~service~~)) restitution programs for litter
5 cleanup. Community ((~~service~~)) restitution litter cleanup programs
6 must include the following: (a) Procedures for documenting the number
7 of community ((~~service~~)) restitution hours worked in litter cleanup by
8 each offender; (b) plans to coordinate litter cleanup activities with
9 local governmental entities responsible for roadside and park
10 maintenance; (c) insurance coverage for offenders during litter cleanup
11 activities pursuant to RCW 51.12.045; (d) provision of adequate safety
12 equipment and, if needed, weather protection gear; and (e) provision
13 for including felons and misdemeanants in the program.

14 (2) Community ((~~service~~)) restitution programs established under
15 this section shall involve, but not be limited to, persons convicted of
16 nonviolent, drug-related offenses.

17 (3) Nothing in this section shall diminish the department's
18 authority to place offenders in community ((~~service~~)) restitution
19 programs or to determine the suitability of offenders for specific
20 programs.

21 (4) As used in this section, "litter cleanup" includes cleanup and
22 removal of solid waste that is illegally dumped.

23 **Sec. 40.** RCW 79A.05.050 and 1996 c 263 s 3 are each amended to
24 read as follows:

25 (1) The commission shall establish a policy and procedures for
26 supervising and evaluating community ((~~service~~)) restitution activities
27 that may be imposed under RCW 70.93.060(3) including a description of
28 what constitutes satisfactory completion of community ((~~service~~))
29 restitution.

30 (2) The commission shall inform each state park of the policy and
31 procedures regarding community ((~~service~~)) restitution activities, and
32 each state park shall then notify the commission as to whether or not
33 the park elects to participate in the community ((~~service~~)) restitution
34 program. The commission shall transmit a list notifying the district
35 courts of each state park that elects to participate."

1 **SB 5664** - H COMM AMD

2 By Committee on Criminal Justice & Corrections

3

4 On page 1, line 1 of the title, after "service;" strike the
5 remainder of the title and insert "amending RCW 7.80.130, 7.80.160,
6 7.84.110, 7.84.130, 9.94A.200, 9.94A.380, 9.94A.400, 10.98.040,
7 13.40.020, 13.40.0357, 13.40.080, 13.40.160, 13.40.165, 13.40.180,
8 13.40.200, 13.40.205, 13.40.210, 13.40.250, 28A.225.090, 35.21.209,
9 35A.21.220, 36.16.139, 46.16.381, 46.20.031, 46.30.020, 46.63.120,
10 66.20.200, 66.44.291, 66.44.325, 69.50.425, 70.93.060, 70.155.080,
11 72.09.060, 72.09.100, 72.09.260, and 79A.05.050; and reenacting and
12 amending RCW 9.94A.030, 9.94A.040, 9.94A.120, and 70.93.250."

EFFECT: Updates and corrects RCW references.

--- END ---