

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 6336**

56th Legislature  
2000 Regular Session

Passed by the Senate February 11, 2000  
YEAS 44 NAYS 0

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**President of the Senate**

Passed by the House March 8, 2000  
YEAS 98 NAYS 0

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**Speaker of the  
House of Representatives**

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**Speaker of the  
House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6336** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 6336**

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Passed Legislature - 2000 Regular Session

**State of Washington**

**56th Legislature**

**2000 Regular Session**

**By** Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Long, Sheahan and Costa; by request of Department of Corrections)

Read first time 02/03/2000.

1       AN ACT Relating to terms of community supervision; amending RCW  
2 9.94A.145; reenacting and amending RCW 9.94A.120, 9.94A.142, and  
3 9.94A.170; creating a new section; and declaring an emergency.

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

5       NEW SECTION.   **Sec. 1.** The legislature finds that supervision of  
6 offenders in the community and an offender's payment of restitution  
7 enhances public safety, improves offender accountability, is an  
8 important component of providing justice to victims, and strengthens  
9 the community. The legislature intends that all terms and conditions  
10 of an offender's supervision in the community, including the length of  
11 supervision and payment of legal financial obligations, not be  
12 curtailed by an offender's absence from supervision for any reason  
13 including confinement in any correctional institution. The  
14 legislature, through this act, revises the results of *In re*  
15 *Sappenfield*, 980 P.2d 1271 (1999) and declares that an offender's  
16 absence from supervision or subsequent incarceration acts to toll the  
17 jurisdiction of the court or department over an offender for the  
18 purpose of enforcing legal financial obligations.

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

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

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

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

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

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

1 emergency medical treatment; (b) for the purpose of commitment to an  
2 inpatient treatment facility in the case of an offender convicted of  
3 the crime of rape in the first degree; or (c) for an extraordinary  
4 medical placement when authorized under RCW 9.94A.150(4).

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

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

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

18 (iii) Pursue a prescribed, secular course of study or vocational  
19 training;

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

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

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

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

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

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

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

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

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

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

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

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

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

35 The court shall also impose:

36 (i) The remainder of the midpoint of the standard range as a term  
37 of community custody which must include appropriate substance abuse  
38 treatment in a program that has been approved by the division of

1 alcohol and substance abuse of the department of social and health  
2 services;

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

5 (iii) A requirement to submit to urinalysis or other testing to  
6 monitor that status.

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

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

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

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

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

21 (E) Perform community service work;

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

23 (G) Such other conditions as the court may require such as  
24 affirmative conditions.

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

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

36 (e) An offender who fails to complete the special drug offender  
37 sentencing alternative program or who is administratively terminated  
38 from the program shall be reclassified to serve the unexpired term of  
39 his or her sentence as ordered by the sentencing judge and shall be

1 subject to all rules relating to earned early release time. An  
2 offender who violates any conditions of supervision as defined by the  
3 department shall be sanctioned. Sanctions may include, but are not  
4 limited to, reclassifying the offender to serve the unexpired term of  
5 his or her sentence as ordered by the sentencing judge. If an offender  
6 is reclassified to serve the unexpired term of his or her sentence, the  
7 offender shall be subject to all rules relating to earned early release  
8 time.

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

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

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

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

- 37 (A) Frequency and type of contact between offender and therapist;  
38 (B) Specific issues to be addressed in the treatment and  
39 description of planned treatment modalities;

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

4 (D) Anticipated length of treatment; and

5 (E) Recommended crime-related prohibitions.

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

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

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

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



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

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

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

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

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

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

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

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

37 (v) If a violation of conditions occurs during community custody,  
38 the department shall either impose sanctions as provided for in RCW  
39 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;

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)(a) 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.

9 (b) For an offense committed prior to July 1, 2000, the offender's  
10 compliance with payment of legal financial obligations shall be  
11 supervised by the department for ten years following the entry of the  
12 judgment and sentence or ten years following the offender's release  
13 from total confinement, whichever period ends later. All monetary  
14 payments ordered shall be paid no later than ten years after the last  
15 date of release from confinement pursuant to a felony conviction or the  
16 date the sentence was entered unless the superior court extends the  
17 criminal judgment an additional ten years. If the legal financial  
18 obligations including crime victims' assessments are not paid during  
19 the initial ten-year period, the superior court may extend jurisdiction  
20 under the criminal judgment an additional ten years as provided in RCW  
21 9.94A.140, 9.94A.142, and 9.94A.145. If jurisdiction under the  
22 criminal judgment is extended, the department is not responsible for  
23 supervision of the offender during the subsequent period.

24 (c) For an offense committed on or after July 1, 2000, the court  
25 shall retain jurisdiction over the offender, for purposes of the  
26 offender's compliance with payment of the legal financial obligations,  
27 until the obligation is completely satisfied, regardless of the  
28 statutory maximum for the crime. The department of corrections shall  
29 supervise the offender's compliance with payment of the legal financial  
30 obligations for ten years following the entry of the judgment and  
31 sentence or ten years following the offender's release from total  
32 confinement, whichever period ends later. The department is not  
33 responsible for supervision of the offender during any subsequent  
34 period of time the offender remains under the court's jurisdiction.

35 (d) Independent of the department, the party or entity to whom the  
36 legal financial obligation is owed shall have the authority to utilize  
37 any other remedies available to the party or entity to collect the  
38 legal financial obligation. Nothing in this section makes the  
39 department, the state, or any of its employees, agents, or other

1 persons acting on their behalf liable under any circumstances for the  
2 payment of these legal financial obligations. If an order includes  
3 restitution as one of the monetary assessments, the county clerk shall  
4 make disbursements to victims named in the order.

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

10 (15) All offenders sentenced to terms involving community  
11 supervision, community service, community placement, community custody,  
12 or legal financial obligation shall be under the supervision of the  
13 department of corrections and shall follow explicitly the instructions  
14 and conditions of the department of corrections. The department may  
15 require an offender to perform affirmative acts it deems appropriate to  
16 monitor compliance with the conditions of the sentence imposed.

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

22 (b) For offenders sentenced to terms involving community custody  
23 for crimes committed on or after June 6, 1996, the department may  
24 include, in addition to the instructions in (a) of this subsection, any  
25 appropriate conditions of supervision, including but not limited to,  
26 prohibiting the offender from having contact with any other specified  
27 individuals or specific class of individuals. For offenders sentenced  
28 to terms of community custody for crimes committed on or after July 1,  
29 2000, the department may additionally require the offender to  
30 participate in rehabilitative programs or otherwise perform affirmative  
31 conduct, and to obey all laws.

32 The conditions authorized under this subsection (15)(b) may be  
33 imposed by the department prior to or during an offender's community  
34 custody term. If a violation of conditions imposed by the court or the  
35 department pursuant to subsection (10) of this section occurs during  
36 community custody, it shall be deemed a violation of community  
37 placement for the purposes of RCW 9.94A.207 and shall authorize the  
38 department to transfer an offender to a more restrictive confinement  
39 status as provided in RCW 9.94A.205. At any time prior to the

1 completion of an offender's term of community custody, the department  
2 may recommend to the court that any or all of the conditions imposed by  
3 the court or the department pursuant to subsection (10) or (11) of this  
4 section be continued beyond the expiration of the offender's term of  
5 community custody as authorized in subsection (10)(c) or (11)(e) of  
6 this section.

7 The department may require offenders to pay for special services  
8 rendered on or after July 25, 1993, including electronic monitoring,  
9 day reporting, and telephone reporting, dependent upon the offender's  
10 ability to pay. The department may pay for these services for  
11 offenders who are not able to pay.

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

23 (17) The sentencing court shall give the offender credit for all  
24 confinement time served before the sentencing if that confinement was  
25 solely in regard to the offense for which the offender is being  
26 sentenced.

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

32 (19) The court shall order restitution whenever the offender is  
33 convicted of a felony that results in injury to any person or damage to  
34 or loss of property, whether the offender is sentenced to confinement  
35 or placed under community supervision, unless extraordinary  
36 circumstances exist that make restitution inappropriate in the court's  
37 judgment. The court shall set forth the extraordinary circumstances in  
38 the record if it does not order restitution.

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

8 (21) The court may order an offender whose sentence includes  
9 community placement or community supervision to undergo a mental status  
10 evaluation and to participate in available outpatient mental health  
11 treatment, if the court finds that reasonable grounds exist to believe  
12 that the offender is a mentally ill person as defined in RCW 71.24.025,  
13 and that this condition is likely to have influenced the offense. An  
14 order requiring mental status evaluation or treatment must be based on  
15 a presentence report and, if applicable, mental status evaluations that  
16 have been filed with the court to determine the offender's competency  
17 or eligibility for a defense of insanity. The court may order  
18 additional evaluations at a later date if deemed appropriate.

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

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

27 (24) In sentencing an offender convicted of a crime of domestic  
28 violence, as defined in RCW 10.99.020, if the offender has a minor  
29 child, or if the victim of the offense for which the offender was  
30 convicted has a minor child, the court may, as part of any term of  
31 community supervision, order the offender to participate in a domestic  
32 violence perpetrator program approved under RCW 26.50.150.

33 (25)(a) Sex offender examinations and treatment ordered as a  
34 special condition of community placement or community custody under  
35 this section shall be conducted only by sex offender treatment  
36 providers certified by the department of health under chapter 18.155  
37 RCW unless the court finds that: (i) The offender has already moved to  
38 another state or plans to move to another state for reasons other than  
39 circumventing the certification requirements; (ii) no certified

1 providers are available for treatment within a reasonable geographic  
2 distance of the offender's home, as determined in rules adopted by the  
3 secretary; (iii) the evaluation and treatment plan comply with the  
4 rules adopted by the department of health; or (iv) the treatment  
5 provider is employed by the department. A treatment provider selected  
6 by an offender who is not certified by the department of health shall  
7 consult with a certified provider during the offender's period of  
8 treatment to ensure compliance with the rules adopted by the department  
9 of health. The frequency and content of the consultation shall be  
10 based on the recommendation of the certified provider.

11 (b) A sex offender's failure to participate in treatment required  
12 as a condition of community placement or community custody is a  
13 violation that will not be excused on the basis that no treatment  
14 provider was located within a reasonable geographic distance of the  
15 offender's home.

16 **Sec. 3.** RCW 9.94A.142 and 1997 c 121 s 4 and 1997 c 52 s 2 are  
17 each reenacted and amended to read as follows:

18 (1) When restitution is ordered, the court shall determine the  
19 amount of restitution due at the sentencing hearing or within one  
20 hundred eighty days except as provided in subsection (4) of this  
21 section. The court may continue the hearing beyond the one hundred  
22 eighty days for good cause. The court shall then set a minimum monthly  
23 payment that the offender is required to make towards the restitution  
24 that is ordered. The court should take into consideration the total  
25 amount of the restitution owed, the offender's present, past, and  
26 future ability to pay, as well as any assets that the offender may  
27 have. During the period of supervision, the community corrections  
28 officer may examine the offender to determine if there has been a  
29 change in circumstances that warrants an amendment of the monthly  
30 payment schedule. The community corrections officer may recommend a  
31 change to the schedule of payment and shall inform the court of the  
32 recommended change and the reasons for the change. The sentencing  
33 court may then reset the monthly minimum payments based on the report  
34 from the community corrections officer of the change in circumstances.  
35 Except as provided in subsection (3) of this section, restitution  
36 ordered by a court pursuant to a criminal conviction shall be based on  
37 easily ascertainable damages for injury to or loss of property, actual  
38 expenses incurred for treatment for injury to persons, and lost wages

1 resulting from injury. Restitution shall not include reimbursement for  
2 damages for mental anguish, pain and suffering, or other intangible  
3 losses, but may include the costs of counseling reasonably related to  
4 the offense. The amount of restitution shall not exceed double the  
5 amount of the offender's gain or the victim's loss from the commission  
6 of the crime. For the purposes of this section, for an offense  
7 committed prior to July 1, 2000, the offender shall remain under the  
8 court's jurisdiction for a term of ten years following the offender's  
9 release from total confinement or ten years subsequent to the entry of  
10 the judgment and sentence, whichever period (~~(is longer)~~) ends later.  
11 Prior to the expiration of the initial ten-year period, the superior  
12 court may extend jurisdiction under the criminal judgment an additional  
13 ten years for payment of restitution. For an offense committed on or  
14 after July 1, 2000, the offender shall remain under the court's  
15 jurisdiction until the obligation is completely satisfied, regardless  
16 of the statutory maximum for the crime. The portion of the sentence  
17 concerning restitution may be modified as to amount, terms, and  
18 conditions during (~~(either the initial ten-year period or subsequent~~  
19 ~~ten-year period if the criminal judgment is extended)~~) any period of  
20 time the offender remains under the court's jurisdiction, regardless of  
21 the expiration of the offender's term of community supervision and  
22 regardless of the statutory maximum for the crime. The court may not  
23 reduce the total amount of restitution ordered because the offender may  
24 lack the ability to pay the total amount. The offender's compliance  
25 with the restitution shall be supervised by the department of  
26 corrections for ten years following the entry of the judgment and  
27 sentence or ten years following the offender's release from total  
28 confinement. (~~(If jurisdiction under the criminal judgment is~~  
29 ~~extended, the department is not responsible for supervision of the~~  
30 ~~offender during the subsequent period)~~) The department is not  
31 responsible for supervision of the offender during any subsequent  
32 period of time the offender remains under the court's jurisdiction.

33 (2) Restitution shall be ordered whenever the offender is convicted  
34 of an offense which results in injury to any person or damage to or  
35 loss of property or as provided in subsection (3) of this section  
36 unless extraordinary circumstances exist which make restitution  
37 inappropriate in the court's judgment and the court sets forth such  
38 circumstances in the record. In addition, restitution shall be ordered  
39 to pay for an injury, loss, or damage if the offender pleads guilty to

1 a lesser offense or fewer offenses and agrees with the prosecutor's  
2 recommendation that the offender be required to pay restitution to a  
3 victim of an offense or offenses which are not prosecuted pursuant to  
4 a plea agreement.

5 (3) Restitution for the crime of rape of a child in the first,  
6 second, or third degree, in which the victim becomes pregnant, shall  
7 include: (a) All of the victim's medical expenses that are associated  
8 with the rape and resulting pregnancy; and (b) child support for any  
9 child born as a result of the rape if child support is ordered pursuant  
10 to a civil superior court or administrative order for support for that  
11 child. The clerk must forward any restitution payments made on behalf  
12 of the victim's child to the Washington state child support registry  
13 under chapter 26.23 RCW. Identifying information about the victim and  
14 child shall not be included in the order. The defendant shall receive  
15 a credit against any obligation owing under the administrative or  
16 superior court order for support of the victim's child. For the  
17 purposes of this subsection, the offender shall remain under the  
18 court's jurisdiction until the defendant has satisfied support  
19 obligations under the superior court or administrative order (~~but not~~  
20 ~~longer than~~) for the period provided in RCW 4.16.020 or a maximum term  
21 of twenty-five years following the offender's release from total  
22 confinement or twenty-five years subsequent to the entry of the  
23 judgment and sentence, whichever period is longer. The court may not  
24 reduce the total amount of restitution ordered because the offender may  
25 lack the ability to pay the total amount. The department shall  
26 supervise the offender's compliance with the restitution ordered under  
27 this subsection.

28 (4) Regardless of the provisions of subsections (1), (2), and (3)  
29 of this section, the court shall order restitution in all cases where  
30 the victim is entitled to benefits under the crime victims'  
31 compensation act, chapter 7.68 RCW. If the court does not order  
32 restitution and the victim of the crime has been determined to be  
33 entitled to benefits under the crime victims' compensation act, the  
34 department of labor and industries, as administrator of the crime  
35 victims' compensation program, may petition the court within one year  
36 of entry of the judgment and sentence for entry of a restitution order.  
37 Upon receipt of a petition from the department of labor and industries,  
38 the court shall hold a restitution hearing and shall enter a  
39 restitution order.

1 (5) In addition to any sentence that may be imposed, a defendant  
2 who has been found guilty of an offense involving fraud or other  
3 deceptive practice or an organization which has been found guilty of  
4 any such offense may be ordered by the sentencing court to give notice  
5 of the conviction to the class of persons or to the sector of the  
6 public affected by the conviction or financially interested in the  
7 subject matter of the offense by mail, by advertising in designated  
8 areas or through designated media, or by other appropriate means.

9 (6) This section does not limit civil remedies or defenses  
10 available to the victim, survivors of the victim, or defendant  
11 including support enforcement remedies for support ordered under  
12 subsection (3) of this section for a child born as a result of a rape  
13 of a child victim. The court shall identify in the judgment and  
14 sentence the victim or victims entitled to restitution and what amount  
15 is due each victim. The state or victim may enforce the court-ordered  
16 restitution in the same manner as a judgment in a civil action.  
17 Restitution collected through civil enforcement must be paid through  
18 the registry of the court and must be distributed proportionately  
19 according to each victim's loss when there is more than one victim.

20 (7) This section shall apply to offenses committed after July 1,  
21 1985.

22 **Sec. 4.** RCW 9.94A.145 and 1999 c 196 s 6 are each amended to read  
23 as follows:

24 (1) Whenever a person is convicted of a felony, the court may order  
25 the payment of a legal financial obligation as part of the sentence.  
26 The court must on either the judgment and sentence or on a subsequent  
27 order to pay, designate the total amount of a legal financial  
28 obligation and segregate this amount among the separate assessments  
29 made for restitution, costs, fines, and other assessments required by  
30 law. On the same order, the court is also to set a sum that the  
31 offender is required to pay on a monthly basis towards satisfying the  
32 legal financial obligation. If the court fails to set the offender  
33 monthly payment amount, the department shall set the amount. Upon  
34 receipt of an offender's monthly payment, after restitution is  
35 satisfied, the county clerk shall distribute the payment proportionally  
36 among all other fines, costs, and assessments imposed, unless otherwise  
37 ordered by the court.



1 (2) If the court determines that the offender, at the time of  
2 sentencing, has the means to pay for the cost of incarceration, the  
3 court may require the offender to pay for the cost of incarceration at  
4 a rate of fifty dollars per day of incarceration. Payment of other  
5 court-ordered financial obligations, including all legal financial  
6 obligations and costs of supervision shall take precedence over the  
7 payment of the cost of incarceration ordered by the court. All funds  
8 recovered from offenders for the cost of incarceration in the county  
9 jail shall be remitted to the county and the costs of incarceration in  
10 a prison shall be remitted to the department of corrections.

11 (3) The court may add to the judgment and sentence or subsequent  
12 order to pay a statement that a notice of payroll deduction is to be  
13 immediately issued. If the court chooses not to order the immediate  
14 issuance of a notice of payroll deduction at sentencing, the court  
15 shall add to the judgment and sentence or subsequent order to pay a  
16 statement that a notice of payroll deduction may be issued or other  
17 income-withholding action may be taken, without further notice to the  
18 offender if a monthly court-ordered legal financial obligation payment  
19 is not paid when due, and an amount equal to or greater than the amount  
20 payable for one month is owed.

21 If a judgment and sentence or subsequent order to pay does not  
22 include the statement that a notice of payroll deduction may be issued  
23 or other income-withholding action may be taken if a monthly legal  
24 financial obligation payment is past due, the department may serve a  
25 notice on the offender stating such requirements and authorizations.  
26 Service shall be by personal service or any form of mail requiring a  
27 return receipt.

28 (4) All legal financial obligations that are ordered as a result of  
29 a conviction for a felony, may also be enforced in the same manner as  
30 a judgment in a civil action by the party or entity to whom the legal  
31 financial obligation is owed. Restitution collected through civil  
32 enforcement must be paid through the registry of the court and must be  
33 distributed proportionately according to each victim's loss when there  
34 is more than one victim. The judgment and sentence shall identify the  
35 party or entity to whom restitution is owed so that the state, party,  
36 or entity may enforce the judgment. If restitution is ordered pursuant  
37 to RCW 9.94A.140(3) or 9.94A.142(3) to a victim of rape of a child and  
38 the victim's child born from the rape, the Washington state child  
39 support registry shall be identified as the party to whom payments must

1 be made. Restitution obligations arising from the rape of a child in  
2 the first, second, or third degree that result in the pregnancy of the  
3 victim may be enforced for the time periods provided under RCW  
4 9.94A.140(3) and 9.94A.142(3). All other legal financial obligations  
5 for an offense committed prior to July 1, 2000, may be enforced at any  
6 time during the ten-year period following the offender's release from  
7 total confinement or within ten years of entry of the judgment and  
8 sentence, whichever period ((is longer)) ends later. Prior to the  
9 expiration of the initial ten-year period, the superior court may  
10 extend the criminal judgment an additional ten years for payment of  
11 legal financial obligations including crime victims' assessments. ((If  
12 jurisdiction under the criminal judgment is extended, the department is  
13 not responsible for supervision of the offender during the subsequent  
14 period)) All other legal financial obligations for an offense committed  
15 on or after July 1, 2000, may be enforced at any time the offender  
16 remains under the court's jurisdiction. The department of corrections  
17 shall supervise the offender's compliance with payment of the legal  
18 financial obligations for ten years following the entry of the judgment  
19 and sentence, or ten years following the offender's release from total  
20 confinement, whichever period ends later. The department is not  
21 responsible for supervision of the offender during any subsequent  
22 period of time the offender remains under the court's jurisdiction.  
23 Independent of the department, the party or entity to whom the legal  
24 financial obligation is owed shall have the authority to utilize any  
25 other remedies available to the party or entity to collect the legal  
26 financial obligation.

27 (5) In order to assist the court in setting a monthly sum that the  
28 offender must pay during the period of supervision, the offender is  
29 required to report to the department for purposes of preparing a  
30 recommendation to the court. When reporting, the offender is required,  
31 under oath, to truthfully and honestly respond to all questions  
32 concerning present, past, and future earning capabilities and the  
33 location and nature of all property or financial assets. The offender  
34 is further required to bring any and all documents as requested by the  
35 department.

36 (6) After completing the investigation, the department shall make  
37 a report to the court on the amount of the monthly payment that the  
38 offender should be required to make towards a satisfied legal financial  
39 obligation.

1 (7) During the period of supervision, the department may make a  
2 recommendation to the court that the offender's monthly payment  
3 schedule be modified so as to reflect a change in financial  
4 circumstances. If the department sets the monthly payment amount, the  
5 department may modify the monthly payment amount without the matter  
6 being returned to the court. Also, during the period of supervision,  
7 the offender may be required at the request of the department to report  
8 to the department for the purposes of reviewing the appropriateness of  
9 the collection schedule for the legal financial obligation. During  
10 this reporting, the offender is required under oath to truthfully and  
11 honestly respond to all questions concerning earning capabilities and  
12 the location and nature of all property or financial assets. Also, the  
13 offender is required to bring any and all documents as requested by the  
14 department in order to prepare the collection schedule.

15 (8) After the judgment and sentence or payment order is entered,  
16 the department shall for any period of supervision be authorized to  
17 collect the legal financial obligation from the offender. Any amount  
18 collected by the department shall be remitted daily to the county clerk  
19 for the purposes of disbursements. The department is authorized to  
20 accept credit cards as payment for a legal financial obligation, and  
21 any costs incurred related to accepting credit card payments shall be  
22 the responsibility of the offender.

23 (9) The department or any obligee of the legal financial obligation  
24 may seek a mandatory wage assignment for the purposes of obtaining  
25 satisfaction for the legal financial obligation pursuant to RCW  
26 9.94A.2001.

27 (10) The requirement that the offender pay a monthly sum towards a  
28 legal financial obligation constitutes a condition or requirement of a  
29 sentence and the offender is subject to the penalties as provided in  
30 RCW 9.94A.200 for noncompliance.

31 (11) The county clerk shall provide the department with  
32 individualized monthly billings for each offender with an unsatisfied  
33 legal financial obligation and shall provide the department with notice  
34 of payments by such offenders no less frequently than weekly.

35 (12) The department may arrange for the collection of unpaid legal  
36 financial obligations through the county clerk, or through another  
37 entity if the clerk does not assume responsibility for collection. The  
38 costs for collection services shall be paid by the offender.

1       **Sec. 5.** RCW 9.94A.170 and 1999 c 196 s 7 and 1999 c 143 s 14 are  
2 each reenacted and amended to read as follows:

3       (1) A term of confinement ordered in a sentence pursuant to this  
4 chapter shall be tolled by any period of time during which the offender  
5 has absented himself or herself from confinement without the prior  
6 approval of the entity in whose custody the offender has been placed.  
7 A term of partial confinement shall be tolled during any period of time  
8 spent in total confinement pursuant to a new conviction or pursuant to  
9 sanctions for violation of sentence conditions on a separate felony  
10 conviction.

11       (2) ~~((A)) Any term of community custody ((ordered in a sentence~~  
12 ~~pursuant to this chapter)), community placement, or community~~  
13 ~~supervision~~ shall be tolled by any period of time during which the  
14 offender has absented himself or herself from supervision without prior  
15 approval of the entity under whose ~~((community custody)) supervision~~  
16 the offender has been placed.

17       (3) Any period of community custody, community placement, or  
18 community supervision shall be tolled during any period of time the  
19 offender is in confinement for any reason. However, if an offender is  
20 detained pursuant to RCW 9.94A.207 or 9.94A.195 and is later found not  
21 to have violated a condition or requirement of community custody,  
22 community placement, or community supervision, time spent in  
23 confinement due to such detention shall not toll the period of  
24 community custody, community placement, or community supervision.

25       (4) For terms of confinement or community custody ((sentences)),  
26 community placement, or community supervision, the date for the tolling  
27 of the sentence shall be established by the entity responsible for the  
28 confinement or ~~((community custody)) supervision.~~

29       NEW SECTION.   **Sec. 6.** If any provision of this act or its  
30 application to any person or circumstance is held invalid, the  
31 remainder of the act or the application of the provision to other  
32 persons or circumstances is not affected.

33       NEW SECTION.   **Sec. 7.** Section 5 of this act is necessary for the  
34 immediate preservation of the public peace, health, or safety, or

1 support of the state government and its existing public institutions,  
2 and takes effect immediately.

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