
SENATE BILL 5010

State of Washington 63rd Legislature 2013 Regular Session

By Senators Padden, Sheldon, and Carrell

Read first time 01/14/13. Referred to Committee on Law & Justice .

1 AN ACT Relating to community custody conditions for marijuana; and
2 reenacting and amending RCW 9.94A.703.

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

4 **Sec. 1.** RCW 9.94A.703 and 2009 c 214 s 3 and 2009 c 28 s 11 are
5 each reenacted and amended to read as follows:

6 When a court sentences a person to a term of community custody, the
7 court shall impose conditions of community custody as provided in this
8 section.

9 (1) **Mandatory conditions.** As part of any term of community
10 custody, the court shall:

11 (a) Require the offender to inform the department of court-ordered
12 treatment upon request by the department;

13 (b) Require the offender to comply with any conditions imposed by
14 the department under RCW 9.94A.704;

15 (c) If the offender was sentenced under RCW 9.94A.507 for an
16 offense listed in RCW 9.94A.507(1)(a), and the victim of the offense
17 was under eighteen years of age at the time of the offense, prohibit
18 the offender from residing in a community protection zone;

1 (d) If the offender was sentenced under RCW 9A.36.120, prohibit the
2 offender from serving in any paid or volunteer capacity where he or she
3 has control or supervision of minors under the age of thirteen.

4 (2) **Waivable conditions.** Unless waived by the court, as part of
5 any term of community custody, the court shall order an offender to:

6 (a) Report to and be available for contact with the assigned
7 community corrections officer as directed;

8 (b) Work at department-approved education, employment, or community
9 restitution, or any combination thereof;

10 (c) Refrain from possessing or consuming controlled substances
11 except pursuant to lawfully issued prescriptions;

12 (d) Pay supervision fees as determined by the department; and

13 (e) Obtain prior approval of the department for the offender's
14 residence location and living arrangements.

15 (3) **Discretionary conditions.** As part of any term of community
16 custody, the court may order an offender to:

17 (a) Remain within, or outside of, a specified geographical
18 boundary;

19 (b) Refrain from direct or indirect contact with the victim of the
20 crime or a specified class of individuals;

21 (c) Participate in crime-related treatment or counseling services;

22 (d) Participate in rehabilitative programs or otherwise perform
23 affirmative conduct reasonably related to the circumstances of the
24 offense, the offender's risk of reoffending, or the safety of the
25 community;

26 (e) Refrain from consuming alcohol or marijuana; or

27 (f) Comply with any crime-related prohibitions.

28 (4) **Special conditions.**

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

35 (b)(i) In sentencing an offender convicted of an alcohol or drug-
36 related traffic offense, the court shall require the offender to
37 complete a diagnostic evaluation by an alcohol or drug dependency
38 agency approved by the department of social and health services or a

1 qualified probation department, defined under RCW 46.61.516, that has
2 been approved by the department of social and health services. If the
3 offense was pursuant to chapter 46.61 RCW, the report shall be
4 forwarded to the department of licensing. If the offender is found to
5 have an alcohol or drug problem that requires treatment, the offender
6 shall complete treatment in a program approved by the department of
7 social and health services under chapter 70.96A RCW. If the offender
8 is found not to have an alcohol or drug problem that requires
9 treatment, the offender shall complete a course in an information
10 school approved by the department of social and health services under
11 chapter 70.96A RCW. The offender shall pay all costs for any
12 evaluation, education, or treatment required by this section, unless
13 the offender is eligible for an existing program offered or approved by
14 the department of social and health services.

15 (ii) For purposes of this section, "alcohol or drug-related traffic
16 offense" means the following: Driving while under the influence as
17 defined by RCW 46.61.502, actual physical control while under the
18 influence as defined by RCW 46.61.504, vehicular homicide as defined by
19 RCW 46.61.520(1)(a), vehicular assault as defined by RCW
20 46.61.522(1)(b), homicide by watercraft as defined by RCW 79A.60.050,
21 or assault by watercraft as defined by RCW 79A.60.060.

22 (iii) This subsection (4)(b) does not require the department of
23 social and health services to add new treatment or assessment
24 facilities nor affect its use of existing programs and facilities
25 authorized by law.

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