
SENATE BILL 6343

State of Washington

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By Senators Nelson and Oke

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1 AN ACT Relating to sex offenses; amending RCW 9.92.151, 9.94A.150,
2 9.95.110, and 70.48.210; and reenacting and amending RCW 9.94A.030.

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

4 **Sec. 1.** RCW 9.94A.030 and 1993 c 338 s 2, 1993 c 251 s 4, and 1993
5 c 164 s 1 are each reenacted and amended to read as follows:

6 Unless the context clearly requires otherwise, the definitions in
7 this section apply throughout this chapter.

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

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

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

1 (4) "Community custody" means that portion of an inmate's sentence
2 of confinement in lieu of earned early release time served in the
3 community subject to controls placed on the inmate's movement and
4 activities by the department of corrections.

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

12 (6) "Community service" means compulsory service, without compensa-
13 tion, performed for the benefit of the community by the offender.

14 (7) "Community supervision" means a period of time during which a
15 convicted offender is subject to crime-related prohibitions and other
16 sentence conditions imposed by a court pursuant to this chapter or RCW
17 46.61.524. For first-time offenders, the supervision may include
18 crime-related prohibitions and other conditions imposed pursuant to RCW
19 9.94A.120(5). For purposes of the interstate compact for out-of-state
20 supervision of parolees and probationers, RCW 9.95.270, community
21 supervision is the functional equivalent of probation and should be
22 considered the same as probation by other states.

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

25 (9) "Conviction" means an adjudication of guilt pursuant to Titles
26 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and
27 acceptance of a plea of guilty.

28 (10) "Court-ordered legal financial obligation" means a sum of
29 money that is ordered by a superior court of the state of Washington
30 for legal financial obligations which may include restitution to the
31 victim, statutorily imposed crime victims' compensation fees as
32 assessed pursuant to RCW 7.68.035, court costs, county or interlocal
33 drug funds, court-appointed attorneys' fees, and costs of defense,
34 fines, and any other financial obligation that is assessed to the
35 offender as a result of a felony conviction. Upon conviction for
36 vehicular assault while under the influence of intoxicating liquor or
37 any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the
38 influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a),
39 legal financial obligations may also include payment to a public agency

1 of the expense of an emergency response to the incident resulting in
2 the conviction, subject to the provisions in RCW 38.52.430.

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

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

15 (b) "Criminal history" shall always include juvenile convictions
16 for sex offenses and shall also include a defendant's other prior
17 convictions in juvenile court if: (i) The conviction was for an
18 offense which is a felony or a serious traffic offense and is criminal
19 history as defined in RCW 13.40.020(~~((6+))~~)(9)(a); (ii) the defendant
20 was fifteen years of age or older at the time the offense was
21 committed; and (iii) with respect to prior juvenile class B and C
22 felonies or serious traffic offenses, the defendant was less than
23 twenty-three years of age at the time the offense for which he or she
24 is being sentenced was committed.

25 (13) "Department" means the department of corrections.

26 (14) "Determinate sentence" means a sentence that states with
27 exactitude the number of actual years, months, or days of total
28 confinement, of partial confinement, of community supervision, the
29 number of actual hours or days of community service work, or dollars or
30 terms of a legal financial obligation. The fact that an offender
31 through "earned early release" can reduce the actual period of
32 confinement shall not affect the classification of the sentence as a
33 determinate sentence.

34 (15) "Disposable earnings" means that part of the earnings of an
35 individual remaining after the deduction from those earnings of any
36 amount required by law to be withheld. For the purposes of this
37 definition, "earnings" means compensation paid or payable for personal
38 services, whether denominated as wages, salary, commission, bonuses, or
39 otherwise, and, notwithstanding any other provision of law making the

1 payments exempt from garnishment, attachment, or other process to
2 satisfy a court-ordered legal financial obligation, specifically
3 includes periodic payments pursuant to pension or retirement programs,
4 or insurance policies of any type, but does not include payments made
5 under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050,
6 or Title 74 RCW.

7 (16) "Drug offense" means:

8 (a) Any felony violation of chapter 69.50 RCW except possession of
9 a controlled substance (RCW 69.50.401(d)) or forged prescription for a
10 controlled substance (RCW 69.50.403);

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

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

17 (17) "Escape" means:

18 (a) Escape in the first degree (RCW 9A.76.110), escape in the
19 second degree (RCW 9A.76.120), willful failure to return from furlough
20 (RCW 72.66.060), willful failure to return from work release (RCW
21 72.65.070), or willful failure to be available for supervision by the
22 department while in community custody (RCW 72.09.310); or

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

26 (18) "Felony traffic offense" means:

27 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW
28 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-
29 and-run injury-accident (RCW 46.52.020(4)); or

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

33 (19) "Fines" means the requirement that the offender pay a specific
34 sum of money over a specific period of time to the court.

35 (20)(a) "First-time offender" means any person who is convicted of
36 a felony (i) not classified as a violent offense or a sex offense under
37 this chapter, or (ii) that is not the manufacture, delivery, or
38 possession with intent to manufacture or deliver a controlled substance
39 classified in schedule I or II that is a narcotic drug or the selling

1 for profit of any controlled substance or counterfeit substance
2 classified in schedule I, RCW 69.50.204, except leaves and flowering
3 tops of marihuana, and except as provided in (b) of this subsection,
4 who previously has never been convicted of a felony in this state,
5 federal court, or another state, and who has never participated in a
6 program of deferred prosecution for a felony offense.

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

10 (21) "Nonviolent offense" means an offense which is not a violent
11 offense.

12 (22) "Offender" means a person who has committed a felony
13 established by state law and is eighteen years of age or older or is
14 less than eighteen years of age but whose case has been transferred by
15 the appropriate juvenile court to a criminal court pursuant to RCW
16 13.40.110. Throughout this chapter, the terms "offender" and
17 "defendant" are used interchangeably.

18 (23) "Partial confinement" means confinement for no more than one
19 year in a facility or institution operated or utilized under contract
20 by the state or any other unit of government, or, if home detention or
21 work crew has been ordered by the court, in an approved residence, for
22 a substantial portion of each day with the balance of the day spent in
23 the community. Partial confinement includes work release, home
24 detention, work crew, and a combination of work crew and home detention
25 as defined in this section.

26 (24) "Postrelease supervision" is that portion of an offender's
27 community placement that is not community custody.

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

32 (26) "Serious traffic offense" means:

33 (a) Driving while under the influence of intoxicating liquor or any
34 drug (RCW 46.61.502), actual physical control while under the influence
35 of intoxicating liquor or any drug (RCW 46.61.504), reckless driving
36 (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5));
37 or

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

4 (27) "Serious violent offense" is a subcategory of violent offense
5 and means:

6 (a) Murder in the first degree, homicide by abuse, murder in the
7 second degree, assault in the first degree, kidnapping in the first
8 degree, or rape in the first degree, assault of a child in the first
9 degree, or an attempt, criminal solicitation, or criminal conspiracy to
10 commit one of these felonies; or

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

14 (28) "Sentence range" means the sentencing court's discretionary
15 range in imposing a nonappealable sentence.

16 (29) "Sex offense" means:

17 (a) A felony that is a violation of chapter 9A.44 RCW or RCW
18 9A.64.020 or 9.68A.090 or that is, under chapter 9A.28 RCW, a criminal
19 attempt, criminal solicitation, or criminal conspiracy to commit such
20 crimes;

21 (b) A felony with a finding of sexual motivation under RCW
22 9.94A.127; or

23 (c) Any federal, military, or out-of-state conviction for an
24 offense that under the laws of this state would be a felony classified
25 as a sex offense under (a) of this subsection.

26 (30) "Sexual motivation" means that one of the purposes for which
27 the defendant committed the crime was for the purpose of his or her
28 sexual gratification.

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

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

1 (33) "Victim" means any person who has sustained emotional,
2 psychological, physical, or financial injury to person or property as
3 a direct result of the crime charged.

4 (34) "Violent offense" means:

5 (a) Any of the following felonies, as now existing or hereafter
6 amended: Any felony defined under any law as a class A felony or an
7 attempt to commit a class A felony, criminal solicitation of or
8 criminal conspiracy to commit a class A felony, manslaughter in the
9 first degree, manslaughter in the second degree, indecent liberties if
10 committed by forcible compulsion, kidnapping in the second degree,
11 arson in the second degree, assault in the second degree, assault of a
12 child in the second degree, extortion in the first degree, robbery in
13 the second degree, vehicular assault, and vehicular homicide, when
14 proximately caused by the driving of any vehicle by any person while
15 under the influence of intoxicating liquor or any drug as defined by
16 RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

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

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

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

35 (36) "Work ethic camp" means an alternative incarceration program
36 designed to reduce recidivism and lower the cost of corrections by
37 requiring offenders to complete a comprehensive array of real-world job
38 and vocational experiences, character-building work ethics training,

1 life management skills development, substance abuse rehabilitation,
2 counseling, literacy training, and basic adult education.

3 (37) "Work release" means a program of partial confinement
4 available to offenders who are employed or engaged as a student in a
5 regular course of study at school. Participation in work release shall
6 be conditioned upon the offender attending work or school at regularly
7 defined hours and abiding by the rules of the work release facility.

8 (38) "Home detention" means a program of partial confinement
9 available to offenders wherein the offender is confined in a private
10 residence subject to electronic surveillance. Home detention may not
11 be imposed for offenders convicted of a violent offense, any sex
12 offense, any drug offense, reckless burning in the first or second
13 degree as defined in RCW 9A.48.040 or 9A.48.050, assault in the third
14 degree as defined in RCW 9A.36.031, assault of a child in the third
15 degree, unlawful imprisonment as defined in RCW 9A.40.040, or
16 harassment as defined in RCW 9A.46.020. Home detention may be imposed
17 for offenders convicted of possession of a controlled substance (RCW
18 69.50.401(d)) or forged prescription for a controlled substance (RCW
19 69.50.403) if the offender fulfills the participation conditions set
20 forth in this subsection and is monitored for drug use by treatment
21 alternatives to street crime (TASC) or a comparable court or agency-
22 referred program.

23 (a) Home detention may be imposed for offenders convicted of
24 burglary in the second degree as defined in RCW 9A.52.030 or
25 residential burglary conditioned upon the offender: (i) Successfully
26 completing twenty-one days in a work release program, (ii) having no
27 convictions for burglary in the second degree or residential burglary
28 during the preceding two years and not more than two prior convictions
29 for burglary or residential burglary, (iii) having no convictions for
30 a violent felony offense during the preceding two years and not more
31 than two prior convictions for a violent felony offense, (iv) having no
32 prior charges of escape, and (v) fulfilling the other conditions of the
33 home detention program.

34 (b) Participation in a home detention program shall be conditioned
35 upon: (i) The offender obtaining or maintaining current employment or
36 attending a regular course of school study at regularly defined hours,
37 or the offender performing parental duties to offspring or minors
38 normally in the custody of the offender, (ii) abiding by the rules of
39 the home detention program, and (iii) compliance with court-ordered

1 legal financial obligations. The home detention program may also be
2 made available to offenders whose charges and convictions do not
3 otherwise disqualify them if medical or health-related conditions,
4 concerns or treatment would be better addressed under the home
5 detention program, or where the health and welfare of the offender,
6 other inmates, or staff would be jeopardized by the offender's
7 incarceration. Participation in the home detention program for medical
8 or health-related reasons is conditioned on the offender abiding by the
9 rules of the home detention program and complying with court-ordered
10 restitution.

11 **Sec. 2.** RCW 9.92.151 and 1990 c 3 s 201 are each amended to read
12 as follows:

13 The sentence of a prisoner confined in a county jail facility for
14 a felony, gross misdemeanor, or misdemeanor conviction may be reduced
15 by earned release credits in accordance with procedures that shall be
16 developed and promulgated by the correctional agency having
17 jurisdiction. The earned early release time shall be for good behavior
18 and good performance as determined by the correctional agency having
19 jurisdiction. Any program established pursuant to this section shall
20 allow an offender to earn early release credits for presentence
21 incarceration. The correctional agency shall not credit the offender
22 with earned early release credits in advance of the offender actually
23 earning the credits. In the case of an offender convicted of a serious
24 violent offense or a sex offense that is a class A felony committed on
25 or after July 1, 1990, the aggregate earned early release time may not
26 exceed fifteen percent of the sentence. In no other case may the
27 aggregate earned early release time exceed one-third of the total
28 sentence. The sentence of a sex offender may not be reduced by earned
29 early release time if a sex offender treatment program is offered to
30 the offender during his or her period of incarceration and the offender
31 refuses treatment, refuses to cooperate while in the program, or
32 voluntarily leaves the program.

33 **Sec. 3.** RCW 9.94A.150 and 1992 c 145 s 8 are each amended to read
34 as follows:

35 No person serving a sentence imposed pursuant to this chapter and
36 committed to the custody of the department shall leave the confines of

1 the correctional facility or be released prior to the expiration of the
2 sentence except as follows:

3 (1) Except as otherwise provided for in subsection (2) of this
4 section, the term of the sentence of an offender committed to a
5 correctional facility operated by the department, may be reduced by
6 earned early release time in accordance with procedures that shall be
7 developed and promulgated by the correctional agency having
8 jurisdiction in which the offender is confined. The earned early
9 release time shall be for good behavior and good performance, as
10 determined by the correctional agency having jurisdiction. The
11 correctional agency shall not credit the offender with earned early
12 release credits in advance of the offender actually earning the
13 credits. Any program established pursuant to this section shall allow
14 an offender to earn early release credits for presentence
15 incarceration. If an offender is transferred from a county jail to the
16 department of corrections, the county jail facility shall certify to
17 the department the amount of time spent in custody at the facility and
18 the amount of earned early release time. In the case of an offender
19 convicted of a serious violent offense or a sex offense that is a class
20 A felony committed on or after July 1, 1990, the aggregate earned early
21 release time may not exceed fifteen percent of the sentence. In no
22 other case shall the aggregate earned early release time exceed one-
23 third of the total sentence. The sentence of a sex offender may not be
24 reduced by earned early release time if a sex offender treatment
25 program is offered to the offender during his or her period of
26 incarceration and the offender refuses treatment, refuses to cooperate
27 while in the program, or voluntarily leaves the program;

28 (2) A person convicted of a sex offense or an offense categorized
29 as a serious violent offense, assault in the second degree, assault of
30 a child in the second degree, any crime against a person where it is
31 determined in accordance with RCW 9.94A.125 that the defendant or an
32 accomplice was armed with a deadly weapon at the time of commission, or
33 any felony offense under chapter 69.50 or 69.52 RCW may become
34 eligible, in accordance with a program developed by the department, for
35 transfer to community custody status in lieu of earned early release
36 time pursuant to subsection (1) of this section;

37 (3) An offender may leave a correctional facility pursuant to an
38 authorized furlough or leave of absence. In addition, offenders may

1 leave a correctional facility when in the custody of a corrections
2 officer or officers;

3 (4) The governor, upon recommendation from the clemency and pardons
4 board, may grant an extraordinary release for reasons of serious health
5 problems, senility, advanced age, extraordinary meritorious acts, or
6 other extraordinary circumstances;

7 (5) No more than the final six months of the sentence may be served
8 in partial confinement designed to aid the offender in finding work and
9 reestablishing him or herself in the community;

10 (6) The governor may pardon any offender;

11 (7) The department of corrections may release an offender from
12 confinement any time within ten days before a release date calculated
13 under this section; and

14 (8) An offender may leave a correctional facility prior to
15 completion of his or her sentence if the sentence has been reduced as
16 provided in RCW 9.94A.160.

17 **Sec. 4.** RCW 9.95.110 and 1955 c 133 s 12 are each amended to read
18 as follows:

19 The indeterminate sentence review board (~~((of prison terms and~~
20 ~~paroles))~~) may permit a convicted person to leave the buildings and
21 enclosures of the penitentiary or the reformatory on parole, after such
22 convicted person has served the period of confinement fixed for him or
23 her by the board, less time credits for good behavior and diligence in
24 work: PROVIDED, That in no case shall an inmate be credited with more
25 than one-third of his or her sentence as fixed by the board. The
26 sentence of a sex offender may not be reduced by earned early release
27 time if a sex offender treatment program is offered to the offender
28 during his or her period of incarceration and the offender refuses
29 treatment, refuses to cooperate while in the program, or voluntarily
30 leaves the program.

31 The indeterminate sentence review board (~~((of prison terms and~~
32 ~~paroles))~~) may establish rules and regulations under which a convicted
33 person may be allowed to leave the confines of the penitentiary or the
34 reformatory on parole, and may return such person to the confines of
35 the institution from which he or she was paroled, at its discretion.

36 **Sec. 5.** RCW 70.48.210 and 1990 c 3 s 203 are each amended to read
37 as follows:

1 (1) All cities and counties are authorized to establish and
2 maintain farms, camps, and work release programs and facilities, as
3 well as special detention facilities. The facilities shall meet the
4 requirements of this chapter (~~(70.48 RCW)~~) and any rules adopted
5 (~~(thereunder)~~) under this chapter.

6 (2) Farms and camps may be established either inside or outside the
7 territorial limits of a city or county. A sentence of confinement in
8 a city or county jail may include placement in a farm or camp. Unless
9 directed otherwise by court order, the chief law enforcement officer or
10 department of corrections, may transfer the prisoner to a farm or camp.
11 The sentencing court, chief law enforcement officer, or department of
12 corrections may not transfer to a farm or camp a greater number of
13 prisoners than can be furnished with constructive employment and can be
14 reasonably accommodated.

15 (3) The city or county may establish a city or county work release
16 program and housing facilities for the prisoners in the program. In
17 such regard, factors such as employment conditions and the condition of
18 jail facilities should be considered. When a work release program is
19 established the following provisions apply:

20 (a) A person convicted of a felony and placed in a city or county
21 jail is eligible for the work release program. A person sentenced to
22 a city or county jail is eligible for the work release program. The
23 program may be used as a condition of probation for a criminal offense.
24 Good conduct is a condition of participation in the program.

25 (b) The court may permit a person who is currently, regularly
26 employed to continue his or her employment. The chief law enforcement
27 officer or department of corrections shall make all necessary
28 arrangements if possible. The court may authorize the person to seek
29 suitable employment and may authorize the chief law enforcement officer
30 or department of corrections to make reasonable efforts to find
31 suitable employment for the person. A person participating in the work
32 release program may not work in an establishment where there is a labor
33 dispute.

34 (c) The work release prisoner shall be confined in a work release
35 facility or jail unless authorized to be absent from the facility for
36 program-related purposes, unless the court directs otherwise.

37 (d) Each work release prisoner's earnings may be collected by the
38 chief law enforcement officer or a designee. The chief law enforcement
39 officer or a designee may deduct from the earnings moneys for the

1 payments for the prisoner's board, personal expenses inside and outside
2 the jail, a share of the administrative expenses of this section,
3 court-ordered victim compensation, and court-ordered restitution.
4 Support payments for the prisoner's dependents, if any, shall be made
5 as directed by the court. With the prisoner's consent, the remaining
6 funds may be used to pay the prisoner's preexisting debts. Any
7 remaining balance shall be returned to the prisoner.

8 (e) The prisoner's sentence may be reduced by earned early release
9 time in accordance with procedures that shall be developed and
10 promulgated by the work release facility. The earned early release
11 time shall be for good behavior and good performance as determined by
12 the facility. The facility shall not credit the offender with earned
13 early release credits in advance of the offender actually earning the
14 credits. In the case of an offender convicted of a serious violent
15 offense or a sex offense that is a class A felony committed on or after
16 July 1, 1990, the aggregate earned early release time may not exceed
17 fifteen percent of the sentence. In no other case may the aggregate
18 earned early release time exceed one-third of the total sentence. The
19 sentence of a sex offender may not be reduced by earned early release
20 time if a sex offender treatment program is offered to the offender
21 during his or her period of incarceration and the offender refuses
22 treatment, refuses to cooperate while in the program, or voluntarily
23 leaves the program.

24 (f) If the work release prisoner violates the conditions of custody
25 or employment, the prisoner shall be returned to the sentencing court.
26 The sentencing court may require the prisoner to spend the remainder of
27 the sentence in actual confinement and may cancel any earned reduction
28 of the sentence.

29 (4) A special detention facility may be operated by a
30 noncorrectional agency or by noncorrectional personnel by contract with
31 the governing unit. The employees shall meet the standards of training
32 and education established by the criminal justice training commission
33 as authorized by RCW 43.101.080. The special detention facility may
34 use combinations of features including, but not limited to, low-
35 security or honor prisoner status, work farm, work release, community
36 review, prisoner facility maintenance and food preparation, training
37 programs, or alcohol or drug rehabilitation programs. Special
38 detention facilities may establish a reasonable fee schedule to cover

1 the cost of facility housing and programs. The schedule shall be on a
2 sliding basis that reflects the person's ability to pay.

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