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SENATE BILL 6143

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State of Washington                      64th Legislature                      2015 3rd Special Session

By Senator Hargrove

Read first time 06/29/15.

1            AN ACT Relating to the sentencing of offenders; amending RCW  
2 9.94A.030, 9.94A.501, 9.94A.505, 9.94A.506, 9.94A.585, 9.94A.702,  
3 9.94A.171, 9.94A.860, 46.61.502, 46.61.504, 46.61.5055, 9.94A.515,  
4 and 46.61.5054; reenacting and amending RCW 9.94A.515 and 9.94A.701;  
5 adding a new section to chapter 43.88 RCW; adding new sections to  
6 chapter 9.94A RCW; adding new sections to chapter 43.131 RCW;  
7 creating new sections; prescribing penalties; providing effective  
8 dates; and declaring an emergency.

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

10            NEW SECTION.    **Sec. 1.** (1) The legislature finds that:

11            (a) Washington has the highest property crime rate in the  
12 country.

13            (b) Washington's crime victims' compensation program does not  
14 provide victims with financial assistance for expenses associated  
15 with property crime.

16            (c) Funding for programs that notify victims when offenders are  
17 released from jail in three large counties is set to expire in 2016.

18            (d) In recent years, an increasing number of individuals  
19 convicted of property crimes have been sentenced to prison.  
20 Supervision paired with treatment including, but not limited to,  
21 mental health, chemical dependency, and cognitive behavioral

1 treatment and services, which can have a significant impact on  
2 reducing the likelihood of reoffending, is not available as a  
3 sentencing option for most people convicted of property offenses.

4 (e) Supervision practices in Washington are promising and the  
5 department of corrections continues to refine its approach to  
6 community supervision, but there is an opportunity to further  
7 strengthen the quality of supervision and extend it to property crime  
8 offenders.

9 (f) Pretrial detainees take up a significant portion of county  
10 jail space and a portion of these individuals will be rearrested upon  
11 release. Only a fraction of counties in Washington utilize risk  
12 assessments to inform decision making regarding pretrial release.

13 (g) Sustained policy development in juvenile and criminal justice  
14 would benefit from a more concerted, consistent, and visible form of  
15 governance.

16 (2) It is the intent of the legislature to respond to the  
17 findings of the Washington state justice reinvestment task force,  
18 which are outlined in subsection (1) of this section, by changing  
19 sentencing policy to require supervision of certain people convicted  
20 of property offenses; by providing treatment, if needed, and programs  
21 to reduce recidivism; and by providing additional support to local  
22 governments and victims of property crime. The legislature adopts  
23 this act with the goal of reducing property crime by at least fifteen  
24 percent by fiscal year 2021.

25 **Sec. 2.** RCW 9.94A.030 and 2012 c 143 s 1 are each amended to  
26 read as follows:

27 Unless the context clearly requires otherwise, the definitions in  
28 this section apply throughout this chapter.

29 (1) "Board" means the indeterminate sentence review board created  
30 under chapter 9.95 RCW.

31 (2) "Collect," or any derivative thereof, "collect and remit," or  
32 "collect and deliver," when used with reference to the department,  
33 means that the department, either directly or through a collection  
34 agreement authorized by RCW 9.94A.760, is responsible for monitoring  
35 and enforcing the offender's sentence with regard to the legal  
36 financial obligation, receiving payment thereof from the offender,  
37 and, consistent with current law, delivering daily the entire payment  
38 to the superior court clerk without depositing it in a departmental  
39 account.

1 (3) "Commission" means the sentencing guidelines commission.

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

6 (5) "Community custody" means that portion of an offender's  
7 sentence of confinement in lieu of earned release time or imposed as  
8 part of a sentence under this chapter and served in the community  
9 subject to controls placed on the offender's movement and activities  
10 by the department.

11 (6) "Community protection zone" means the area within eight  
12 hundred eighty feet of the facilities and grounds of a public or  
13 private school.

14 (7) "Community restitution" means compulsory service, without  
15 compensation, performed for the benefit of the community by the  
16 offender.

17 (8) "Confinement" means total or partial confinement.

18 (9) "Conviction" means an adjudication of guilt pursuant to Title  
19 10 or 13 RCW and includes a verdict of guilty, a finding of guilty,  
20 and acceptance of a plea of guilty.

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

29 (11) "Criminal history" means the list of a defendant's prior  
30 convictions and juvenile adjudications, whether in this state, in  
31 federal court, or elsewhere.

32 (a) The history shall include, where known, for each conviction  
33 (i) whether the defendant has been placed on probation and the length  
34 and terms thereof; and (ii) whether the defendant has been  
35 incarcerated and the length of incarceration.

36 (b) A conviction may be removed from a defendant's criminal  
37 history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640,  
38 9.95.240, or a similar out-of-state statute, or if the conviction has  
39 been vacated pursuant to a governor's pardon.

1 (c) The determination of a defendant's criminal history is  
2 distinct from the determination of an offender score. A prior  
3 conviction that was not included in an offender score calculated  
4 pursuant to a former version of the sentencing reform act remains  
5 part of the defendant's criminal history.

6 (12) "Criminal street gang" means any ongoing organization,  
7 association, or group of three or more persons, whether formal or  
8 informal, having a common name or common identifying sign or symbol,  
9 having as one of its primary activities the commission of criminal  
10 acts, and whose members or associates individually or collectively  
11 engage in or have engaged in a pattern of criminal street gang  
12 activity. This definition does not apply to employees engaged in  
13 concerted activities for their mutual aid and protection, or to the  
14 activities of labor and bona fide nonprofit organizations or their  
15 members or agents.

16 (13) "Criminal street gang associate or member" means any person  
17 who actively participates in any criminal street gang and who  
18 intentionally promotes, furthers, or assists in any criminal act by  
19 the criminal street gang.

20 (14) "Criminal street gang-related offense" means any felony or  
21 misdemeanor offense, whether in this state or elsewhere, that is  
22 committed for the benefit of, at the direction of, or in association  
23 with any criminal street gang, or is committed with the intent to  
24 promote, further, or assist in any criminal conduct by the gang, or  
25 is committed for one or more of the following reasons:

26 (a) To gain admission, prestige, or promotion within the gang;

27 (b) To increase or maintain the gang's size, membership,  
28 prestige, dominance, or control in any geographical area;

29 (c) To exact revenge or retribution for the gang or any member of  
30 the gang;

31 (d) To obstruct justice, or intimidate or eliminate any witness  
32 against the gang or any member of the gang;

33 (e) To directly or indirectly cause any benefit, aggrandizement,  
34 gain, profit, or other advantage for the gang, its reputation,  
35 influence, or membership; or

36 (f) To provide the gang with any advantage in, or any control or  
37 dominance over any criminal market sector, including, but not limited  
38 to, manufacturing, delivering, or selling any controlled substance  
39 (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen  
40 property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88

1 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual  
2 abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter  
3 9.68 RCW).

4 (15) "Day fine" means a fine imposed by the sentencing court that  
5 equals the difference between the offender's net daily income and the  
6 reasonable obligations that the offender has for the support of the  
7 offender and any dependents.

8 (16) "Day reporting" means a program of enhanced supervision  
9 designed to monitor the offender's daily activities and compliance  
10 with sentence conditions, and in which the offender is required to  
11 report daily to a specific location designated by the department or  
12 the sentencing court.

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

14 (18) "Determinate sentence" means a sentence that states with  
15 exactitude the number of actual years, months, or days of total  
16 confinement, of partial confinement, of community custody, the number  
17 of actual hours or days of community restitution work, or dollars or  
18 terms of a legal financial obligation. The fact that an offender  
19 through earned release can reduce the actual period of confinement  
20 shall not affect the classification of the sentence as a determinate  
21 sentence.

22 (19) "Disposable earnings" means that part of the earnings of an  
23 offender remaining after the deduction from those earnings of any  
24 amount required by law to be withheld. For the purposes of this  
25 definition, "earnings" means compensation paid or payable for  
26 personal services, whether denominated as wages, salary, commission,  
27 bonuses, or otherwise, and, notwithstanding any other provision of  
28 law making the payments exempt from garnishment, attachment, or other  
29 process to satisfy a court-ordered legal financial obligation,  
30 specifically includes periodic payments pursuant to pension or  
31 retirement programs, or insurance policies of any type, but does not  
32 include payments made under Title 50 RCW, except as provided in RCW  
33 50.40.020 and 50.40.050, or Title 74 RCW.

34 (20) "Domestic violence" has the same meaning as defined in RCW  
35 10.99.020 and 26.50.010.

36 (21) "Drug offender sentencing alternative" is a sentencing  
37 option available to persons convicted of a felony offense other than  
38 a violent offense or a sex offense and who are eligible for the  
39 option under RCW 9.94A.660.

40 (22) "Drug offense" means:

1 (a) Any felony violation of chapter 69.50 RCW except possession  
2 of a controlled substance (RCW 69.50.4013) or forged prescription for  
3 a controlled substance (RCW 69.50.403);

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

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

10 (23) "Earned release" means earned release from confinement as  
11 provided in RCW 9.94A.728.

12 (24) "Escape" means:

13 (a) Sexually violent predator escape (RCW 9A.76.115), escape in  
14 the first degree (RCW 9A.76.110), escape in the second degree (RCW  
15 9A.76.120), willful failure to return from furlough (RCW 72.66.060),  
16 willful failure to return from work release (RCW 72.65.070), or  
17 willful failure to be available for supervision by the department  
18 while in community custody (RCW 72.09.310); or

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

22 (25) "Felony traffic offense" means:

23 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW  
24 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-  
25 run injury-accident (RCW 46.52.020(4)), felony driving while under  
26 the influence of intoxicating liquor or any drug (RCW 46.61.502(6)),  
27 or felony physical control of a vehicle while under the influence of  
28 intoxicating liquor or any drug (RCW 46.61.504(6)); or

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

32 (26) "Fine" means a specific sum of money ordered by the  
33 sentencing court to be paid by the offender to the court over a  
34 specific period of time.

35 (27) "First-time offender" means any person who has no prior  
36 convictions for a felony and is eligible for the first-time offender  
37 waiver under RCW 9.94A.650.

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

1 (29) "Homelessness" or "homeless" means a condition where an  
2 individual lacks a fixed, regular, and adequate nighttime residence  
3 and who has a primary nighttime residence that is:

4 (a) A supervised, publicly or privately operated shelter designed  
5 to provide temporary living accommodations;

6 (b) A public or private place not designed for, or ordinarily  
7 used as, a regular sleeping accommodation for human beings; or

8 (c) A private residence where the individual stays as a transient  
9 invitee.

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

24 (31) "Minor child" means a biological or adopted child of the  
25 offender who is under age eighteen at the time of the offender's  
26 current offense.

27 (32) "Most serious offense" means any of the following felonies  
28 or a felony attempt to commit any of the following felonies:

29 (a) Any felony defined under any law as a class A felony or  
30 criminal solicitation of or criminal conspiracy to commit a class A  
31 felony;

32 (b) Assault in the second degree;

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

34 (d) Child molestation in the second degree;

35 (e) Controlled substance homicide;

36 (f) Extortion in the first degree;

37 (g) Incest when committed against a child under age fourteen;

38 (h) Indecent liberties;

39 (i) Kidnapping in the second degree;

40 (j) Leading organized crime;

- 1 (k) Manslaughter in the first degree;
- 2 (l) Manslaughter in the second degree;
- 3 (m) Promoting prostitution in the first degree;
- 4 (n) Rape in the third degree;
- 5 (o) Robbery in the second degree;
- 6 (p) Sexual exploitation;
- 7 (q) Vehicular assault, when caused by the operation or driving of
- 8 a vehicle by a person while under the influence of intoxicating
- 9 liquor or any drug or by the operation or driving of a vehicle in a
- 10 reckless manner;
- 11 (r) Vehicular homicide, when proximately caused by the driving of
- 12 any vehicle by any person while under the influence of intoxicating
- 13 liquor or any drug as defined by RCW 46.61.502, or by the operation
- 14 of any vehicle in a reckless manner;
- 15 (s) Any other class B felony offense with a finding of sexual
- 16 motivation;
- 17 (t) Any other felony with a deadly weapon verdict under RCW
- 18 9.94A.825;
- 19 (u) Any felony offense in effect at any time prior to December 2,
- 20 1993, that is comparable to a most serious offense under this
- 21 subsection, or any federal or out-of-state conviction for an offense
- 22 that under the laws of this state would be a felony classified as a
- 23 most serious offense under this subsection;
- 24 (v)(i) A prior conviction for indecent liberties under RCW
- 25 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex.
- 26 sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b),
- 27 and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW
- 28 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986,
- 29 until July 1, 1988;
- 30 (ii) A prior conviction for indecent liberties under RCW
- 31 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988,
- 32 if: (A) The crime was committed against a child under the age of
- 33 fourteen; or (B) the relationship between the victim and perpetrator
- 34 is included in the definition of indecent liberties under RCW
- 35 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27,
- 36 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25,
- 37 1993, through July 27, 1997;
- 38 (w) Any out-of-state conviction for a felony offense with a
- 39 finding of sexual motivation if the minimum sentence imposed was ten
- 40 years or more; provided that the out-of-state felony offense must be

1 comparable to a felony offense under this title and Title 9A RCW and  
2 the out-of-state definition of sexual motivation must be comparable  
3 to the definition of sexual motivation contained in this section.

4 (33) "Nonviolent offense" means an offense which is not a violent  
5 offense.

6 (34) "Offender" means a person who has committed a felony  
7 established by state law and is eighteen years of age or older or is  
8 less than eighteen years of age but whose case is under superior  
9 court jurisdiction under RCW 13.04.030 or has been transferred by the  
10 appropriate juvenile court to a criminal court pursuant to RCW  
11 13.40.110. In addition, for the purpose of community custody  
12 requirements under this chapter, "offender" also means a misdemeanor  
13 or gross misdemeanor probationer ordered by a superior court to  
14 probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and  
15 supervised by the department pursuant to RCW 9.94A.501 and  
16 9.94A.5011. Throughout this chapter, the terms "offender" and  
17 "defendant" are used interchangeably.

18 (35) "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  
21 or work crew has been ordered by the court or home detention has been  
22 ordered by the department as part of the parenting program, in an  
23 approved residence, for a substantial portion of each day with the  
24 balance of the day spent in the community. Partial confinement  
25 includes work release, home detention, work crew, and a combination  
26 of work crew and home detention.

27 (36) "Pattern of criminal street gang activity" means:

28 (a) The commission, attempt, conspiracy, or solicitation of, or  
29 any prior juvenile adjudication of or adult conviction of, two or  
30 more of the following criminal street gang-related offenses:

31 (i) Any "serious violent" felony offense as defined in this  
32 section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a  
33 Child 1 (RCW 9A.36.120);

34 (ii) Any "violent" offense as defined by this section, excluding  
35 Assault of a Child 2 (RCW 9A.36.130);

36 (iii) Deliver or Possession with Intent to Deliver a Controlled  
37 Substance (chapter 69.50 RCW);

38 (iv) Any violation of the firearms and dangerous weapon act  
39 (chapter 9.41 RCW);

40 (v) Theft of a Firearm (RCW 9A.56.300);

1 (vi) Possession of a Stolen Firearm (RCW 9A.56.310);  
2 (vii) Malicious Harassment (RCW 9A.36.080);  
3 (viii) Harassment where a subsequent violation or deadly threat  
4 is made (RCW 9A.46.020(2)(b));  
5 (ix) Criminal Gang Intimidation (RCW 9A.46.120);  
6 (x) Any felony conviction by a person eighteen years of age or  
7 older with a special finding of involving a juvenile in a felony  
8 offense under RCW 9.94A.833;  
9 (xi) Residential Burglary (RCW 9A.52.025);  
10 (xii) Burglary 2 (RCW 9A.52.030);  
11 (xiii) Malicious Mischief 1 (RCW 9A.48.070);  
12 (xiv) Malicious Mischief 2 (RCW 9A.48.080);  
13 (xv) Theft of a Motor Vehicle (RCW 9A.56.065);  
14 (xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);  
15 (xvii) Taking a Motor Vehicle Without Permission 1 (RCW  
16 9A.56.070);  
17 (xviii) Taking a Motor Vehicle Without Permission 2 (RCW  
18 9A.56.075);  
19 (xix) Extortion 1 (RCW 9A.56.120);  
20 (xx) Extortion 2 (RCW 9A.56.130);  
21 (xxi) Intimidating a Witness (RCW 9A.72.110);  
22 (xxii) Tampering with a Witness (RCW 9A.72.120);  
23 (xxiii) Reckless Endangerment (RCW 9A.36.050);  
24 (xxiv) Coercion (RCW 9A.36.070);  
25 (xxv) Harassment (RCW 9A.46.020); or  
26 (xxvi) Malicious Mischief 3 (RCW 9A.48.090);  
27 (b) That at least one of the offenses listed in (a) of this  
28 subsection shall have occurred after July 1, 2008;  
29 (c) That the most recent committed offense listed in (a) of this  
30 subsection occurred within three years of a prior offense listed in  
31 (a) of this subsection; and  
32 (d) Of the offenses that were committed in (a) of this  
33 subsection, the offenses occurred on separate occasions or were  
34 committed by two or more persons.  
35 (37) "Persistent offender" is an offender who:  
36 (a)(i) Has been convicted in this state of any felony considered  
37 a most serious offense; and  
38 (ii) Has, before the commission of the offense under (a) of this  
39 subsection, been convicted as an offender on at least two separate  
40 occasions, whether in this state or elsewhere, of felonies that under

1 the laws of this state would be considered most serious offenses and  
2 would be included in the offender score under RCW 9.94A.525; provided  
3 that of the two or more previous convictions, at least one conviction  
4 must have occurred before the commission of any of the other most  
5 serious offenses for which the offender was previously convicted; or

6 (b)(i) Has been convicted of: (A) Rape in the first degree, rape  
7 of a child in the first degree, child molestation in the first  
8 degree, rape in the second degree, rape of a child in the second  
9 degree, or indecent liberties by forcible compulsion; (B) any of the  
10 following offenses with a finding of sexual motivation: Murder in the  
11 first degree, murder in the second degree, homicide by abuse,  
12 kidnapping in the first degree, kidnapping in the second degree,  
13 assault in the first degree, assault in the second degree, assault of  
14 a child in the first degree, assault of a child in the second degree,  
15 or burglary in the first degree; or (C) an attempt to commit any  
16 crime listed in this subsection (37)(b)(i); and

17 (ii) Has, before the commission of the offense under (b)(i) of  
18 this subsection, been convicted as an offender on at least one  
19 occasion, whether in this state or elsewhere, of an offense listed in  
20 (b)(i) of this subsection or any federal or out-of-state offense or  
21 offense under prior Washington law that is comparable to the offenses  
22 listed in (b)(i) of this subsection. A conviction for rape of a child  
23 in the first degree constitutes a conviction under (b)(i) of this  
24 subsection only when the offender was sixteen years of age or older  
25 when the offender committed the offense. A conviction for rape of a  
26 child in the second degree constitutes a conviction under (b)(i) of  
27 this subsection only when the offender was eighteen years of age or  
28 older when the offender committed the offense.

29 (38) "Predatory" means: (a) The perpetrator of the crime was a  
30 stranger to the victim, as defined in this section; (b) the  
31 perpetrator established or promoted a relationship with the victim  
32 prior to the offense and the victimization of the victim was a  
33 significant reason the perpetrator established or promoted the  
34 relationship; or (c) the perpetrator was: (i) A teacher, counselor,  
35 volunteer, or other person in authority in any public or private  
36 school and the victim was a student of the school under his or her  
37 authority or supervision. For purposes of this subsection, "school"  
38 does not include home-based instruction as defined in RCW  
39 28A.225.010; (ii) a coach, trainer, volunteer, or other person in  
40 authority in any recreational activity and the victim was a

1 participant in the activity under his or her authority or  
2 supervision; (iii) a pastor, elder, volunteer, or other person in  
3 authority in any church or religious organization, and the victim was  
4 a member or participant of the organization under his or her  
5 authority; or (iv) a teacher, counselor, volunteer, or other person  
6 in authority providing home-based instruction and the victim was a  
7 student receiving home-based instruction while under his or her  
8 authority or supervision. For purposes of this subsection: (A) "Home-  
9 based instruction" has the same meaning as defined in RCW  
10 28A.225.010; and (B) "teacher, counselor, volunteer, or other person  
11 in authority" does not include the parent or legal guardian of the  
12 victim.

13 (39) "Private school" means a school regulated under chapter  
14 28A.195 or 28A.205 RCW.

15 (40) "Property offense" means:

16 (a)(i) Counterfeiting (RCW 9.16.035(4));

17 (ii) Identity Theft 1 (RCW 9.35.020(2));

18 (iii) Theft of Livestock 1 (RCW 9A.56.080);

19 (iv) Trafficking in Stolen Property 1 (RCW 9A.82.050);

20 (v) Unlawful Factoring of a Credit Card or Payment Card  
21 Transaction (RCW 9A.56.290(4)(b));

22 (vi) Burglary 2 (RCW 9A.52.030);

23 (vii) Organized Retail Theft 1 (RCW 9A.56.350(2));

24 (viii) Retail Theft with Special Circumstances 1 (RCW  
25 9A.56.360(2));

26 (ix) Theft of Livestock 2 (RCW 9A.56.083);

27 (x) Theft with the Intent to Resell 1 (RCW 9A.56.340(2));

28 (xi) Trafficking in Stolen Property 2 (RCW 9A.82.055);

29 (xii) Unlawful Hunting of Big Game 1 (RCW 77.15.410(3)(b));

30 (xiii) Commercial Fishing Without a License 1 (RCW  
31 77.15.500(3)(b));

32 (xiv) Counterfeiting (RCW 9.16.035(3));

33 (xv) Engaging in Fish Dealing Activity Unlicensed 1 (RCW  
34 77.15.620(3)(b));

35 (xvi) Health Care False Claims (RCW 48.80.030);

36 (xvii) Identity Theft 2 (RCW 9.35.020(3));

37 (xviii) Malicious Mischief 1 (RCW 9A.48.070);

38 (xix) Organized Retail Theft 2 (RCW 9A.56.350(3));

39 (xx) Possession of Stolen Property 1 (RCW 9A.56.150);

40 (xxi) Possession of a Stolen Vehicle (RCW 9A.56.068);

1       (xxii) Retail Theft with Special Circumstances 2 (RCW  
2 9A.56.360(3));  
3       (xxiii) Scrap Processing, Recycling, or Supplying Without a  
4 License (second or subsequent offense) (RCW 19.290.100(2)(b));  
5       (xxiv) Theft 1 (RCW 9A.56.030);  
6       (xxv) Theft of a Motor Vehicle (RCW 9A.56.065);  
7       (xxvi) Theft of Rental, Leased, Lease-purchased, or Loaned  
8 Property (valued at five thousand dollars or more) (RCW  
9 9A.56.096(5)(a));  
10       (xxvii) Theft with the Intent to Resell 2 (RCW 9A.56.340(3));  
11       (xxviii) Trafficking in Insurance Claims (RCW 48.30A.015);  
12       (xxix) Unlawful Factoring of a Credit Card or Payment Card  
13 Transaction (RCW 9A.56.290(4)(a));  
14       (xxx) False Verification for Welfare (RCW 74.08.055);  
15       (xxxii) Forgery (RCW 9A.60.020);  
16       (xxxiii) Malicious Mischief 2 (RCW 9A.48.080);  
17       (xxxiiii) Possession of Stolen Property 2 (RCW 9A.56.160);  
18       (xxxv) Reckless Burning 1 (RCW 9A.48.040);  
19       (xxxvi) Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075);  
20       (xxxvii) Theft 2 (RCW 9A.56.040);  
21       (xxxviii) Theft of Rental, Leased, Lease-purchased, or Loaned  
22 Property (valued at seven hundred fifty dollars or more but less than  
23 five thousand dollars) (RCW 9A.56.096(5)(b));  
24       (xxxix) Unlawful Issuance of Checks or Drafts (RCW 9A.56.060);  
25       (xl) Unlawful Possession of Fictitious Identification (RCW  
26 9A.56.320(4));  
27       (xli) Unlawful Possession of Instruments of Financial Fraud (RCW  
28 9A.56.320(5));  
29       (xlii) Unlawful Possession of Payment Instruments (RCW  
30 9A.56.320(2));  
31       (xliii) Unlawful Possession of a Personal Identification Device  
32 (RCW 9A.56.320(3));  
33       (xliv) Unlawful Production of Payment Instruments (RCW  
34 9A.56.320(1));  
35       (xlv) Unlawful Trafficking in Food Stamps (RCW 9.91.142);  
36       (xlvi) Unlawful Use of Food Stamps (RCW 9.91.144);  
37       (xlvii) Taking Motor Vehicle without Permission 1 (RCW 9A.56.070);  
38       (b) An attempt, criminal solicitation, or criminal conspiracy to  
39 commit a property offense under (a) of this subsection; or

1 (c) Any federal or out-of-state conviction for an offense that  
2 under the laws of this state would be a felony classified as a  
3 property offense under (a) or (b) of this subsection.

4 (41) "Public school" has the same meaning as in RCW 28A.150.010.

5 ~~((41))~~ (42) "Repetitive domestic violence offense" means any:

6 (a)(i) Domestic violence assault that is not a felony offense  
7 under RCW 9A.36.041;

8 (ii) Domestic violence violation of a no-contact order under  
9 chapter 10.99 RCW that is not a felony offense;

10 (iii) Domestic violence violation of a protection order under  
11 chapter 26.09, 26.10, 26.26, or 26.50 RCW that is not a felony  
12 offense;

13 (iv) Domestic violence harassment offense under RCW 9A.46.020  
14 that is not a felony offense; or

15 (v) Domestic violence stalking offense under RCW 9A.46.110 that  
16 is not a felony offense; or

17 (b) Any federal, out-of-state, tribal court, military, county, or  
18 municipal conviction for an offense that under the laws of this state  
19 would be classified as a repetitive domestic violence offense under  
20 (a) of this subsection.

21 ~~((42))~~ (43) "Restitution" means a specific sum of money ordered  
22 by the sentencing court to be paid by the offender to the court over  
23 a specified period of time as payment of damages. The sum may include  
24 both public and private costs.

25 ~~((43))~~ (44) "Risk assessment" means the application of the risk  
26 instrument recommended to the department by the Washington state  
27 institute for public policy as having the highest degree of  
28 predictive accuracy for assessing an offender's risk of reoffense.

29 ~~((44))~~ (45) "Serious traffic offense" means:

30 (a) Nonfelony driving while under the influence of intoxicating  
31 liquor or any drug (RCW 46.61.502), nonfelony actual physical control  
32 while under the influence of intoxicating liquor or any drug (RCW  
33 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an  
34 attended vehicle (RCW 46.52.020(5)); or

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

38 ~~((45))~~ (46) "Serious violent offense" is a subcategory of  
39 violent offense and means:

40 (a)(i) Murder in the first degree;

1 (ii) Homicide by abuse;  
2 (iii) Murder in the second degree;  
3 (iv) Manslaughter in the first degree;  
4 (v) Assault in the first degree;  
5 (vi) Kidnapping in the first degree;  
6 (vii) Rape in the first degree;  
7 (viii) Assault of a child in the first degree; or  
8 (ix) An attempt, criminal solicitation, or criminal conspiracy to  
9 commit one of these felonies; or

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

13 (~~(46)~~) (47) "Sex offense" means:

14 (a)(i) A felony that is a violation of chapter 9A.44 RCW other  
15 than RCW 9A.44.132;

16 (ii) A violation of RCW 9A.64.020;

17 (iii) A felony that is a violation of chapter 9.68A RCW other  
18 than RCW 9.68A.080;

19 (iv) A felony that is, under chapter 9A.28 RCW, a criminal  
20 attempt, criminal solicitation, or criminal conspiracy to commit such  
21 crimes; or

22 (v) A felony violation of RCW 9A.44.132(1) (failure to register)  
23 if the person has been convicted of violating RCW 9A.44.132(1)  
24 (failure to register) on at least one prior occasion;

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

28 (c) A felony with a finding of sexual motivation under RCW  
29 9.94A.835 or 13.40.135; or

30 (d) 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 sex  
32 offense under (a) of this subsection.

33 (~~(47)~~) (48) "Sexual motivation" means that one of the purposes  
34 for which the defendant committed the crime was for the purpose of  
35 his or her sexual gratification.

36 (~~(48)~~) (49) "Standard sentence range" means the sentencing  
37 court's discretionary range in imposing a nonappealable sentence.

38 (~~(49)~~) (50) "Statutory maximum sentence" means the maximum  
39 length of time for which an offender may be confined as punishment  
40 for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the

1 statute defining the crime, or other statute defining the maximum  
2 penalty for a crime.

3 ~~((+50+))~~ (51) "Stranger" means that the victim did not know the  
4 offender twenty-four hours before the offense.

5 ~~((+51+))~~ (52) "Total confinement" means confinement inside the  
6 physical boundaries of a facility or institution operated or utilized  
7 under contract by the state or any other unit of government for  
8 twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

9 ~~((+52+))~~ (53) "Transition training" means written and verbal  
10 instructions and assistance provided by the department to the  
11 offender during the two weeks prior to the offender's successful  
12 completion of the work ethic camp program. The transition training  
13 shall include instructions in the offender's requirements and  
14 obligations during the offender's period of community custody.

15 ~~((+53+))~~ (54) "Victim" means any person who has sustained  
16 emotional, psychological, physical, or financial injury to person or  
17 property as a direct result of the crime charged.

18 ~~((+54+))~~ (55) "Violent offense" means:

19 (a) Any of the following felonies:

20 (i) Any felony defined under any law as a class A felony or an  
21 attempt to commit a class A felony;

22 (ii) Criminal solicitation of or criminal conspiracy to commit a  
23 class A felony;

24 (iii) Manslaughter in the first degree;

25 (iv) Manslaughter in the second degree;

26 (v) Indecent liberties if committed by forcible compulsion;

27 (vi) Kidnapping in the second degree;

28 (vii) Arson in the second degree;

29 (viii) Assault in the second degree;

30 (ix) Assault of a child in the second degree;

31 (x) Extortion in the first degree;

32 (xi) Robbery in the second degree;

33 (xii) Drive-by shooting;

34 (xiii) Vehicular assault, when caused by the operation or driving  
35 of a vehicle by a person while under the influence of intoxicating  
36 liquor or any drug or by the operation or driving of a vehicle in a  
37 reckless manner; and

38 (xiv) Vehicular homicide, when proximately caused by the driving  
39 of any vehicle by any person while under the influence of

1 intoxicating liquor or any drug as defined by RCW 46.61.502, or by  
2 the operation of any vehicle in a reckless manner;

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

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

9 ~~((+55+))~~ (56) "Work crew" means a program of partial confinement  
10 consisting of civic improvement tasks for the benefit of the  
11 community that complies with RCW 9.94A.725.

12 ~~((+56+))~~ (57) "Work ethic camp" means an alternative  
13 incarceration program as provided in RCW 9.94A.690 designed to reduce  
14 recidivism and lower the cost of corrections by requiring offenders  
15 to complete a comprehensive array of real-world job and vocational  
16 experiences, character-building work ethics training, life management  
17 skills development, substance abuse rehabilitation, counseling,  
18 literacy training, and basic adult education.

19 ~~((+57+))~~ (58) "Work release" means a program of partial  
20 confinement available to offenders who are employed or engaged as a  
21 student in a regular course of study at school.

22 **Sec. 3.** RCW 9.94A.501 and 2015 c 134 s 1 are each amended to  
23 read as follows:

24 (1) The department shall supervise the following offenders who  
25 are sentenced to probation in superior court, pursuant to RCW  
26 9.92.060, 9.95.204, or 9.95.210:

27 (a) Offenders convicted of:

28 (i) Sexual misconduct with a minor second degree;

29 (ii) Custodial sexual misconduct second degree;

30 (iii) Communication with a minor for immoral purposes; and

31 (iv) Violation of RCW 9A.44.132(2) (failure to register); and

32 (b) Offenders who have:

33 (i) A current conviction for a repetitive domestic violence  
34 offense where domestic violence has been plead and proven after  
35 August 1, 2011; and

36 (ii) A prior conviction for a repetitive domestic violence  
37 offense or domestic violence felony offense where domestic violence  
38 has been plead and proven after August 1, 2011.

1 (2) Misdemeanor and gross misdemeanor offenders supervised by the  
2 department pursuant to this section shall be placed on community  
3 custody.

4 (3) The department shall supervise every felony offender  
5 sentenced to community custody pursuant to RCW 9.94A.701 or 9.94A.702  
6 whose risk assessment classifies the offender as one who is at a high  
7 risk to reoffend.

8 (4) Notwithstanding any other provision of this section, the  
9 department shall supervise an offender sentenced to community custody  
10 regardless of risk classification if the offender:

11 (a) Has a current conviction for a sex offense or a serious  
12 violent offense and was sentenced to a term of community custody  
13 pursuant to RCW 9.94A.701, 9.94A.702, or 9.94A.507;

14 (b) Has been identified by the department as a dangerous mentally  
15 ill offender pursuant to RCW 72.09.370;

16 (c) Has an indeterminate sentence and is subject to parole  
17 pursuant to RCW 9.95.017;

18 (d) Has a current conviction for violating RCW 9A.44.132(1)  
19 (failure to register) and was sentenced to a term of community  
20 custody pursuant to RCW 9.94A.701;

21 (e) Has a current conviction for a domestic violence felony  
22 offense where domestic violence has been plead and proven after  
23 August 1, 2011, and a prior conviction for a repetitive domestic  
24 violence offense or domestic violence felony offense where domestic  
25 violence has been plead and proven after August 1, 2011;

26 (f) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660, or  
27 9.94A.670;

28 (g) Is subject to supervision pursuant to RCW 9.94A.745; (~~(e)~~)

29 (h) Was convicted and sentenced under RCW 46.61.520 (vehicular  
30 homicide), RCW 46.61.522 (vehicular assault), RCW 46.61.502(6)  
31 (felony DUI), or RCW 46.61.504(6) (felony physical control); or

32 (i) Until June 30, 2022, has a current conviction for a property  
33 offense as defined in RCW 9.94A.030, and has an offender score of two  
34 points or more.

35 (5) The department shall supervise any offender who is released  
36 by the indeterminate sentence review board and who was sentenced to  
37 community custody or subject to community custody under the terms of  
38 release.

39 (6) The department is not authorized to, and may not, supervise  
40 any offender sentenced to a term of community custody or any

1 probationer unless the offender or probationer is one for whom  
2 supervision is required under this section or RCW 9.94A.5011.

3 (7) The department shall conduct a risk assessment for every  
4 felony offender sentenced to a term of community custody who may be  
5 subject to supervision under this section or RCW 9.94A.5011.

6 (8) The period of time the department is authorized to supervise  
7 an offender under this section may not exceed the duration of  
8 community custody ordered pursuant to a sentencing alternative or  
9 specified under RCW 9.94B.050, 9.94A.701 (1), (2), or (3), or  
10 9.94A.702, except in cases where the court has imposed an exceptional  
11 term of community custody under RCW 9.94A.535. The period of time the  
12 department is authorized to supervise an offender under this section  
13 may be reduced by the earned award of positive achievement time  
14 pursuant to section 18 of this act.

15 **Sec. 4.** RCW 9.94A.505 and 2010 c 224 s 4 are each amended to  
16 read as follows:

17 (1) When a person is convicted of a felony, the court shall  
18 impose punishment as provided in this chapter.

19 (2)(a) The court shall impose a sentence as provided in the  
20 following sections and as applicable in the case:

21 (i) Unless another term of confinement applies, a sentence within  
22 the standard sentence range established in RCW 9.94A.510 ~~(( $\oplus$ ))~~,  
23 9.94A.517, or section 7 of this act;

24 (ii) RCW 9.94A.701 and 9.94A.702, relating to community custody;

25 (iii) RCW 9.94A.570, relating to persistent offenders;

26 (iv) RCW 9.94A.540, relating to mandatory minimum terms;

27 (v) RCW 9.94A.650, relating to the first-time offender waiver;

28 (vi) RCW 9.94A.660, relating to the drug offender sentencing  
29 alternative;

30 (vii) RCW 9.94A.670, relating to the special sex offender  
31 sentencing alternative;

32 (viii) RCW 9.94A.655, relating to the parenting sentencing  
33 alternative;

34 (ix) RCW 9.94A.507, relating to certain sex offenses;

35 (x) RCW 9.94A.535, relating to exceptional sentences;

36 (xi) RCW 9.94A.589, relating to consecutive and concurrent  
37 sentences;

38 (xii) RCW 9.94A.603, relating to felony driving while under the  
39 influence of intoxicating liquor or any drug and felony physical

1 control of a vehicle while under the influence of intoxicating liquor  
2 or any drug.

3 (b) If a standard sentence range has not been established for the  
4 offender's crime, the court shall impose a determinate sentence which  
5 may include not more than one year of confinement; community  
6 restitution work; a term of community custody under RCW 9.94A.702 not  
7 to exceed one year; and/or other legal financial obligations. The  
8 court may impose a sentence which provides more than one year of  
9 confinement and a community custody term under RCW 9.94A.701 if the  
10 court finds reasons justifying an exceptional sentence as provided in  
11 RCW 9.94A.535.

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

18 (4) If a sentence imposed includes payment of a legal financial  
19 obligation, it shall be imposed as provided in RCW 9.94A.750,  
20 9.94A.753, 9.94A.760, and 43.43.7541.

21 (5) Except as provided under RCW 9.94A.750(4) and 9.94A.753(4), a  
22 court may not impose a sentence providing for a term of confinement  
23 or community custody that exceeds the statutory maximum for the crime  
24 as provided in chapter 9A.20 RCW.

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

29 (7) The court shall order restitution as provided in RCW  
30 9.94A.750 and 9.94A.753.

31 (8) As a part of any sentence, the court may impose and enforce  
32 crime-related prohibitions and affirmative conditions as provided in  
33 this chapter.

34 (9) In any sentence of partial confinement, the court may require  
35 the offender to serve the partial confinement in work release, in a  
36 program of home detention, on work crew, or in a combined program of  
37 work crew and home detention.

38 **Sec. 5.** RCW 9.94A.506 and 2011 1st sp.s. c 40 s 26 are each  
39 amended to read as follows:

1 The standard sentence ranges of total and partial confinement  
2 under this chapter, except as provided in RCW 9.94A.517 and section 7  
3 of this act, are subject to the following limitations:

4 (1) If the maximum term in the range is one year or less, the  
5 minimum term in the range shall be no less than one-third of the  
6 maximum term in the range, except that if the maximum term in the  
7 range is ninety days or less, the minimum term may be less than one-  
8 third of the maximum;

9 (2) If the maximum term in the range is greater than one year,  
10 the minimum term in the range shall be no less than seventy-five  
11 percent of the maximum term in the range, except that for murder in  
12 the second degree in seriousness level XIV under RCW 9.94A.510, the  
13 minimum term in the range shall be no less than fifty percent of the  
14 maximum term in the range; and

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

17 **Sec. 6.** RCW 9.94A.515 and 2013 c 322 s 26, 2013 c 290 s 8, 2013  
18 c 267 s 2, and 2013 c 153 s 2 are each reenacted and amended to read  
19 as follows:

20 TABLE 2

21 CRIMES INCLUDED WITHIN  
22 EACH SERIOUSNESS LEVEL

- 23 XVI Aggravated Murder 1 (RCW  
24 10.95.020)
- 25 XV Homicide by abuse (RCW 9A.32.055)  
26 Malicious explosion 1 (RCW  
27 70.74.280(1))  
28 Murder 1 (RCW 9A.32.030)
- 29 XIV Murder 2 (RCW 9A.32.050)  
30 Trafficking 1 (RCW 9A.40.100(1))
- 31 XIII Malicious explosion 2 (RCW  
32 70.74.280(2))  
33 Malicious placement of an explosive 1  
34 (RCW 70.74.270(1))
- 35 XII Assault 1 (RCW 9A.36.011)  
36 Assault of a Child 1 (RCW 9A.36.120)

1 Malicious placement of an imitation  
2 device 1 (RCW 70.74.272(1)(a))  
3 Promoting Commercial Sexual Abuse  
4 of a Minor (RCW 9.68A.101)  
5 Rape 1 (RCW 9A.44.040)  
6 Rape of a Child 1 (RCW 9A.44.073)  
7 Trafficking 2 (RCW 9A.40.100(~~(2)~~))  
8 (3))  
9 XI Manslaughter 1 (RCW 9A.32.060)  
10 Rape 2 (RCW 9A.44.050)  
11 Rape of a Child 2 (RCW 9A.44.076)  
12 Vehicular Homicide, by being under  
13 the influence of intoxicating liquor  
14 or any drug (RCW 46.61.520)  
15 X Child Molestation 1 (RCW 9A.44.083)  
16 Criminal Mistreatment 1 (RCW  
17 9A.42.020)  
18 Indecent Liberties (with forcible  
19 compulsion) (RCW  
20 9A.44.100(1)(a))  
21 Kidnapping 1 (RCW 9A.40.020)  
22 Leading Organized Crime (RCW  
23 9A.82.060(1)(a))  
24 Malicious explosion 3 (RCW  
25 70.74.280(3))  
26 Sexually Violent Predator Escape  
27 (RCW 9A.76.115)  
28 IX Abandonment of Dependent Person 1  
29 (RCW 9A.42.060)  
30 Assault of a Child 2 (RCW 9A.36.130)  
31 Explosive devices prohibited (RCW  
32 70.74.180)  
33 Hit and Run—Death (RCW  
34 46.52.020(4)(a))

1 Homicide by Watercraft, by being  
2 under the influence of intoxicating  
3 liquor or any drug (RCW  
4 79A.60.050)

5 Inciting Criminal Profiteering (RCW  
6 9A.82.060(1)(b))

7 Malicious placement of an explosive 2  
8 (RCW 70.74.270(2))

9 Robbery 1 (RCW 9A.56.200)

10 Sexual Exploitation (RCW 9.68A.040)

11 VIII Arson 1 (RCW 9A.48.020)

12 Commercial Sexual Abuse of a Minor  
13 (RCW 9.68A.100)

14 Homicide by Watercraft, by the  
15 operation of any vessel in a  
16 reckless manner (RCW  
17 79A.60.050)

18 Manslaughter 2 (RCW 9A.32.070)

19 Promoting Prostitution 1 (RCW  
20 9A.88.070)

21 Theft of Ammonia (RCW 69.55.010)

22 Vehicular Homicide, by the operation  
23 of any vehicle in a reckless  
24 manner (RCW 46.61.520)

25 VII Burglary 1 (RCW 9A.52.020)

26 Child Molestation 2 (RCW 9A.44.086)

27 Civil Disorder Training (RCW  
28 9A.48.120)

29 Dealing in depictions of minor engaged  
30 in sexually explicit conduct 1  
31 (RCW 9.68A.050(1))

32 Drive-by Shooting (RCW 9A.36.045)

33 Homicide by Watercraft, by disregard  
34 for the safety of others (RCW  
35 79A.60.050)

1 Indecent Liberties (without forcible  
2 compulsion) (RCW 9A.44.100(1)  
3 (b) and (c))  
4 Introducing Contraband 1 (RCW  
5 9A.76.140)  
6 Malicious placement of an explosive 3  
7 (RCW 70.74.270(3))  
8 Negligently Causing Death By Use of a  
9 Signal Preemption Device (RCW  
10 46.37.675)  
11 Sending, bringing into state depictions  
12 of minor engaged in sexually  
13 explicit conduct 1 (RCW  
14 9.68A.060(1))  
15 Unlawful Possession of a Firearm in  
16 the first degree (RCW  
17 9.41.040(1))  
18 Use of a Machine Gun in Commission  
19 of a Felony (RCW 9.41.225)  
20 Vehicular Homicide, by disregard for  
21 the safety of others (RCW  
22 46.61.520)  
23 VI Bail Jumping with Murder 1 (RCW  
24 9A.76.170(3)(a))  
25 Bribery (RCW 9A.68.010)  
26 Incest 1 (RCW 9A.64.020(1))  
27 Intimidating a Judge (RCW 9A.72.160)  
28 Intimidating a Juror/Witness (RCW  
29 9A.72.110, 9A.72.130)  
30 Malicious placement of an imitation  
31 device 2 (RCW 70.74.272(1)(b))  
32 Possession of Depictions of a Minor  
33 Engaged in Sexually Explicit  
34 Conduct 1 (RCW 9.68A.070(1))  
35 Rape of a Child 3 (RCW 9A.44.079)  
36 Theft of a Firearm (RCW 9A.56.300)

1 Unlawful Storage of Ammonia (RCW  
2 69.55.020)

3 V Abandonment of Dependent Person 2  
4 (RCW 9A.42.070)

5 Advancing money or property for  
6 extortionate extension of credit  
7 (RCW 9A.82.030)

8 Bail Jumping with class A Felony  
9 (RCW 9A.76.170(3)(b))

10 Child Molestation 3 (RCW 9A.44.089)

11 Criminal Mistreatment 2 (RCW  
12 9A.42.030)

13 Custodial Sexual Misconduct 1 (RCW  
14 9A.44.160)

15 Dealing in Depictions of Minor  
16 Engaged in Sexually Explicit  
17 Conduct 2 (RCW 9.68A.050(2))

18 Domestic Violence Court Order  
19 Violation (RCW 10.99.040,  
20 10.99.050, 26.09.300, 26.10.220,  
21 26.26.138, 26.50.110, 26.52.070,  
22 or 74.34.145)

23 Driving While Under the Influence  
24 (RCW 46.61.502(6))

25 Extortion 1 (RCW 9A.56.120)

26 Extortionate Extension of Credit (RCW  
27 9A.82.020)

28 Extortionate Means to Collect  
29 Extensions of Credit (RCW  
30 9A.82.040)

31 Incest 2 (RCW 9A.64.020(2))

32 Kidnapping 2 (RCW 9A.40.030)

33 Perjury 1 (RCW 9A.72.020)

34 Persistent prison misbehavior (RCW  
35 9.94.070)

1 Physical Control of a Vehicle While  
2 Under the Influence (RCW  
3 46.61.504(6))  
4 Possession of a Stolen Firearm (RCW  
5 9A.56.310)  
6 Rape 3 (RCW 9A.44.060)  
7 Rendering Criminal Assistance 1  
8 (RCW 9A.76.070)  
9 Sending, Bringing into State  
10 Depictions of Minor Engaged in  
11 Sexually Explicit Conduct 2  
12 (RCW 9.68A.060(2))  
13 Sexual Misconduct with a Minor 1  
14 (RCW 9A.44.093)  
15 Sexually Violating Human Remains  
16 (RCW 9A.44.105)  
17 Stalking (RCW 9A.46.110)  
18 ~~((Taking Motor Vehicle Without  
19 Permission 1 (RCW 9A.56.070)))~~  
20 IV Arson 2 (RCW 9A.48.030)  
21 Assault 2 (RCW 9A.36.021)  
22 Assault 3 (of a Peace Officer with a  
23 Projectile Stun Gun) (RCW  
24 9A.36.031(1)(h))  
25 Assault by Watercraft (RCW  
26 79A.60.060)  
27 Bribing a Witness/Bribe Received by  
28 Witness (RCW 9A.72.090,  
29 9A.72.100)  
30 Cheating 1 (RCW 9.46.1961)  
31 Commercial Bribery (RCW  
32 9A.68.060)  
33 ~~((Counterfeiting (RCW 9.16.035(4))))~~  
34 Endangerment with a Controlled  
35 Substance (RCW 9A.42.100)

1 Escape 1 (RCW 9A.76.110)  
2 Hit and Run—Injury (RCW  
3 46.52.020(4)(b))  
4 Hit and Run with Vessel—Injury  
5 Accident (RCW 79A.60.200(3))  
6 ~~((Identity Theft 1 (RCW 9.35.020(2))))~~  
7 Indecent Exposure to Person Under  
8 Age Fourteen (subsequent sex  
9 offense) (RCW 9A.88.010)  
10 Influencing Outcome of Sporting Event  
11 (RCW 9A.82.070)  
12 Malicious Harassment (RCW  
13 9A.36.080)  
14 Possession of Depictions of a Minor  
15 Engaged in Sexually Explicit  
16 Conduct 2 (RCW 9.68A.070(2))  
17 Residential Burglary (RCW  
18 9A.52.025)  
19 Robbery 2 (RCW 9A.56.210)  
20 ~~((Theft of Livestock 1 (RCW  
21 9A.56.080)))~~  
22 Threats to Bomb (RCW 9.61.160)  
23 ~~((Trafficking in Stolen Property 1  
24 (RCW 9A.82.050)~~  
25 ~~Unlawful factoring of a credit card or  
26 payment card transaction (RCW  
27 9A.56.290(4)(b))))~~  
28 Unlawful transaction of health  
29 coverage as a health care service  
30 contractor (RCW 48.44.016(3))  
31 Unlawful transaction of health  
32 coverage as a health maintenance  
33 organization (RCW 48.46.033(3))  
34 Unlawful transaction of insurance  
35 business (RCW 48.15.023(3))

1 Unlicensed practice as an insurance  
2 professional (RCW 48.17.063(2))  
3 Use of Proceeds of Criminal  
4 Profiteering (RCW 9A.82.080 (1)  
5 and (2))  
6 Vehicle Prowling 2 (third or  
7 subsequent offense) (RCW  
8 9A.52.100(3))  
9 Vehicular Assault, by being under the  
10 influence of intoxicating liquor or  
11 any drug, or by the operation or  
12 driving of a vehicle in a reckless  
13 manner (RCW 46.61.522)  
14 Viewing of Depictions of a Minor  
15 Engaged in Sexually Explicit  
16 Conduct 1 (RCW 9.68A.075(1))  
17 Willful Failure to Return from  
18 Furlough (RCW 72.66.060)  
19 III Animal Cruelty 1 (Sexual Conduct or  
20 Contact) (RCW 16.52.205(3))  
21 Assault 3 (Except Assault 3 of a Peace  
22 Officer With a Projectile Stun  
23 Gun) (RCW 9A.36.031 except  
24 subsection (1)(h))  
25 Assault of a Child 3 (RCW 9A.36.140)  
26 Bail Jumping with class B or C Felony  
27 (RCW 9A.76.170(3)(c))  
28 ~~((Burglary 2 (RCW 9A.52.030)))~~  
29 Communication with a Minor for  
30 Immoral Purposes (RCW  
31 9.68A.090)  
32 Criminal Gang Intimidation (RCW  
33 9A.46.120)  
34 Custodial Assault (RCW 9A.36.100)

1 Cyberstalking (subsequent conviction  
2 or threat of death) (RCW  
3 9.61.260(3))  
4 Escape 2 (RCW 9A.76.120)  
5 Extortion 2 (RCW 9A.56.130)  
6 Harassment (RCW 9A.46.020)  
7 Intimidating a Public Servant (RCW  
8 9A.76.180)  
9 Introducing Contraband 2 (RCW  
10 9A.76.150)  
11 Malicious Injury to Railroad Property  
12 (RCW 81.60.070)  
13 Mortgage Fraud (RCW 19.144.080)  
14 Negligently Causing Substantial  
15 Bodily Harm By Use of a Signal  
16 Preemption Device (RCW  
17 46.37.674)  
18 ~~((Organized Retail Theft 1 (RCW~~  
19 ~~9A.56.350(2))))~~  
20 Perjury 2 (RCW 9A.72.030)  
21 Possession of Incendiary Device (RCW  
22 9.40.120)  
23 Possession of Machine Gun or Short-  
24 Barreled Shotgun or Rifle (RCW  
25 9.41.190)  
26 Promoting Prostitution 2 (RCW  
27 9A.88.080)  
28 ~~((Retail Theft with Special~~  
29 ~~Circumstances 1 (RCW~~  
30 ~~9A.56.360(2))))~~  
31 Securities Act violation (RCW  
32 21.20.400)  
33 Tampering with a Witness (RCW  
34 9A.72.120)

1 Telephone Harassment (subsequent  
2 conviction or threat of death)  
3 (RCW 9.61.230(2))  
4 ~~((Theft of Livestock 2 (RCW  
5 9A.56.083)  
6 Theft with the Intent to Resell 1 (RCW  
7 9A.56.340(2))  
8 Trafficking in Stolen Property 2 (RCW  
9 9A.82.055)  
10 Unlawful Hunting of Big Game 1  
11 (RCW 77.15.410(3)(b))))  
12 Unlawful Imprisonment (RCW  
13 9A.40.040)  
14 Unlawful Misbranding of Food Fish or  
15 Shellfish 1 (RCW 69.04.938(3))  
16 Unlawful possession of firearm in the  
17 second degree (RCW 9.41.040(2))  
18 Unlawful Taking of Endangered Fish  
19 or Wildlife 1 (RCW  
20 77.15.120(3)(b))  
21 Unlawful Trafficking in Fish, Shellfish,  
22 or Wildlife 1 (RCW  
23 77.15.260(3)(b))  
24 Unlawful Use of a Nondesignated  
25 Vessel (RCW 77.15.530(4))  
26 Vehicular Assault, by the operation or  
27 driving of a vehicle with disregard  
28 for the safety of others (RCW  
29 46.61.522)  
30 Willful Failure to Return from Work  
31 Release (RCW 72.65.070)  
32 II ~~((Commercial Fishing Without a  
33 License 1 (RCW  
34 77.15.500(3)(b))))  
35 Computer Trespass 1 (RCW  
36 9A.52.110)~~~~

1 ~~((Counterfeiting (RCW 9.16.035(3))~~  
2 ~~Engaging in Fish Dealing Activity~~  
3 ~~Unlicensed 1 (RCW~~  
4 ~~77.15.620(3)))~~  
5 ~~Escape from Community Custody~~  
6 ~~(RCW 72.09.310)~~  
7 ~~Failure to Register as a Sex Offender~~  
8 ~~(second or subsequent offense)~~  
9 ~~(RCW 9A.44.132)~~  
10 ~~((Health Care False Claims (RCW~~  
11 ~~48.80.030)~~  
12 ~~Identity Theft 2 (RCW 9.35.020(3)))~~  
13 ~~Improperly Obtaining Financial~~  
14 ~~Information (RCW 9.35.010)~~  
15 ~~((Malicious Mischief 1 (RCW~~  
16 ~~9A.48.070)~~  
17 ~~Organized Retail Theft 2 (RCW~~  
18 ~~9A.56.350(3))~~  
19 ~~Possession of Stolen Property 1 (RCW~~  
20 ~~9A.56.150)~~  
21 ~~Possession of a Stolen Vehicle (RCW~~  
22 ~~9A.56.068)~~  
23 ~~Retail Theft with Special~~  
24 ~~Circumstances 2 (RCW~~  
25 ~~9A.56.360(3))~~  
26 ~~Scrap Processing, Recycling, or~~  
27 ~~Supplying Without a License~~  
28 ~~(second or subsequent offense)~~  
29 ~~(RCW 19.290.100)~~  
30 ~~Theft 1 (RCW 9A.56.030)~~  
31 ~~Theft of a Motor Vehicle (RCW~~  
32 ~~9A.56.065)~~  
33 ~~Theft of Rental, Leased, or Lease-~~  
34 ~~purchased Property (valued at one~~  
35 ~~thousand five hundred dollars or~~  
36 ~~more) (RCW 9A.56.096(5)(a))~~

1 Theft with the Intent to Resell 2 (RCW  
2 9A.56.340(3))  
3 Trafficking in Insurance Claims (RCW  
4 48.30A.015)  
5 Unlawful factoring of a credit card or  
6 payment card transaction (RCW  
7 9A.56.290(4)(a)))  
8 Unlawful Participation of Non-Indians  
9 in Indian Fishery (RCW  
10 77.15.570(2))  
11 Unlawful Practice of Law (RCW  
12 2.48.180)  
13 Unlawful Purchase or Use of a License  
14 (RCW 77.15.650(3)(b))  
15 Unlawful Trafficking in Fish, Shellfish,  
16 or Wildlife 2 (RCW  
17 77.15.260(3)(a))  
18 Unlicensed Practice of a Profession or  
19 Business (RCW 18.130.190(7))  
20 Voyeurism (RCW 9A.44.115)  
21 I Attempting to Elude a Pursuing Police  
22 Vehicle (RCW 46.61.024)  
23 ~~((False Verification for Welfare (RCW  
24 74.08.055)  
25 Forgery (RCW 9A.60.020)))  
26 Fraudulent Creation or Revocation of a  
27 Mental Health Advance Directive  
28 (RCW 9A.60.060)  
29 ~~((Malicious Mischief 2 (RCW  
30 9A.48.080)))  
31 Mineral Trespass (RCW 78.44.330)  
32 ~~((Possession of Stolen Property 2  
33 (RCW 9A.56.160)  
34 Reckless Burning 1 (RCW  
35 9A.48.040)))~~~~~~

1 Spotlighting Big Game 1 (RCW  
2 77.15.450(3)(b))  
3 Suspension of Department Privileges 1  
4 (RCW 77.15.670(3)(b))  
5 ~~((Taking Motor Vehicle Without  
6 Permission 2 (RCW 9A.56.075)  
7 Theft 2 (RCW 9A.56.040)  
8 Theft of Rental, Leased, or Lease-  
9 purchased Property (valued at two  
10 hundred fifty dollars or more but  
11 less than one thousand five  
12 hundred dollars) (RCW  
13 9A.56.096(5)(b))))~~  
14 Transaction of insurance business  
15 beyond the scope of licensure  
16 (RCW 48.17.063)  
17 Unlawful Fish and Shellfish Catch  
18 Accounting (RCW  
19 77.15.630(3)(b))  
20 ~~((Unlawful Issuance of Checks or  
21 Drafts—(RCW 9A.56.060)  
22 Unlawful Possession of Fictitious  
23 Identification (RCW 9A.56.320)  
24 Unlawful Possession of Instruments of  
25 Financial Fraud (RCW 9A.56.320)  
26 Unlawful Possession of Payment  
27 Instruments (RCW 9A.56.320)  
28 Unlawful Possession of a Personal  
29 Identification Device (RCW  
30 9A.56.320)  
31 Unlawful Production of Payment  
32 Instruments (RCW 9A.56.320)  
33 Unlawful Release of Deleterious  
34 Exotic Wildlife (RCW  
35 77.15.250(2)(b))~~

1 Unlawful Trafficking in Food Stamps  
 2 (RCW 9.91.142)  
 3 Unlawful Use of Food Stamps (RCW  
 4 9.91.144))  
 5 Unlawful Use of Net to Take Fish 1  
 6 (RCW 77.15.580(3)(b))  
 7 Unlawful Use of Prohibited Aquatic  
 8 Animal Species (RCW  
 9 77.15.253(3))  
 10 Unlawfully Releasing, Planting,  
 11 Possessing, or Placing Deleterious  
 12 Exotic Wildlife (RCW  
 13 77.15.250(2)(b)  
 14 Vehicle Prowl 1 (RCW 9A.52.095)  
 15 Violating Commercial Fishing Area or  
 16 Time 1 (RCW 77.15.550(3)(b))

17 NEW SECTION. Sec. 7.  
 18 (1)

19 TABLE 5 - PROPERTY OFFENSE SENTENCING GRID

Seriousness Level	Offender Score									
	0	1	2	3	4	5	6	7	8	9 or more
<b>4</b>	15-180 days	30-240 days	30-300 days	12+-14 months	12+-16 months	14-18 months	16-24 months	24-30 months	30-36.5 months	36.5-42 months
<b>3</b>	10-90 days	15-180 days	20-180 days	30-240 days	30-300 days	12+-14 months	12+-16 months	14-18 months	16-24 months	24-30 months
<b>2</b>	0-90 days	10-120 days	15-180 days	20-180 days	30-240 days	30-300 days	12+-14 months	12+-16 months	14-18 months	16-20 months
<b>1</b>	0-60 days	0-90 days	10-120 days	20-180 days	30-240 days	30-300 days	30-300 days	12+-14 months	12+-16 months	14-18 months

32 References to months represent the standard sentence range. 12+  
 33 equals one year and one day.

1 (2) The court may utilize any other sanctions or alternatives as  
2 authorized by law, including but not limited to the special drug  
3 offender sentencing alternative under RCW 9.94A.660 or drug court  
4 under RCW 2.28.170.

5 (3) Nothing in this section creates an entitlement for a criminal  
6 defendant to any specific sanction, alternative, sentence option, or  
7 substance abuse treatment.

8 NEW SECTION. **Sec. 8.**

9 TABLE 6 - PROPERTY OFFENSES  
10 INCLUDED WITHIN EACH SERIOUSNESS LEVEL

11	IV	Counterfeiting (RCW 9.16.035(4))
12		Identity Theft 1 (RCW 9.35.020(2))
13		Theft of Livestock 1 (RCW 9A.56.080)
14		Trafficking in Stolen Property 1 (RCW
15		9A.82.050)
16		Unlawful Factoring of a Credit Card or
17		Payment Card Transaction (RCW
18		9A.56.290(4)(b))
19	III	Burglary 2 (RCW 9A.52.030)
20		Organized Retail Theft 1 (RCW
21		9A.56.350(2))
22		Possession of Stolen Vehicle (RCW
23		9A.56.068)
24		Retail Theft with Special Circumstances 1
25		(RCW 9A.56.360(2))
26		Taking Motor Vehicle without Permission 1
27		(RCW 9A.56.070)
28		Theft of Livestock 2 (RCW 9A.56.083)
29		Theft of Motor Vehicle (RCW 9A.56.065)
30		Theft with the Intent to Resell 1 (RCW
31		9A.56.340(2))
32		Trafficking in Stolen Property 2 (RCW
33		9A.82.055)
34		Unlawful Hunting of Big Game 1 (RCW
35		77.15.410(3)(b))

1 II Commercial Fishing Without a License 1  
2 (RCW 77.15.500(3)(b))  
3 Counterfeiting (RCW 9.16.035(3))  
4 Engaging in Fish Dealing Activity  
5 Unlicensed 1 (RCW 77.15.620(3)(b))  
6 Health Care False Claims (RCW 48.80.030)  
7 Identity Theft 2 (RCW 9.35.020(3))  
8 Malicious Mischief 1 (RCW 9A.48.070)  
9 Organized Retail Theft 2 (RCW  
10 9A.56.350(3))  
11 Possession of Stolen Property 1 (RCW  
12 9A.56.150)  
13 Retail Theft with Special Circumstances 2  
14 (RCW 9A.56.360(3))  
15 Scrap Processing, Recycling, or Supplying  
16 Without a License (second or  
17 subsequent offense) (RCW  
18 19.290.100(2)(b))  
19 Theft 1 (RCW 9A.56.030)  
20 Theft of Rental, Leased, or Lease-  
21 purchased, or Loaned Property (valued  
22 at five thousand dollars or more) (RCW  
23 9A.56.096(5)(a))  
24 Theft with the Intent to Resell 2 (RCW  
25 9A.56.340(3))  
26 Trafficking in Insurance Claims (RCW  
27 48.30A.015)  
28 Unlawful Factoring of a Credit Card or  
29 Payment Card Transaction (RCW  
30 9A.56.290(4)(a))  
31 I False Verification for Welfare (RCW  
32 74.08.055)  
33 Forgery (RCW 9A.60.020)  
34 Malicious Mischief 2 (RCW 9A.48.080)

1 Possession of Stolen Property 2 (RCW  
2 9A.56.160)  
3 Reckless Burning 1 (RCW 9A.48.040)  
4 Taking Motor Vehicle without Permission 2  
5 (RCW 9A.56.075)  
6 Theft 2 (RCW 9A.56.040)  
7 Theft of Rental, Leased, Lease-purchased,  
8 or Loan Property (valued at seven  
9 hundred fifty dollars or more but less  
10 than five thousand dollars) (RCW  
11 9A.56.096(5)(b))  
12 Unlawful Issuance of Checks or Drafts  
13 (RCW 9A.56.060)  
14 Unlawful Possession of Fictitious  
15 Identification (RCW 9A.56.320(4))  
16 Unlawful Possession of Instruments of  
17 Financial Fraud (RCW 9A.56.320(5))  
18 Unlawful Possession of Payment  
19 Instruments (RCW 9A.56.320(2))  
20 Unlawful Possession of a Personal  
21 Identification Device (RCW  
22 9A.56.320(3))  
23 Unlawful Production of Payment  
24 Instruments (RCW 9A.56.320(1))  
25 Unlawful Trafficking in Food Stamps  
26 (RCW 9.91.142)  
27 Unlawful Use of Food Stamps (RCW  
28 9.91.144)

29 **Sec. 9.** RCW 9.94A.585 and 2002 c 290 s 19 are each amended to  
30 read as follows:

31 (1) A sentence within the standard sentence range, under RCW  
32 9.94A.510 ~~((or))~~, 9.94A.517, or section 7 of this act, for an offense  
33 shall not be appealed. For purposes of this section, a sentence  
34 imposed on a first-time offender under RCW 9.94A.650 shall also be  
35 deemed to be within the standard sentence range for the offense and  
36 shall not be appealed.

1 (2) A sentence outside the standard sentence range for the  
2 offense is subject to appeal by the defendant or the state. The  
3 appeal shall be to the court of appeals in accordance with rules  
4 adopted by the supreme court.

5 (3) Pending review of the sentence, the sentencing court or the  
6 court of appeals may order the defendant confined or placed on  
7 conditional release, including bond.

8 (4) To reverse a sentence which is outside the standard sentence  
9 range, the reviewing court must find: (a) Either that the reasons  
10 supplied by the sentencing court are not supported by the record  
11 which was before the judge or that those reasons do not justify a  
12 sentence outside the standard sentence range for that offense; or (b)  
13 that the sentence imposed was clearly excessive or clearly too  
14 lenient.

15 (5) A review under this section shall be made solely upon the  
16 record that was before the sentencing court. Written briefs shall not  
17 be required and the review and decision shall be made in an expedited  
18 manner according to rules adopted by the supreme court.

19 (6) The court of appeals shall issue a written opinion in support  
20 of its decision whenever the judgment of the sentencing court is  
21 reversed and may issue written opinions in any other case where the  
22 court believes that a written opinion would provide guidance to  
23 sentencing courts and others in implementing this chapter and in  
24 developing a common law of sentencing within the state.

25 (7) The department may petition for a review of a sentence  
26 committing an offender to the custody or jurisdiction of the  
27 department. The review shall be limited to errors of law. Such  
28 petition shall be filed with the court of appeals no later than  
29 ninety days after the department has actual knowledge of terms of the  
30 sentence. The petition shall include a certification by the  
31 department that all reasonable efforts to resolve the dispute at the  
32 superior court level have been exhausted.

33 **Sec. 10.** RCW 9.94A.701 and 2010 c 267 s 11 and 2010 c 224 s 5  
34 are each reenacted and amended to read as follows:

35 (1) If an offender is sentenced to the custody of the department  
36 for one of the following crimes, the court shall, in addition to the  
37 other terms of the sentence, sentence the offender to community  
38 custody for three years:

39 (a) A sex offense not sentenced under RCW 9.94A.507; or

1 (b) A serious violent offense.

2 (2) A court shall, in addition to the other terms of the  
3 sentence, sentence an offender to community custody for eighteen  
4 months when the court sentences the person to the custody of the  
5 department for a violent offense that is not considered a serious  
6 violent offense.

7 (3) A court shall, in addition to the other terms of the  
8 sentence, sentence an offender to community custody for one year when  
9 the court sentences the person to the custody of the department for:

10 (a) Any crime against persons under RCW 9.94A.411(2);

11 (b) An offense involving the unlawful possession of a firearm  
12 under RCW 9.41.040, where the offender is a criminal street gang  
13 member or associate;

14 (c) A felony offense under chapter 69.50 or 69.52 RCW, committed  
15 on or after July 1, 2000; (~~or~~)

16 (d) A felony violation of RCW 9A.44.132(1) (failure to register)  
17 that is the offender's first violation for a felony failure to  
18 register; or

19 (e) Any property offense, as defined in RCW 9.94A.030 if the  
20 offender has an offender score of two points or more.

21 (4) If an offender is sentenced under the drug offender  
22 sentencing alternative, the court shall impose community custody as  
23 provided in RCW 9.94A.660.

24 (5) If an offender is sentenced under the special sex offender  
25 sentencing alternative, the court shall impose community custody as  
26 provided in RCW 9.94A.670.

27 (6) If an offender is sentenced to a work ethic camp, the court  
28 shall impose community custody as provided in RCW 9.94A.690.

29 (7) If an offender is sentenced under the parenting sentencing  
30 alternative, the court shall impose a term of community custody as  
31 provided in RCW 9.94A.655.

32 (8) If a sex offender is sentenced as a nonpersistent offender  
33 pursuant to RCW 9.94A.507, the court shall impose community custody  
34 as provided in that section.

35 (9) The term of community custody specified by this section shall  
36 be reduced by the court whenever an offender's standard range term of  
37 confinement in combination with the term of community custody exceeds  
38 the statutory maximum for the crime as provided in RCW 9A.20.021.

39 (10) The department is not liable for tortious actions of a  
40 supervised offender unless reckless disregard of a known and

1 immediate risk by the department is proven. In any case, the  
2 department is liable for only its degree of fault as determined by a  
3 fact finder.

4 **Sec. 11.** RCW 9.94A.702 and 2010 c 267 s 12 are each amended to  
5 read as follows:

6 (1) If an offender is sentenced to a term of confinement for one  
7 year or less for one of the following offenses, the court may impose  
8 up to one year of community custody:

9 (a) A sex offense;

10 (b) A violent offense;

11 (c) A crime against a person under RCW 9.94A.411;

12 (d) A felony violation of chapter 69.50 or 69.52 RCW, or an  
13 attempt, conspiracy, or solicitation to commit such a crime; or

14 (e) A felony violation of RCW 9A.44.132(1) (failure to register).

15 (2) If an offender is sentenced to a term of confinement for one  
16 year or less for a property offense, as defined in RCW 9.94A.030, and  
17 the offender has an offender score of two points or more, the court  
18 shall impose one year of community custody.

19 (3) If an offender is sentenced to a first-time offender waiver,  
20 the court may impose community custody as provided in RCW 9.94A.650.

21 **Sec. 12.** RCW 9.94A.171 and 2011 1st sp.s. c 40 s 1 are each  
22 amended to read as follows:

23 (1) A term of confinement ordered in a sentence pursuant to this  
24 chapter shall be tolled by any period of time during which the  
25 offender has absented himself or herself from confinement without the  
26 prior approval of the entity in whose custody the offender has been  
27 placed. A term of partial confinement shall be tolled during any  
28 period of time spent in total confinement pursuant to a new  
29 conviction.

30 (2) Any term of community custody shall be tolled by any period  
31 of time during which the offender has absented himself or herself  
32 from supervision without prior approval of the entity under whose  
33 supervision the offender has been placed.

34 (3)(a) For offenders other than sex offenders serving a sentence  
35 for a sex offense as defined in RCW 9.94A.030, any period of  
36 community custody shall be tolled during any period of time the  
37 offender is in confinement for any reason unless the offender is  
38 detained pursuant to RCW 9.94A.740 or 9.94A.631 for the period of

1 time prior to the hearing or for confinement pursuant to sanctions  
2 imposed for violation of sentence conditions, in which case, the  
3 period of community custody shall not toll. However, sanctions that  
4 result in the imposition of the remaining sentence or the original  
5 sentence will continue to toll the period of community custody. In  
6 addition, inpatient treatment ordered by the court in lieu of jail  
7 time shall not toll the period of community custody.

8 (b) For sex offenders serving a sentence for a sex offense as  
9 defined in RCW 9.94A.030, any period of community custody shall be  
10 tolled during any period of time the sex offender is in confinement  
11 for any reason.

12 (c) For offenders serving a sentence for a property offense, as  
13 defined in RCW 9.94A.030, any period of community custody shall be  
14 tolled during any period of time the offender is in confinement for  
15 any reason.

16 (4) For terms of confinement or community custody, the date for  
17 the tolling of the sentence shall be established by the entity  
18 responsible for the confinement or supervision.

19 (5) For the purposes of this section, "tolling" means the period  
20 of time in which community custody or confinement time is paused and  
21 for which the offender does not receive credit towards the term  
22 ordered.

23 **Sec. 13.** RCW 9.94A.860 and 2011 1st sp.s. c 40 s 36 are each  
24 amended to read as follows:

25 (1)(a) ~~The sentencing guidelines commission is hereby created((~~  
26 ~~located within the office of financial management))~~. The commission  
27 shall be colocated with the caseload forecast council. Except as  
28 provided in RCW 9.94A.875, the commission shall serve to advise the  
29 governor and the legislature as necessary on issues relating to adult  
30 and juvenile sentencing.

31 (b) Subject to funds appropriated specifically for this purpose,  
32 the commission shall, in conjunction with the caseload forecast  
33 council, monitor and report to the governor and the legislature on  
34 the effectiveness of this act in reducing property crimes in  
35 Washington state and prepare racial and ethnic impact analyses as  
36 specified in section 17 of this act.

37 (c) The commission may meet, as necessary, to accomplish these  
38 purposes (~~within funds appropriated~~)).

1 (d) The commission may request assistance from other state  
2 agencies including, but not limited to, the caseload forecast  
3 council, the department, the department of social and health  
4 services, and other agencies.

5 (2) The commission consists of ~~((twenty))~~ eighteen voting  
6 members, one of whom the governor shall designate as chairperson.  
7 With the exception of ex officio voting members, the voting members  
8 of the commission shall be appointed by the governor, or his or her  
9 designee, subject to confirmation by the senate.

10 (3) The voting membership consists of the following:

11 ~~((head of the state agency having general responsibility~~  
12 ~~for adult correction programs))~~ secretary of the department, as an ex  
13 officio member;

14 (b) The director of financial management or designee, as an ex  
15 officio member;

16 ~~((The chair of the indeterminate sentence review board, as an~~  
17 ~~ex officio member;~~

18 ~~(d))~~ The head of the state agency, or the agency head's  
19 designee, having responsibility for juvenile corrections programs, as  
20 an ex officio member;

21 ~~((e))~~ (d) Two prosecuting attorneys;

22 ~~((f))~~ (e) Two attorneys with particular expertise in defense  
23 work;

24 ~~((g) Four))~~ (f) Two persons who are superior court judges;

25 ~~((h))~~ (g) One person who is the chief law enforcement officer  
26 of a county ~~((or))~~ and one person who is the chief law enforcement  
27 officer of a city;

28 ~~((i))~~ (h) Four members of the public who are not prosecutors,  
29 defense attorneys, judges, or law enforcement officers, one of whom  
30 is a victim of crime or a crime victims' advocate;

31 ~~((j))~~ (i) One person who is an elected official of a county  
32 government, other than a prosecuting attorney or sheriff;

33 ~~((k))~~ (j) One person who is an elected official of a city  
34 government;

35 ~~((l))~~ (k) One person who is an administrator of juvenile court  
36 services.

37 In making the appointments, the governor shall endeavor to assure  
38 that the commission membership includes adequate representation and  
39 expertise relating to both the adult criminal justice system and the  
40 juvenile justice system. In making the appointments, the governor

1 shall seek the recommendations of Washington prosecutors in respect  
2 to the prosecuting attorney members, of the Washington state bar  
3 association in respect to the defense attorney members, of the  
4 association of superior court judges in respect to the members who  
5 are judges, of the Washington association of sheriffs and police  
6 chiefs in respect to the members who (~~is a~~) are law enforcement  
7 officers, of the Washington state association of counties in respect  
8 to the member who is a county official, of the association of  
9 Washington cities in respect to the member who is a city official, of  
10 the office of crime victims advocacy and other organizations of crime  
11 victims in respect to the member who is a victim of crime or a crime  
12 victims' advocate, and of the Washington association of juvenile  
13 court administrators in respect to the member who is an administrator  
14 of juvenile court services.

15 (4)(a) All voting members of the commission, except ex officio  
16 voting members, shall serve terms of three years and until their  
17 successors are appointed and confirmed.

18 (b) The governor shall stagger the terms of the members appointed  
19 under subsection (3)(j), (k), and (l) of this section by appointing  
20 one of them for a term of one year, one for a term of two years, and  
21 one for a term of three years.

22 (5) The speaker of the house of representatives and the president  
23 of the senate may each appoint two nonvoting members to the  
24 commission, one from each of the two largest caucuses in each house.  
25 The members so appointed shall serve two-year terms, or until they  
26 cease to be members of the house from which they were appointed,  
27 whichever occurs first.

28 (6) The executive director of the caseload forecast council or  
29 his or her designee shall be an ex officio, nonvoting member of the  
30 commission.

31 (7) The members of the commission may be reimbursed for travel  
32 expenses as provided in RCW 43.03.050 and 43.03.060. Legislative  
33 members may be reimbursed by their respective houses as provided  
34 under RCW 44.04.120. Except for the reimbursement of travel expenses,  
35 members shall not be compensated.

36 NEW SECTION. **Sec. 14.** (1) Subject to appropriation, the  
37 department of commerce shall establish a law enforcement grant  
38 program. To be eligible for a grant, local law enforcement agencies  
39 shall submit proposals to the department of commerce that focus on

1 increasing the capacity of the law enforcement agency to address  
2 property crime within their jurisdiction through one of the following  
3 strategies:

4 (a) Focusing on intervention and enforcement through the use of  
5 increased staffing resources, including with overtime funds, to  
6 target property crime with evidence driven approaches;

7 (b) Increasing technological capacity to support intervention and  
8 enforcement with the purchase of technology for crime prevention and  
9 criminal justice problem solving. Technology shall include, but not  
10 be limited to, crime mapping software, global positioning systems  
11 technology, and smart phone tools;

12 (c) Enhancing analytical capacity through the development or  
13 expansion of analytical capabilities that focus on crime mapping,  
14 analysis of crime trends, and developing data driven strategies that  
15 focus on property crime reduction through the employment of civilian  
16 crime analysts;

17 (d) Engaging with community partners in order to develop projects  
18 that focus on preventing property crime in the community. Community  
19 partners may include, but are not limited to, public and private  
20 service providers, the courts, and probation services;

21 (e) Increasing direct services to property crime victims through  
22 local law enforcement efforts.

23 (2) Preference shall be given to grant applicants that can  
24 demonstrate a commitment to regional, multijurisdictional strategies  
25 and that can clearly outline a comprehensive plan for municipalities  
26 to work with law enforcement, community-based organizations, and  
27 government agencies to address property crime.

28 (3) The department of commerce shall utilize an advisory  
29 committee to evaluate grant applications and monitor the  
30 effectiveness of grant projects in terms of property crime reduction.  
31 The advisory committee shall include one representative of each of  
32 the following entities:

33 (a) Governor's office;

34 (b) Washington state association of counties;

35 (c) Washington association of prosecuting attorneys;

36 (d) Administrative office of the courts;

37 (e) Washington association of sheriffs and police chiefs;

38 (f) Crime victims' compensation program;

39 (g) Department of corrections;

40 (h) Washington state patrol; and

1 (i) Criminal justice training commission.

2 (4) The department of commerce must report to the sentencing  
3 guidelines commission on the advisory committee's evaluation of the  
4 effectiveness of grant projects in terms of property crime reduction.

5 NEW SECTION. **Sec. 15.** Subject to appropriation, the department  
6 of commerce shall establish a pretrial grant program. To be eligible  
7 for a grant, counties shall submit proposals to the department of  
8 commerce that provide for a local pretrial program that meets the  
9 following criteria. The pretrial program must:

10 (1) Establish a procedure for screening those persons detained  
11 following arrest, and information from the screening must be provided  
12 to the judge who is setting the bond and conditions of release. The  
13 information must provide the judge with the ability to make an  
14 appropriate initial bond decision that is based upon facts relating  
15 to the person's risk of failure to appear for court and risk of  
16 danger to the community;

17 (2) Implement an empirically developed pretrial risk assessment  
18 tool and a structured decision-making design based upon the person's  
19 charge and risk assessment score;

20 (3) Establish a community advisory board with membership  
21 including a representative of the judiciary, a representative of  
22 local law enforcement, a representative of a prosecuting attorney, a  
23 representative of a public defender or other defense counsel, and a  
24 representative of a sheriff;

25 (4) Provide mental health, chemical dependency, and cognitive  
26 behavioral treatment and services to each person, as needed, in order  
27 to address and reduce criminal behavior;

28 (5) Use community supervision as a condition of release in order  
29 to decrease unnecessary pretrial detention;

30 (6) Agree to provide an annual report to the department of  
31 commerce that includes:

32 (a) The total number of pretrial assessments performed by the  
33 program and submitted to the court;

34 (b) The total number of closed cases in which the person was  
35 released from custody and supervised by the program;

36 (c) The total number of closed cases in which the person was  
37 released from custody, was supervised by the program, and, while  
38 under supervision, appeared for all scheduled court appearances on  
39 the case;

1 (d) The total number of closed cases in which the person was  
2 released from custody, was supervised by the program, and was not  
3 charged with a new criminal offense while under supervision;

4 (e) The total number of closed cases in which the person was  
5 released from custody, was supervised by the program, and the  
6 person's bond was not revoked by the court;

7 (f) The total number of persons released from custody to the  
8 supervision of the program and also on a commercial surety bond, a  
9 cash private surety or property bond, or a personal recognizance  
10 bond; and

11 (g) Any additional information required by the department of  
12 commerce;

13 The department of commerce shall identify at least one county to  
14 receive a grant that will test the impact of providing defendants  
15 with earlier access to pretrial defense counsel on pretrial outcomes  
16 and county budgets.

17 The department of commerce must report to the sentencing  
18 guidelines commission on the effectiveness of the grant programs.

19 NEW SECTION. **Sec. 16.** (1) Grants awarded under sections 14 and  
20 15 of this act shall be considered one-time grants and may be renewed  
21 for effective programs. The department of commerce shall consult with  
22 counties and local law enforcement agencies when determining grant  
23 eligibility requirements and criteria. The department of commerce  
24 shall publish guidelines and an application for the competitive  
25 portion of the grant programs no later than January 1, 2016.

26 (2) The department of commerce shall monitor and enforce grant  
27 compliance, including enforcement by withdrawing grant funds or  
28 requiring reimbursement of grant funds.

29 (3) The department of commerce may adopt rules and procedures as  
30 necessary to carry out sections 14 and 15 of this act.

31 (4) A grantee may not supplant current local funds for pretrial  
32 services or law enforcement with funds provided by the department of  
33 commerce under sections 14 and 15 of this act.

34 NEW SECTION. **Sec. 17.** A new section is added to chapter 43.88  
35 RCW to read as follows:

36 (1) If one member from each of the major two caucuses in the  
37 house of representatives or the senate request in writing a racial  
38 and ethnic impact statement under this section regarding legislation

1 that has been introduced in that chamber, the Washington sentencing  
2 guidelines commission shall prepare a racial and ethnic impact  
3 analysis that describes the effects of proposed legislation on the  
4 racial and ethnic composition of:

5 (a) The criminal offender population; or

6 (b) Recipients of human services.

7 (2) A racial and ethnic impact statement must be impartial,  
8 simple, and understandable, and must include, for racial and ethnic  
9 groups for which data are available, the following:

10 (a) An estimate of how the proposed legislation would change the  
11 racial and ethnic composition of the criminal offender population or  
12 recipients of human services;

13 (b) A statement of the methodologies and assumptions used in  
14 preparing the estimate; and

15 (c) If the racial and ethnic impact statement addresses the  
16 effect of proposed legislation on the criminal offender population,  
17 an estimate of the racial and ethnic composition of the crime victims  
18 who may be affected by the proposed legislation.

19 (3) As used in this section:

20 (a) "Criminal offender population" means all persons who are  
21 convicted of a crime or adjudicated for an act that, if committed by  
22 an adult, would constitute a crime.

23 (b) "Recipients of human services" means all persons who are  
24 found to be within the jurisdiction of the juvenile court or who  
25 receive child welfare services.

26 NEW SECTION. **Sec. 18.** (1) If an offender sentenced under this  
27 chapter or chapter 9.94B RCW is supervised by the department, the  
28 offender may earn positive achievement time in accordance with  
29 procedures that are developed and adopted by the department. The  
30 positive achievement time may be awarded to offenders who are in  
31 compliance with supervision terms, including participation in  
32 targeted interventions, programming or treatment, as determined by  
33 the department. For each month of community custody served, offenders  
34 may earn positive achievement time of fifteen days.

35 (2) An offender is not eligible to earn positive achievement time  
36 if he or she:

37 (a) Was sentenced under RCW 9.94A.507 or 10.95.030;

38 (b) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660, or  
39 9.94A.670;

1 (c) Is subject to supervision pursuant to RCW 9.94A.745;

2 (d) Has been identified by the department as an offender with  
3 mental illness who is believed to be dangerous pursuant to RCW  
4 72.09.370;

5 (e) Has an indeterminate sentence and is subject to parole  
6 pursuant to RCW 9.95.017; or

7 (f) Is serving community custody pursuant to early release under  
8 RCW 9.94A.730.

9 NEW SECTION. **Sec. 19.** The department of corrections has  
10 discretion to implement this act over a period of time not to exceed  
11 twelve months. For any offender under active supervision by the  
12 department as of the effective date of this section, he or she is not  
13 eligible to earn positive achievement time pursuant to section 18 of  
14 this act until he or she has received an orientation by the  
15 department regarding positive achievement time.

16 **Sec. 20.** RCW 46.61.502 and 2013 c 3 s 33 are each amended to  
17 read as follows:

18 (1) A person is guilty of driving while under the influence of  
19 intoxicating liquor, marijuana, or any drug if the person drives a  
20 vehicle within this state:

21 (a) And the person has, within two hours after driving, an  
22 alcohol concentration of 0.08 or higher as shown by analysis of the  
23 person's breath or blood made under RCW 46.61.506; or

24 (b) The person has, within two hours after driving, a THC  
25 concentration of 5.00 or higher as shown by analysis of the person's  
26 blood made under RCW 46.61.506; or

27 (c) While the person is under the influence of or affected by  
28 intoxicating liquor, marijuana, or any drug; or

29 (d) While the person is under the combined influence of or  
30 affected by intoxicating liquor, marijuana, and any drug.

31 (2) The fact that a person charged with a violation of this  
32 section is or has been entitled to use a drug under the laws of this  
33 state shall not constitute a defense against a charge of violating  
34 this section.

35 (3)(a) It is an affirmative defense to a violation of subsection  
36 (1)(a) of this section, which the defendant must prove by a  
37 preponderance of the evidence, that the defendant consumed a  
38 sufficient quantity of alcohol after the time of driving and before

1 the administration of an analysis of the person's breath or blood to  
2 cause the defendant's alcohol concentration to be 0.08 or more within  
3 two hours after driving. The court shall not admit evidence of this  
4 defense unless the defendant notifies the prosecution prior to the  
5 omnibus or pretrial hearing in the case of the defendant's intent to  
6 assert the affirmative defense.

7 (b) It is an affirmative defense to a violation of subsection  
8 (1)(b) of this section, which the defendant must prove by a  
9 preponderance of the evidence, that the defendant consumed a  
10 sufficient quantity of marijuana after the time of driving and before  
11 the administration of an analysis of the person's blood to cause the  
12 defendant's THC concentration to be 5.00 or more within two hours  
13 after driving. The court shall not admit evidence of this defense  
14 unless the defendant notifies the prosecution prior to the omnibus or  
15 pretrial hearing in the case of the defendant's intent to assert the  
16 affirmative defense.

17 (4)(a) Analyses of blood or breath samples obtained more than two  
18 hours after the alleged driving may be used as evidence that within  
19 two hours of the alleged driving, a person had an alcohol  
20 concentration of 0.08 or more in violation of subsection (1)(a) of  
21 this section, and in any case in which the analysis shows an alcohol  
22 concentration above 0.00 may be used as evidence that a person was  
23 under the influence of or affected by intoxicating liquor or any drug  
24 in violation of subsection (1)(c) or (d) of this section.

25 (b) Analyses of blood samples obtained more than two hours after  
26 the alleged driving may be used as evidence that within two hours of  
27 the alleged driving, a person had a THC concentration of 5.00 or more  
28 in violation of subsection (1)(b) of this section, and in any case in  
29 which the analysis shows a THC concentration above 0.00 may be used  
30 as evidence that a person was under the influence of or affected by  
31 marijuana in violation of subsection (1)(c) or (d) of this section.

32 (5) Except as provided in subsection (6) of this section, a  
33 violation of this section is a gross misdemeanor.

34 (6) It is a class C felony punishable under chapter 9.94A RCW, or  
35 chapter 13.40 RCW if the person is a juvenile, if:

36 (a) The person has (~~four~~) three or more prior offenses within  
37 ten years as defined in RCW 46.61.5055; or

38 (b) The person has ever previously been convicted of:

39 (i) Vehicular homicide while under the influence of intoxicating  
40 liquor or any drug, RCW 46.61.520(1)(a);

1 (ii) Vehicular assault while under the influence of intoxicating  
2 liquor or any drug, RCW 46.61.522(1)(b);

3 (iii) An out-of-state offense comparable to the offense specified  
4 in (b)(i) or (ii) of this subsection; or

5 (iv) A violation of this subsection (6) or RCW 46.61.504(6).

6 **Sec. 21.** RCW 46.61.504 and 2013 c 3 s 35 are each amended to  
7 read as follows:

8 (1) A person is guilty of being in actual physical control of a  
9 motor vehicle while under the influence of intoxicating liquor or any  
10 drug if the person has actual physical control of a vehicle within  
11 this state:

12 (a) And the person has, within two hours after being in actual  
13 physical control of the vehicle, an alcohol concentration of 0.08 or  
14 higher as shown by analysis of the person's breath or blood made  
15 under RCW 46.61.506; or

16 (b) The person has, within two hours after being in actual  
17 physical control of a vehicle, a THC concentration of 5.00 or higher  
18 as shown by analysis of the person's blood made under RCW 46.61.506;  
19 or

20 (c) While the person is under the influence of or affected by  
21 intoxicating liquor or any drug; or

22 (d) While the person is under the combined influence of or  
23 affected by intoxicating liquor and any drug.

24 (2) The fact that a person charged with a violation of this  
25 section is or has been entitled to use a drug under the laws of this  
26 state does not constitute a defense against any charge of violating  
27 this section. No person may be convicted under this section if, prior  
28 to being pursued by a law enforcement officer, the person has moved  
29 the vehicle safely off the roadway.

30 (3)(a) It is an affirmative defense to a violation of subsection  
31 (1)(a) of this section which the defendant must prove by a  
32 preponderance of the evidence that the defendant consumed a  
33 sufficient quantity of alcohol after the time of being in actual  
34 physical control of the vehicle and before the administration of an  
35 analysis of the person's breath or blood to cause the defendant's  
36 alcohol concentration to be 0.08 or more within two hours after being  
37 in such control. The court shall not admit evidence of this defense  
38 unless the defendant notifies the prosecution prior to the omnibus or

1 pretrial hearing in the case of the defendant's intent to assert the  
2 affirmative defense.

3 (b) It is an affirmative defense to a violation of subsection  
4 (1)(b) of this section, which the defendant must prove by a  
5 preponderance of the evidence, that the defendant consumed a  
6 sufficient quantity of marijuana after the time of being in actual  
7 physical control of the vehicle and before the administration of an  
8 analysis of the person's blood to cause the defendant's THC  
9 concentration to be 5.00 or more within two hours after being in  
10 control of the vehicle. The court shall not admit evidence of this  
11 defense unless the defendant notifies the prosecution prior to the  
12 omnibus or pretrial hearing in the case of the defendant's intent to  
13 assert the affirmative defense.

14 (4)(a) Analyses of blood or breath samples obtained more than two  
15 hours after the alleged being in actual physical control of a vehicle  
16 may be used as evidence that within two hours of the alleged being in  
17 such control, a person had an alcohol concentration of 0.08 or more  
18 in violation of subsection (1)(a) of this section, and in any case in  
19 which the analysis shows an alcohol concentration above 0.00 may be  
20 used as evidence that a person was under the influence of or affected  
21 by intoxicating liquor or any drug in violation of subsection (1)(c)  
22 or (d) of this section.

23 (b) Analyses of blood samples obtained more than two hours after  
24 the alleged being in actual physical control of a vehicle may be used  
25 as evidence that within two hours of the alleged being in control of  
26 the vehicle, a person had a THC concentration of 5.00 or more in  
27 violation of subsection (1)(b) of this section, and in any case in  
28 which the analysis shows a THC concentration above 0.00 may be used  
29 as evidence that a person was under the influence of or affected by  
30 marijuana in violation of subsection (1)(c) or (d) of this section.

31 (5) Except as provided in subsection (6) of this section, a  
32 violation of this section is a gross misdemeanor.

33 (6) It is a class C felony punishable under chapter 9.94A RCW, or  
34 chapter 13.40 RCW if the person is a juvenile, if:

35 (a) The person has (~~four~~) three or more prior offenses within  
36 ten years as defined in RCW 46.61.5055; or

37 (b) The person has ever previously been convicted of:

38 (i) Vehicular homicide while under the influence of intoxicating  
39 liquor or any drug, RCW 46.61.520(1)(a);

1 (ii) Vehicular assault while under the influence of intoxicating  
2 liquor or any drug, RCW 46.61.522(1)(b);

3 (iii) An out-of-state offense comparable to the offense specified  
4 in (b)(i) or (ii) of this subsection; or

5 (iv) A violation of this subsection (6) or RCW 46.61.502(6).

6 **Sec. 22.** RCW 46.61.5055 and 2015 c 265 s 33 are each amended to  
7 read as follows:

8 (1) **No prior offenses in seven years.** Except as provided in RCW  
9 46.61.502(6) or 46.61.504(6), a person who is convicted of a  
10 violation of RCW 46.61.502 or 46.61.504 and who has no prior offense  
11 within seven years shall be punished as follows:

12 (a) **Penalty for alcohol concentration less than 0.15.** In the case  
13 of a person whose alcohol concentration was less than 0.15, or for  
14 whom for reasons other than the person's refusal to take a test  
15 offered pursuant to RCW 46.20.308 there is no test result indicating  
16 the person's alcohol concentration:

17 (i) By imprisonment for not less than one day nor more than three  
18 hundred sixty-four days. Twenty-four consecutive hours of the  
19 imprisonment may not be suspended unless the court finds that the  
20 imposition of this mandatory minimum sentence would impose a  
21 substantial risk to the offender's physical or mental well-being.  
22 Whenever the mandatory minimum sentence is suspended, the court shall  
23 state in writing the reason for granting the suspension and the facts  
24 upon which the suspension is based. In lieu of the mandatory minimum  
25 term of imprisonment required under this subsection (1)(a)(i), the  
26 court may order not less than fifteen days of electronic home  
27 monitoring. The offender shall pay the cost of electronic home  
28 monitoring. The county or municipality in which the penalty is being  
29 imposed shall determine the cost. The court may also require the  
30 offender's electronic home monitoring device or other separate  
31 alcohol monitoring device to include an alcohol detection  
32 breathalyzer, and the court may restrict the amount of alcohol the  
33 offender may consume during the time the offender is on electronic  
34 home monitoring; and

35 (ii) By a fine of not less than three hundred fifty dollars nor  
36 more than five thousand dollars. Three hundred fifty dollars of the  
37 fine may not be suspended unless the court finds the offender to be  
38 indigent; or

1           (b) **Penalty for alcohol concentration at least 0.15.** In the case  
2 of a person whose alcohol concentration was at least 0.15, or for  
3 whom by reason of the person's refusal to take a test offered  
4 pursuant to RCW 46.20.308 there is no test result indicating the  
5 person's alcohol concentration:

6           (i) By imprisonment for not less than two days nor more than  
7 three hundred sixty-four days. Forty-eight consecutive hours of the  
8 imprisonment may not be suspended unless the court finds that the  
9 imposition of this mandatory minimum sentence would impose a  
10 substantial risk to the offender's physical or mental well-being.  
11 Whenever the mandatory minimum sentence is suspended, the court shall  
12 state in writing the reason for granting the suspension and the facts  
13 upon which the suspension is based. In lieu of the mandatory minimum  
14 term of imprisonment required under this subsection (1)(b)(i), the  
15 court may order not less than thirty days of electronic home  
16 monitoring. The offender shall pay the cost of electronic home  
17 monitoring. The county or municipality in which the penalty is being  
18 imposed shall determine the cost. The court may also require the  
19 offender's electronic home monitoring device to include an alcohol  
20 detection breathalyzer or other separate alcohol monitoring device,  
21 and the court may restrict the amount of alcohol the offender may  
22 consume during the time the offender is on electronic home  
23 monitoring; and

24           (ii) By a fine of not less than five hundred dollars nor more  
25 than five thousand dollars. Five hundred dollars of the fine may not  
26 be suspended unless the court finds the offender to be indigent.

27           (2) **One prior offense in seven years.** Except as provided in RCW  
28 46.61.502(6) or 46.61.504(6), a person who is convicted of a  
29 violation of RCW 46.61.502 or 46.61.504 and who has one prior offense  
30 within seven years shall be punished as follows:

31           (a) **Penalty for alcohol concentration less than 0.15.** In the case  
32 of a person whose alcohol concentration was less than 0.15, or for  
33 whom for reasons other than the person's refusal to take a test  
34 offered pursuant to RCW 46.20.308 there is no test result indicating  
35 the person's alcohol concentration:

36           (i) By imprisonment for not less than thirty days nor more than  
37 three hundred sixty-four days and sixty days of electronic home  
38 monitoring. In lieu of the mandatory minimum term of sixty days  
39 electronic home monitoring, the court may order at least an  
40 additional four days in jail or, if available in that county or city,

1 a six-month period of 24/7 sobriety program monitoring pursuant to  
2 RCW 36.28A.300 through 36.28A.390, and the court shall order an  
3 expanded alcohol assessment and treatment, if deemed appropriate by  
4 the assessment. The offender shall pay for the cost of the electronic  
5 monitoring. The county or municipality where the penalty is being  
6 imposed shall determine the cost. The court may also require the  
7 offender's electronic home monitoring device include an alcohol  
8 detection breathalyzer or other separate alcohol monitoring device,  
9 and may restrict the amount of alcohol the offender may consume  
10 during the time the offender is on electronic home monitoring. Thirty  
11 days of imprisonment and sixty days of electronic home monitoring may  
12 not be suspended unless the court finds that the imposition of this  
13 mandatory minimum sentence would impose a substantial risk to the  
14 offender's physical or mental well-being. Whenever the mandatory  
15 minimum sentence is suspended, the court shall state in writing the  
16 reason for granting the suspension and the facts upon which the  
17 suspension is based; and

18 (ii) By a fine of not less than five hundred dollars nor more  
19 than five thousand dollars. Five hundred dollars of the fine may not  
20 be suspended unless the court finds the offender to be indigent; or

21 (b) **Penalty for alcohol concentration at least 0.15.** In the case  
22 of a person whose alcohol concentration was at least 0.15, or for  
23 whom by reason of the person's refusal to take a test offered  
24 pursuant to RCW 46.20.308 there is no test result indicating the  
25 person's alcohol concentration:

26 (i) By imprisonment for not less than forty-five days nor more  
27 than three hundred sixty-four days and ninety days of electronic home  
28 monitoring. In lieu of the mandatory minimum term of ninety days  
29 electronic home monitoring, the court may order at least an  
30 additional six days in jail or, if available in that county or city,  
31 a six-month period of 24/7 sobriety program monitoring pursuant to  
32 RCW 36.28A.300 through 36.28A.390, and the court shall order an  
33 expanded alcohol assessment and treatment, if deemed appropriate by  
34 the assessment. The offender shall pay for the cost of the electronic  
35 monitoring. The county or municipality where the penalty is being  
36 imposed shall determine the cost. The court may also require the  
37 offender's electronic home monitoring device include an alcohol  
38 detection breathalyzer or other separate alcohol monitoring device,  
39 and may restrict the amount of alcohol the offender may consume  
40 during the time the offender is on electronic home monitoring. Forty-

1 five days of imprisonment and ninety days of electronic home  
2 monitoring may not be suspended unless the court finds that the  
3 imposition of this mandatory minimum sentence would impose a  
4 substantial risk to the offender's physical or mental well-being.  
5 Whenever the mandatory minimum sentence is suspended, the court shall  
6 state in writing the reason for granting the suspension and the facts  
7 upon which the suspension is based; and

8 (ii) By a fine of not less than seven hundred fifty dollars nor  
9 more than five thousand dollars. Seven hundred fifty dollars of the  
10 fine may not be suspended unless the court finds the offender to be  
11 indigent.

12 (3) **Two ((~~or—three~~)) prior offenses in seven years.** Except as  
13 provided in RCW 46.61.502(6) or 46.61.504(6), a person who is  
14 convicted of a violation of RCW 46.61.502 or 46.61.504 and who has  
15 two ((~~or—three~~)) prior offenses within seven years shall be punished  
16 as follows:

17 (a) **Penalty for alcohol concentration less than 0.15.** In the case  
18 of a person whose alcohol concentration was less than 0.15, or for  
19 whom for reasons other than the person's refusal to take a test  
20 offered pursuant to RCW 46.20.308 there is no test result indicating  
21 the person's alcohol concentration:

22 (i) By imprisonment for not less than ninety days nor more than  
23 three hundred sixty-four days, if available in that county or city, a  
24 six-month period of 24/7 sobriety program monitoring pursuant to RCW  
25 36.28A.300 through 36.28A.390, and one hundred twenty days of  
26 electronic home monitoring. In lieu of the mandatory minimum term of  
27 one hundred twenty days of electronic home monitoring, the court may  
28 order at least an additional eight days in jail. The court shall  
29 order an expanded alcohol assessment and treatment, if deemed  
30 appropriate by the assessment. The offender shall pay for the cost of  
31 the electronic monitoring. The county or municipality where the  
32 penalty is being imposed shall determine the cost. The court may also  
33 require the offender's electronic home monitoring device include an  
34 alcohol detection breathalyzer or other separate alcohol monitoring  
35 device, and may restrict the amount of alcohol the offender may  
36 consume during the time the offender is on electronic home  
37 monitoring. Ninety days of imprisonment and one hundred twenty days  
38 of electronic home monitoring may not be suspended unless the court  
39 finds that the imposition of this mandatory minimum sentence would  
40 impose a substantial risk to the offender's physical or mental well-

1 being. Whenever the mandatory minimum sentence is suspended, the  
2 court shall state in writing the reason for granting the suspension  
3 and the facts upon which the suspension is based; and

4 (ii) By a fine of not less than one thousand dollars nor more  
5 than five thousand dollars. One thousand dollars of the fine may not  
6 be suspended unless the court finds the offender to be indigent; or

7 (b) **Penalty for alcohol concentration at least 0.15.** In the case  
8 of a person whose alcohol concentration was at least 0.15, or for  
9 whom by reason of the person's refusal to take a test offered  
10 pursuant to RCW 46.20.308 there is no test result indicating the  
11 person's alcohol concentration:

12 (i) By imprisonment for not less than one hundred twenty days nor  
13 more than three hundred sixty-four days, if available in that county  
14 or city, a six-month period of 24/7 sobriety program monitoring  
15 pursuant to RCW 36.28A.300 through 36.28A.390, and one hundred fifty  
16 days of electronic home monitoring. In lieu of the mandatory minimum  
17 term of one hundred fifty days of electronic home monitoring, the  
18 court may order at least an additional ten days in jail. The offender  
19 shall pay for the cost of the electronic monitoring. The court shall  
20 order an expanded alcohol assessment and treatment, if deemed  
21 appropriate by the assessment. The county or municipality where the  
22 penalty is being imposed shall determine the cost. The court may also  
23 require the offender's electronic home monitoring device include an  
24 alcohol detection breathalyzer or other separate alcohol monitoring  
25 device, and may restrict the amount of alcohol the offender may  
26 consume during the time the offender is on electronic home  
27 monitoring. One hundred twenty days of imprisonment and one hundred  
28 fifty days of electronic home monitoring may not be suspended unless  
29 the court finds that the imposition of this mandatory minimum  
30 sentence would impose a substantial risk to the offender's physical  
31 or mental well-being. Whenever the mandatory minimum sentence is  
32 suspended, the court shall state in writing the reason for granting  
33 the suspension and the facts upon which the suspension is based; and

34 (ii) By a fine of not less than one thousand five hundred dollars  
35 nor more than five thousand dollars. One thousand five hundred  
36 dollars of the fine may not be suspended unless the court finds the  
37 offender to be indigent.

38 (4) (~~Four~~) **Three or more prior offenses in ten years.** A person  
39 who is convicted of a violation of RCW 46.61.502 or 46.61.504 shall  
40 be punished under chapter 9.94A RCW if:

1 (a) The person has (~~four~~) three or more prior offenses within  
2 ten years; or

3 (b) The person has ever previously been convicted of:

4 (i) A violation of RCW 46.61.520 committed while under the  
5 influence of intoxicating liquor or any drug;

6 (ii) A violation of RCW 46.61.522 committed while under the  
7 influence of intoxicating liquor or any drug;

8 (iii) An out-of-state offense comparable to the offense specified  
9 in (b)(i) or (ii) of this subsection; or

10 (iv) A violation of RCW 46.61.502(6) or 46.61.504(6).

11 (5) **Monitoring.**

12 (a) **Ignition interlock device.** The court shall require any person  
13 convicted of a violation of RCW 46.61.502 or 46.61.504 or an  
14 equivalent local ordinance to comply with the rules and requirements  
15 of the department regarding the installation and use of a functioning  
16 ignition interlock device installed on all motor vehicles operated by  
17 the person.

18 (b) **Monitoring devices.** If the court orders that a person refrain  
19 from consuming any alcohol, the court may order the person to submit  
20 to alcohol monitoring through an alcohol detection breathalyzer  
21 device, transdermal sensor device, or other technology designed to  
22 detect alcohol in a person's system. The person shall pay for the  
23 cost of the monitoring, unless the court specifies that the cost of  
24 monitoring will be paid with funds that are available from an  
25 alternative source identified by the court. The county or  
26 municipality where the penalty is being imposed shall determine the  
27 cost.

28 (c) **Ignition interlock device substituted for 24/7 sobriety**  
29 **program monitoring.** In any county or city where a 24/7 sobriety  
30 program is available and verified by the Washington association of  
31 sheriffs and police chiefs, the court shall:

32 (i) Order the person to install and use a functioning ignition  
33 interlock or other device in lieu of such period of 24/7 sobriety  
34 program monitoring;

35 (ii) Order the person to a period of 24/7 sobriety program  
36 monitoring pursuant to subsections (1) through (3) of this section;  
37 or

38 (iii) Order the person to install and use a functioning ignition  
39 interlock or other device in addition to a period of 24/7 sobriety

1 program monitoring pursuant to subsections (1) through (3) of this  
2 section.

3 (6) **Penalty for having a minor passenger in vehicle.** If a person  
4 who is convicted of a violation of RCW 46.61.502 or 46.61.504  
5 committed the offense while a passenger under the age of sixteen was  
6 in the vehicle, the court shall:

7 (a) Order the use of an ignition interlock or other device for an  
8 additional six months;

9 (b) In any case in which the person has no prior offenses within  
10 seven years, and except as provided in RCW 46.61.502(6) or  
11 46.61.504(6), order an additional twenty-four hours of imprisonment  
12 and a fine of not less than one thousand dollars and not more than  
13 five thousand dollars. One thousand dollars of the fine may not be  
14 suspended unless the court finds the offender to be indigent;

15 (c) In any case in which the person has one prior offense within  
16 seven years, and except as provided in RCW 46.61.502(6) or  
17 46.61.504(6), order an additional five days of imprisonment and a  
18 fine of not less than two thousand dollars and not more than five  
19 thousand dollars. One thousand dollars of the fine may not be  
20 suspended unless the court finds the offender to be indigent;

21 (d) In any case in which the person has two (~~or three~~) prior  
22 offenses within seven years, and except as provided in RCW  
23 46.61.502(6) or 46.61.504(6), order an additional ten days of  
24 imprisonment and a fine of not less than three thousand dollars and  
25 not more than ten thousand dollars. One thousand dollars of the fine  
26 may not be suspended unless the court finds the offender to be  
27 indigent.

28 (7) **Other items courts must consider while setting penalties.** In  
29 exercising its discretion in setting penalties within the limits  
30 allowed by this section, the court shall particularly consider the  
31 following:

32 (a) Whether the person's driving at the time of the offense was  
33 responsible for injury or damage to another or another's property;

34 (b) Whether at the time of the offense the person was driving or  
35 in physical control of a vehicle with one or more passengers;

36 (c) Whether the driver was driving in the opposite direction of  
37 the normal flow of traffic on a multiple lane highway, as defined by  
38 RCW 46.04.350, with a posted speed limit of forty-five miles per hour  
39 or greater; and

1 (d) Whether a child passenger under the age of sixteen was an  
2 occupant in the driver's vehicle.

3 (8) **Treatment and information school.** An offender punishable  
4 under this section is subject to the alcohol assessment and treatment  
5 provisions of RCW 46.61.5056.

6 (9) **Driver's license privileges of the defendant.** The license,  
7 permit, or nonresident privilege of a person convicted of driving or  
8 being in physical control of a motor vehicle while under the  
9 influence of intoxicating liquor or drugs must:

10 (a) **Penalty for alcohol concentration less than 0.15.** If the  
11 person's alcohol concentration was less than 0.15, or if for reasons  
12 other than the person's refusal to take a test offered under RCW  
13 46.20.308 there is no test result indicating the person's alcohol  
14 concentration:

15 (i) Where there has been no prior offense within seven years, be  
16 suspended or denied by the department for ninety days;

17 (ii) Where there has been one prior offense within seven years,  
18 be revoked or denied by the department for two years; or

19 (iii) Where there have been two or more prior offenses within  
20 seven years, be revoked or denied by the department for three years;

21 (b) **Penalty for alcohol concentration at least 0.15.** If the  
22 person's alcohol concentration was at least 0.15:

23 (i) Where there has been no prior offense within seven years, be  
24 revoked or denied by the department for one year;

25 (ii) Where there has been one prior offense within seven years,  
26 be revoked or denied by the department for nine hundred days; or

27 (iii) Where there have been two or more prior offenses within  
28 seven years, be revoked or denied by the department for four years;  
29 or

30 (c) **Penalty for refusing to take test.** If by reason of the  
31 person's refusal to take a test offered under RCW 46.20.308, there is  
32 no test result indicating the person's alcohol concentration:

33 (i) Where there have been no prior offenses within seven years,  
34 be revoked or denied by the department for two years;

35 (ii) Where there has been one prior offense within seven years,  
36 be revoked or denied by the department for three years; or

37 (iii) Where there have been two or more previous offenses within  
38 seven years, be revoked or denied by the department for four years.

39 The department shall grant credit on a day-for-day basis for any  
40 portion of a suspension, revocation, or denial already served under

1 this subsection for a suspension, revocation, or denial imposed under  
2 RCW 46.20.3101 arising out of the same incident.

3 Upon its own motion or upon motion by a person, a court may find,  
4 on the record, that notice to the department under RCW 46.20.270 has  
5 been delayed for three years or more as a result of a clerical or  
6 court error. If so, the court may order that the person's license,  
7 permit, or nonresident privilege shall not be revoked, suspended, or  
8 denied for that offense. The court shall send notice of the finding  
9 and order to the department and to the person. Upon receipt of the  
10 notice from the court, the department shall not revoke, suspend, or  
11 deny the license, permit, or nonresident privilege of the person for  
12 that offense.

13 For purposes of this subsection (9), the department shall refer  
14 to the driver's record maintained under RCW 46.52.120 when  
15 determining the existence of prior offenses.

16 **(10) Probation of driving privilege.** After expiration of any  
17 period of suspension, revocation, or denial of the offender's  
18 license, permit, or privilege to drive required by this section, the  
19 department shall place the offender's driving privilege in  
20 probationary status pursuant to RCW 46.20.355.

21 **(11) Conditions of probation.** (a) In addition to any  
22 nonsuspendable and nondeferrable jail sentence required by this  
23 section, whenever the court imposes up to three hundred sixty-four  
24 days in jail, the court shall also suspend but shall not defer a  
25 period of confinement for a period not exceeding five years. The  
26 court shall impose conditions of probation that include: (i) Not  
27 driving a motor vehicle within this state without a valid license to  
28 drive and proof of liability insurance or other financial  
29 responsibility for the future pursuant to RCW 46.30.020; (ii) not  
30 driving or being in physical control of a motor vehicle within this  
31 state while having an alcohol concentration of 0.08 or more or a THC  
32 concentration of 5.00 nanograms per milliliter of whole blood or  
33 higher, within two hours after driving; and (iii) not refusing to  
34 submit to a test of his or her breath or blood to determine alcohol  
35 or drug concentration upon request of a law enforcement officer who  
36 has reasonable grounds to believe the person was driving or was in  
37 actual physical control of a motor vehicle within this state while  
38 under the influence of intoxicating liquor or drug. The court may  
39 impose conditions of probation that include nonrepetition,  
40 installation of an ignition interlock device on the probationer's

1 motor vehicle, alcohol or drug treatment, supervised probation, or  
2 other conditions that may be appropriate. The sentence may be imposed  
3 in whole or in part upon violation of a condition of probation during  
4 the suspension period.

5 (b) For each violation of mandatory conditions of probation under  
6 (a)(i), (ii), or (iii) of this subsection, the court shall order the  
7 convicted person to be confined for thirty days, which shall not be  
8 suspended or deferred.

9 (c) For each incident involving a violation of a mandatory  
10 condition of probation imposed under this subsection, the license,  
11 permit, or privilege to drive of the person shall be suspended by the  
12 court for thirty days or, if such license, permit, or privilege to  
13 drive already is suspended, revoked, or denied at the time the  
14 finding of probation violation is made, the suspension, revocation,  
15 or denial then in effect shall be extended by thirty days. The court  
16 shall notify the department of any suspension, revocation, or denial  
17 or any extension of a suspension, revocation, or denial imposed under  
18 this subsection.

19 (12) **Waiver of electronic home monitoring.** A court may waive the  
20 electronic home monitoring requirements of this chapter when:

21 (a) The offender does not have a dwelling, telephone service, or  
22 any other necessity to operate an electronic home monitoring system.  
23 However, if a court determines that an alcohol monitoring device  
24 utilizing wireless reporting technology is reasonably available, the  
25 court may require the person to obtain such a device during the  
26 period of required electronic home monitoring;

27 (b) The offender does not reside in the state of Washington; or

28 (c) The court determines that there is reason to believe that the  
29 offender would violate the conditions of the electronic home  
30 monitoring penalty.

31 Whenever the mandatory minimum term of electronic home monitoring  
32 is waived, the court shall state in writing the reason for granting  
33 the waiver and the facts upon which the waiver is based, and shall  
34 impose an alternative sentence with similar punitive consequences.  
35 The alternative sentence may include, but is not limited to, use of  
36 an ignition interlock device, the 24/7 sobriety program monitoring,  
37 additional jail time, work crew, or work camp.

38 Whenever the combination of jail time and electronic home  
39 monitoring or alternative sentence would exceed three hundred sixty-  
40 four days, the offender shall serve the jail portion of the sentence

1 first, and the electronic home monitoring or alternative portion of  
2 the sentence shall be reduced so that the combination does not exceed  
3 three hundred sixty-four days.

4 (13) **Extraordinary medical placement.** An offender serving a  
5 sentence under this section, whether or not a mandatory minimum term  
6 has expired, may be granted an extraordinary medical placement by the  
7 jail administrator subject to the standards and limitations set forth  
8 in RCW 9.94A.728(3).

9 (14) **Definitions.** For purposes of this section and RCW 46.61.502  
10 and 46.61.504:

11 (a) A "prior offense" means any of the following:

12 (i) A conviction for a violation of RCW 46.61.502 or an  
13 equivalent local ordinance;

14 (ii) A conviction for a violation of RCW 46.61.504 or an  
15 equivalent local ordinance;

16 (iii) A conviction for a violation of RCW 46.25.110 or an  
17 equivalent local ordinance;

18 (iv) A conviction for a violation of RCW 79A.60.040 or an  
19 equivalent local ordinance;

20 (v) A conviction for a violation of RCW 47.68.220 or an  
21 equivalent local ordinance;

22 (vi) A conviction for a violation of RCW 46.09.470(2) or an  
23 equivalent local ordinance;

24 (vii) A conviction for a violation of RCW 46.10.490(2) or an  
25 equivalent local ordinance;

26 (viii) A conviction for a violation of RCW 46.61.520 committed  
27 while under the influence of intoxicating liquor or any drug, or a  
28 conviction for a violation of RCW 46.61.520 committed in a reckless  
29 manner or with the disregard for the safety of others if the  
30 conviction is the result of a charge that was originally filed as a  
31 violation of RCW 46.61.520 committed while under the influence of  
32 intoxicating liquor or any drug;

33 (ix) A conviction for a violation of RCW 46.61.522 committed  
34 while under the influence of intoxicating liquor or any drug, or a  
35 conviction for a violation of RCW 46.61.522 committed in a reckless  
36 manner or with the disregard for the safety of others if the  
37 conviction is the result of a charge that was originally filed as a  
38 violation of RCW 46.61.522 committed while under the influence of  
39 intoxicating liquor or any drug;

1 (x) A conviction for a violation of RCW 46.61.5249, 46.61.500, or  
2 9A.36.050 or an equivalent local ordinance, if the conviction is the  
3 result of a charge that was originally filed as a violation of RCW  
4 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW  
5 46.61.520 or 46.61.522;

6 (xi) An out-of-state conviction for a violation that would have  
7 been a violation of (a)(i), (ii), (viii), (ix), or (x) of this  
8 subsection if committed in this state;

9 (xii) A deferred prosecution under chapter 10.05 RCW granted in a  
10 prosecution for a violation of RCW 46.61.502, 46.61.504, or an  
11 equivalent local ordinance;

12 (xiii) A deferred prosecution under chapter 10.05 RCW granted in  
13 a prosecution for a violation of RCW 46.61.5249, or an equivalent  
14 local ordinance, if the charge under which the deferred prosecution  
15 was granted was originally filed as a violation of RCW 46.61.502 or  
16 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or  
17 46.61.522;

18 (xiv) A deferred prosecution granted in another state for a  
19 violation of driving or having physical control of a vehicle while  
20 under the influence of intoxicating liquor or any drug if the out-of-  
21 state deferred prosecution is equivalent to the deferred prosecution  
22 under chapter 10.05 RCW, including a requirement that the defendant  
23 participate in a chemical dependency treatment program; or

24 (xv) A deferred sentence imposed in a prosecution for a violation  
25 of RCW 46.61.5249, 46.61.500, or 9A.36.050, or an equivalent local  
26 ordinance, if the charge under which the deferred sentence was  
27 imposed was originally filed as a violation of RCW 46.61.502 or  
28 46.61.504, or an equivalent local ordinance, or a violation of RCW  
29 46.61.520 or 46.61.522;

30 If a deferred prosecution is revoked based on a subsequent  
31 conviction for an offense listed in this subsection (14)(a), the  
32 subsequent conviction shall not be treated as a prior offense of the  
33 revoked deferred prosecution for the purposes of sentencing;

34 (b) "Treatment" means alcohol or drug treatment approved by the  
35 department of social and health services;

36 (c) "Within seven years" means that the arrest for a prior  
37 offense occurred within seven years before or after the arrest for  
38 the current offense; and

1 (d) "Within ten years" means that the arrest for a prior offense  
2 occurred within ten years before or after the arrest for the current  
3 offense.

4 (15) All fines imposed by this section apply to adult offenders  
5 only.

6 **Sec. 23.** RCW 9.94A.515 and 2015 c 261 s 11 are each amended to  
7 read as follows:

8 TABLE 2

9 CRIMES INCLUDED WITHIN  
10 EACH SERIOUSNESS LEVEL

- 11 XVI Aggravated Murder 1 (RCW  
12 10.95.020)
- 13 XV Homicide by abuse (RCW 9A.32.055)  
14 Malicious explosion 1 (RCW  
15 70.74.280(1))  
16 Murder 1 (RCW 9A.32.030)
- 17 XIV Murder 2 (RCW 9A.32.050)  
18 Trafficking 1 (RCW 9A.40.100(1))
- 19 XIII Malicious explosion 2 (RCW  
20 70.74.280(2))  
21 Malicious placement of an explosive 1  
22 (RCW 70.74.270(1))
- 23 XII Assault 1 (RCW 9A.36.011)  
24 Assault of a Child 1 (RCW 9A.36.120)  
25 Malicious placement of an imitation  
26 device 1 (RCW 70.74.272(1)(a))  
27 Promoting Commercial Sexual Abuse  
28 of a Minor (RCW 9.68A.101)  
29 Rape 1 (RCW 9A.44.040)  
30 Rape of a Child 1 (RCW 9A.44.073)  
31 Trafficking 2 (RCW 9A.40.100(3))
- 32 XI Manslaughter 1 (RCW 9A.32.060)  
33 Rape 2 (RCW 9A.44.050)  
34 Rape of a Child 2 (RCW 9A.44.076)

1 Vehicular Homicide, by being under  
2 the influence of intoxicating liquor  
3 or any drug (RCW 46.61.520)  
4 X Child Molestation 1 (RCW 9A.44.083)  
5 Criminal Mistreatment 1 (RCW  
6 9A.42.020)  
7 Indecent Liberties (with forcible  
8 compulsion) (RCW  
9 9A.44.100(1)(a))  
10 Kidnapping 1 (RCW 9A.40.020)  
11 Leading Organized Crime (RCW  
12 9A.82.060(1)(a))  
13 Malicious explosion 3 (RCW  
14 70.74.280(3))  
15 Sexually Violent Predator Escape  
16 (RCW 9A.76.115)  
17 IX Abandonment of Dependent Person 1  
18 (RCW 9A.42.060)  
19 Assault of a Child 2 (RCW 9A.36.130)  
20 Explosive devices prohibited (RCW  
21 70.74.180)  
22 Hit and Run—Death (RCW  
23 46.52.020(4)(a))  
24 Homicide by Watercraft, by being  
25 under the influence of intoxicating  
26 liquor or any drug (RCW  
27 79A.60.050)  
28 Inciting Criminal Profiteering (RCW  
29 9A.82.060(1)(b))  
30 Malicious placement of an explosive 2  
31 (RCW 70.74.270(2))  
32 Robbery 1 (RCW 9A.56.200)  
33 Sexual Exploitation (RCW 9.68A.040)  
34 VIII Arson 1 (RCW 9A.48.020)

1 Commercial Sexual Abuse of a Minor  
2 (RCW 9.68A.100)

3 Homicide by Watercraft, by the  
4 operation of any vessel in a  
5 reckless manner (RCW  
6 79A.60.050)

7 Manslaughter 2 (RCW 9A.32.070)

8 Promoting Prostitution 1 (RCW  
9 9A.88.070)

10 Theft of Ammonia (RCW 69.55.010)

11 Vehicular Homicide, by the operation  
12 of any vehicle in a reckless  
13 manner (RCW 46.61.520)

14 VII Burglary 1 (RCW 9A.52.020)

15 Child Molestation 2 (RCW 9A.44.086)

16 Civil Disorder Training (RCW  
17 9A.48.120)

18 Dealing in depictions of minor engaged  
19 in sexually explicit conduct 1  
20 (RCW 9.68A.050(1))

21 Drive-by Shooting (RCW 9A.36.045)

22 Homicide by Watercraft, by disregard  
23 for the safety of others (RCW  
24 79A.60.050)

25 Indecent Liberties (without forcible  
26 compulsion) (RCW 9A.44.100(1)  
27 (b) and (c))

28 Introducing Contraband 1 (RCW  
29 9A.76.140)

30 Malicious placement of an explosive 3  
31 (RCW 70.74.270(3))

32 Negligently Causing Death By Use of a  
33 Signal Preemption Device (RCW  
34 46.37.675)

1 Sending, bringing into state depictions  
2 of minor engaged in sexually  
3 explicit conduct 1 (RCW  
4 9.68A.060(1))  
5 Unlawful Possession of a Firearm in  
6 the first degree (RCW  
7 9.41.040(1))  
8 Use of a Machine Gun in Commission  
9 of a Felony (RCW 9.41.225)  
10 Vehicular Homicide, by disregard for  
11 the safety of others (RCW  
12 46.61.520)  
13 VI Bail Jumping with Murder 1 (RCW  
14 9A.76.170(3)(a))  
15 Bribery (RCW 9A.68.010)  
16 Incest 1 (RCW 9A.64.020(1))  
17 Intimidating a Judge (RCW 9A.72.160)  
18 Intimidating a Juror/Witness (RCW  
19 9A.72.110, 9A.72.130)  
20 Malicious placement of an imitation  
21 device 2 (RCW 70.74.272(1)(b))  
22 Possession of Depictions of a Minor  
23 Engaged in Sexually Explicit  
24 Conduct 1 (RCW 9.68A.070(1))  
25 Rape of a Child 3 (RCW 9A.44.079)  
26 Theft of a Firearm (RCW 9A.56.300)  
27 Unlawful Storage of Ammonia (RCW  
28 69.55.020)  
29 V Abandonment of Dependent Person 2  
30 (RCW 9A.42.070)  
31 Advancing money or property for  
32 extortionate extension of credit  
33 (RCW 9A.82.030)  
34 Bail Jumping with class A Felony  
35 (RCW 9A.76.170(3)(b))  
36 Child Molestation 3 (RCW 9A.44.089)

1 Criminal Mistreatment 2 (RCW  
2 9A.42.030)  
3 Custodial Sexual Misconduct 1 (RCW  
4 9A.44.160)  
5 Dealing in Depictions of Minor  
6 Engaged in Sexually Explicit  
7 Conduct 2 (RCW 9.68A.050(2))  
8 Domestic Violence Court Order  
9 Violation (RCW 10.99.040,  
10 10.99.050, 26.09.300, 26.10.220,  
11 26.26.138, 26.50.110, 26.52.070,  
12 or 74.34.145)  
13 ~~((Driving While Under the Influence~~  
14 ~~(RCW 46.61.502(6))))~~  
15 Extortion 1 (RCW 9A.56.120)  
16 Extortionate Extension of Credit (RCW  
17 9A.82.020)  
18 Extortionate Means to Collect  
19 Extensions of Credit (RCW  
20 9A.82.040)  
21 Incest 2 (RCW 9A.64.020(2))  
22 Kidnapping 2 (RCW 9A.40.030)  
23 Perjury 1 (RCW 9A.72.020)  
24 Persistent prison misbehavior (RCW  
25 9.94.070)  
26 ~~((Physical Control of a Vehicle While~~  
27 ~~Under the Influence (RCW~~  
28 ~~46.61.504(6))))~~  
29 Possession of a Stolen Firearm (RCW  
30 9A.56.310)  
31 Rape 3 (RCW 9A.44.060)  
32 Rendering Criminal Assistance 1  
33 (RCW 9A.76.070)

1 Sending, Bringing into State  
2 Depictions of Minor Engaged in  
3 Sexually Explicit Conduct 2  
4 (RCW 9.68A.060(2))  
5 Sexual Misconduct with a Minor 1  
6 (RCW 9A.44.093)  
7 Sexually Violating Human Remains  
8 (RCW 9A.44.105)  
9 Stalking (RCW 9A.46.110)  
10 Taking Motor Vehicle Without  
11 Permission 1 (RCW 9A.56.070)  
12 IV Arson 2 (RCW 9A.48.030)  
13 Assault 2 (RCW 9A.36.021)  
14 Assault 3 (of a Peace Officer with a  
15 Projectile Stun Gun) (RCW  
16 9A.36.031(1)(h))  
17 Assault by Watercraft (RCW  
18 79A.60.060)  
19 Bribing a Witness/Bribe Received by  
20 Witness (RCW 9A.72.090,  
21 9A.72.100)  
22 Cheating 1 (RCW 9.46.1961)  
23 Commercial Bribery (RCW  
24 9A.68.060)  
25 Counterfeiting (RCW 9.16.035(4))  
26 Driving While Under the Influence  
27 (RCW 46.61.502(6))  
28 Endangerment with a Controlled  
29 Substance (RCW 9A.42.100)  
30 Escape 1 (RCW 9A.76.110)  
31 Hit and Run—Injury (RCW  
32 46.52.020(4)(b))  
33 Hit and Run with Vessel—Injury  
34 Accident (RCW 79A.60.200(3))  
35 Identity Theft 1 (RCW 9.35.020(2))

1 Indecent Exposure to Person Under  
2 Age Fourteen (subsequent sex  
3 offense) (RCW 9A.88.010)  
4 Influencing Outcome of Sporting Event  
5 (RCW 9A.82.070)  
6 Malicious Harassment (RCW  
7 9A.36.080)  
8 Physical Control of a Vehicle While  
9 Under the Influence (RCW  
10 46.61.504(6))  
11 Possession of Depictions of a Minor  
12 Engaged in Sexually Explicit  
13 Conduct 2 (RCW 9.68A.070(2))  
14 Residential Burglary (RCW  
15 9A.52.025)  
16 Robbery 2 (RCW 9A.56.210)  
17 Theft of Livestock 1 (RCW 9A.56.080)  
18 Threats to Bomb (RCW 9.61.160)  
19 Trafficking in Stolen Property 1 (RCW  
20 9A.82.050)  
21 Unlawful factoring of a credit card or  
22 payment card transaction (RCW  
23 9A.56.290(4)(b))  
24 Unlawful transaction of health  
25 coverage as a health care service  
26 contractor (RCW 48.44.016(3))  
27 Unlawful transaction of health  
28 coverage as a health maintenance  
29 organization (RCW 48.46.033(3))  
30 Unlawful transaction of insurance  
31 business (RCW 48.15.023(3))  
32 Unlicensed practice as an insurance  
33 professional (RCW 48.17.063(2))  
34 Use of Proceeds of Criminal  
35 Profiteering (RCW 9A.82.080 (1)  
36 and (2))

1 Vehicle Prowling 2 (third or  
2 subsequent offense) (RCW  
3 9A.52.100(3))  
4 Vehicular Assault, by being under the  
5 influence of intoxicating liquor or  
6 any drug, or by the operation or  
7 driving of a vehicle in a reckless  
8 manner (RCW 46.61.522)  
9 Viewing of Depictions of a Minor  
10 Engaged in Sexually Explicit  
11 Conduct 1 (RCW 9.68A.075(1))  
12 Willful Failure to Return from  
13 Furlough (RCW 72.66.060)  
14 III Animal Cruelty 1 (Sexual Conduct or  
15 Contact) (RCW 16.52.205(3))  
16 Assault 3 (Except Assault 3 of a Peace  
17 Officer With a Projectile Stun  
18 Gun) (RCW 9A.36.031 except  
19 subsection (1)(h))  
20 Assault of a Child 3 (RCW 9A.36.140)  
21 Bail Jumping with class B or C Felony  
22 (RCW 9A.76.170(3)(c))  
23 Burglary 2 (RCW 9A.52.030)  
24 Communication with a Minor for  
25 Immoral Purposes (RCW  
26 9.68A.090)  
27 Criminal Gang Intimidation (RCW  
28 9A.46.120)  
29 Custodial Assault (RCW 9A.36.100)  
30 Cyberstalking (subsequent conviction  
31 or threat of death) (RCW  
32 9.61.260(3))  
33 Escape 2 (RCW 9A.76.120)  
34 Extortion 2 (RCW 9A.56.130)  
35 Harassment (RCW 9A.46.020)

1 Intimidating a Public Servant (RCW  
2 9A.76.180)  
3 Introducing Contraband 2 (RCW  
4 9A.76.150)  
5 Malicious Injury to Railroad Property  
6 (RCW 81.60.070)  
7 Mortgage Fraud (RCW 19.144.080)  
8 Negligently Causing Substantial  
9 Bodily Harm By Use of a Signal  
10 Preemption Device (RCW  
11 46.37.674)  
12 Organized Retail Theft 1 (RCW  
13 9A.56.350(2))  
14 Perjury 2 (RCW 9A.72.030)  
15 Possession of Incendiary Device (RCW  
16 9.40.120)  
17 Possession of Machine Gun or Short-  
18 Barreled Shotgun or Rifle (RCW  
19 9.41.190)  
20 Promoting Prostitution 2 (RCW  
21 9A.88.080)  
22 Retail Theft with Special  
23 Circumstances 1 (RCW  
24 9A.56.360(2))  
25 Securities Act violation (RCW  
26 21.20.400)  
27 Tampering with a Witness (RCW  
28 9A.72.120)  
29 Telephone Harassment (subsequent  
30 conviction or threat of death)  
31 (RCW 9.61.230(2))  
32 Theft of Livestock 2 (RCW 9A.56.083)  
33 Theft with the Intent to Resell 1 (RCW  
34 9A.56.340(2))  
35 Trafficking in Stolen Property 2 (RCW  
36 9A.82.055)

1 Unlawful Hunting of Big Game 1  
2 (RCW 77.15.410(3)(b))  
3 Unlawful Imprisonment (RCW  
4 9A.40.040)  
5 Unlawful Misbranding of Food Fish or  
6 Shellfish 1 (RCW 69.04.938(3))  
7 Unlawful possession of firearm in the  
8 second degree (RCW 9.41.040(2))  
9 Unlawful Taking of Endangered Fish  
10 or Wildlife 1 (RCW  
11 77.15.120(3)(b))  
12 Unlawful Trafficking in Fish, Shellfish,  
13 or Wildlife 1 (RCW  
14 77.15.260(3)(b))  
15 Unlawful Use of a Nondesignated  
16 Vessel (RCW 77.15.530(4))  
17 Vehicular Assault, by the operation or  
18 driving of a vehicle with disregard  
19 for the safety of others (RCW  
20 46.61.522)  
21 Willful Failure to Return from Work  
22 Release (RCW 72.65.070)  
23 II Commercial Fishing Without a License  
24 1 (RCW 77.15.500(3)(b))  
25 Computer Trespass 1 (RCW  
26 9A.52.110)  
27 Counterfeiting (RCW 9.16.035(3))  
28 Engaging in Fish Dealing Activity  
29 Unlicensed 1 (RCW 77.15.620(3))  
30 Escape from Community Custody  
31 (RCW 72.09.310)  
32 Failure to Register as a Sex Offender  
33 (second or subsequent offense)  
34 (RCW 9A.44.130 prior to June 10,  
35 2010, and RCW 9A.44.132)

1 Health Care False Claims (RCW  
2 48.80.030)  
3 Identity Theft 2 (RCW 9.35.020(3))  
4 Improperly Obtaining Financial  
5 Information (RCW 9.35.010)  
6 Malicious Mischief 1 (RCW  
7 9A.48.070)  
8 Organized Retail Theft 2 (RCW  
9 9A.56.350(3))  
10 Possession of Stolen Property 1 (RCW  
11 9A.56.150)  
12 Possession of a Stolen Vehicle (RCW  
13 9A.56.068)  
14 Retail Theft with Special  
15 Circumstances 2 (RCW  
16 9A.56.360(3))  
17 Scrap Processing, Recycling, or  
18 Supplying Without a License  
19 (second or subsequent offense)  
20 (RCW 19.290.100)  
21 Theft 1 (RCW 9A.56.030)  
22 Theft of a Motor Vehicle (RCW  
23 9A.56.065)  
24 Theft of Rental, Leased, or Lease-  
25 purchased Property (valued at one  
26 thousand five hundred dollars or  
27 more) (RCW 9A.56.096(5)(a))  
28 Theft with the Intent to Resell 2 (RCW  
29 9A.56.340(3))  
30 Trafficking in Insurance Claims (RCW  
31 48.30A.015)  
32 Unlawful factoring of a credit card or  
33 payment card transaction (RCW  
34 9A.56.290(4)(a))

1 Unlawful Participation of Non-Indians  
2 in Indian Fishery (RCW  
3 77.15.570(2))  
4 Unlawful Practice of Law (RCW  
5 2.48.180)  
6 Unlawful Purchase or Use of a License  
7 (RCW 77.15.650(3)(b))  
8 Unlawful Trafficking in Fish, Shellfish,  
9 or Wildlife 2 (RCW  
10 77.15.260(3)(a))  
11 Unlicensed Practice of a Profession or  
12 Business (RCW 18.130.190(7))  
13 Voyeurism (RCW 9A.44.115)  
14 I Attempting to Elude a Pursuing Police  
15 Vehicle (RCW 46.61.024)  
16 False Verification for Welfare (RCW  
17 74.08.055)  
18 Forgery (RCW 9A.60.020)  
19 Fraudulent Creation or Revocation of a  
20 Mental Health Advance Directive  
21 (RCW 9A.60.060)  
22 Malicious Mischief 2 (RCW  
23 9A.48.080)  
24 Mineral Trespass (RCW 78.44.330)  
25 Possession of Stolen Property 2 (RCW  
26 9A.56.160)  
27 Reckless Burning 1 (RCW 9A.48.040)  
28 Spotlighting Big Game 1 (RCW  
29 77.15.450(3)(b))  
30 Suspension of Department Privileges 1  
31 (RCW 77.15.670(3)(b))  
32 Taking Motor Vehicle Without  
33 Permission 2 (RCW 9A.56.075)  
34 Theft 2 (RCW 9A.56.040)

1 Theft of Rental, Leased, or Lease-  
2 purchased Property (valued at two  
3 hundred fifty dollars or more but  
4 less than one thousand five  
5 hundred dollars) (RCW  
6 9A.56.096(5)(b))  
7 Transaction of insurance business  
8 beyond the scope of licensure  
9 (RCW 48.17.063)  
10 Unlawful Fish and Shellfish Catch  
11 Accounting (RCW  
12 77.15.630(3)(b))  
13 Unlawful Issuance of Checks or Drafts  
14 (RCW 9A.56.060)  
15 Unlawful Possession of Fictitious  
16 Identification (RCW 9A.56.320)  
17 Unlawful Possession of Instruments of  
18 Financial Fraud (RCW 9A.56.320)  
19 Unlawful Possession of Payment  
20 Instruments (RCW 9A.56.320)  
21 Unlawful Possession of a Personal  
22 Identification Device (RCW  
23 9A.56.320)  
24 Unlawful Production of Payment  
25 Instruments (RCW 9A.56.320)  
26 ~~((Unlawful Releasing, planting,~~  
27 ~~possessing, or placing Deleterious~~  
28 ~~Exotic Wildlife (RCW~~  
29 ~~77.15.250(2)(b))))~~  
30 Unlawful Trafficking in Food Stamps  
31 (RCW 9.91.142)  
32 Unlawful Use of Food Stamps (RCW  
33 9.91.144)  
34 Unlawful Use of Net to Take Fish 1  
35 (RCW 77.15.580(3)(b))

1 Unlawful Use of Prohibited Aquatic

2 Animal Species (RCW

3 77.15.253(3))

4 Unlawfully Releasing, Planting,

5 Possessing, or Placing Deleterious

6 Exotic Wildlife (RCW

7 77.15.250(2)(b))

8 Vehicle Prowl 1 (RCW 9A.52.095)

9 Violating Commercial Fishing Area or

10 Time 1 (RCW 77.15.550(3)(b))

11 **Sec. 24.** RCW 46.61.5054 and 2015 c 265 s 32 are each amended to  
12 read as follows:

13 (1)(a) In addition to penalties set forth in RCW 46.61.5051  
14 through 46.61.5053 until September 1, 1995, and RCW 46.61.5055  
15 thereafter, a two hundred fifty dollar fee shall be assessed to a  
16 person who is either convicted, sentenced to a lesser charge, or  
17 given deferred prosecution, as a result of an arrest for violating  
18 RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522. This fee is for  
19 the purpose of funding the Washington state toxicology laboratory and  
20 the Washington state patrol for grants and activities to increase the  
21 conviction rate and decrease the incidence of persons driving under  
22 the influence of alcohol or drugs.

23 (b) Upon a verified petition by the person assessed the fee, the  
24 court may suspend payment of all or part of the fee if it finds that  
25 the person does not have the ability to pay.

26 (2) The fee assessed under subsection (1) of this section shall  
27 be collected by the clerk of the court and, subject to subsection  
28 ~~((+4))~~ (5) of this section, one hundred seventy-five dollars of the  
29 fee must be distributed as follows:

30 (a) Forty percent shall be subject to distribution under RCW  
31 3.46.120, 3.50.100, 35.20.220, 3.62.020, 3.62.040, or 10.82.070.

32 (b) The remainder of the fee shall be forwarded to the state  
33 treasurer who shall, through June 30, 1997, deposit: Fifty percent in  
34 the death investigations' account to be used solely for funding the  
35 state toxicology laboratory blood or breath testing programs; and  
36 fifty percent in the state patrol highway account to be used solely  
37 for funding activities to increase the conviction rate and decrease  
38 the incidence of persons driving under the influence of alcohol or

1 drugs. Effective July 1, 1997, the remainder of the fee shall be  
2 forwarded to the state treasurer who shall deposit: Fifteen percent  
3 in the death investigations' account to be used solely for funding  
4 the state toxicology laboratory blood or breath testing programs; and  
5 eighty-five percent in the state patrol highway account to be used  
6 solely for funding activities to increase the conviction rate and  
7 decrease the incidence of persons driving under the influence of  
8 alcohol or drugs.

9 (3) Twenty-five dollars of the fee assessed under subsection (1)  
10 of this section must be distributed to the highway safety fund to be  
11 used solely for funding Washington traffic safety commission grants  
12 to reduce statewide collisions caused by persons driving under the  
13 influence of alcohol or drugs. Grants awarded under this subsection  
14 may be for projects that encourage collaboration with other  
15 community, governmental, and private organizations, and that utilize  
16 innovative approaches based on best practices or proven strategies  
17 supported by research or rigorous evaluation. Grants recipients may  
18 include, for example:

19 (a) DUI courts; and

20 (b) Jurisdictions implementing the victim impact panel registries  
21 under RCW 46.61.5152 and 10.01.230.

22 (4) Fifty dollars of the fee assessed under subsection (1) of  
23 this section must be distributed to the highway safety fund to be  
24 used solely for funding Washington traffic safety commission grants  
25 to organizations within counties targeted for programs to reduce  
26 driving under the influence of alcohol or drugs.

27 (5) If the court has suspended payment of part of the fee  
28 pursuant to subsection (1)(b) of this section, amounts collected  
29 shall be distributed proportionately.

30 ~~((+5))~~ (6) This section applies to any offense committed on or  
31 after July 1, 1993, and only to adult offenders.

32 NEW SECTION. Sec. 25. A new section is added to chapter 43.131  
33 RCW to read as follows:

34 The sentencing guidelines commission's authorities, as  
35 established in sections 2 and 13 through 17 of this act, are  
36 terminated on June 30, 2021, as provided in section 26 of this act.

37 NEW SECTION. Sec. 26. A new section is added to chapter 43.131  
38 RCW to read as follows:

1 The following acts or parts of acts, as now existing or hereafter  
2 amended, are each repealed, effective June 30, 2022:

- 3 (1) Section 1 of this act;
- 4 (2) Section 2 of this act;
- 5 (3) Section 4 of this act;
- 6 (4) Section 5 of this act;
- 7 (5) Section 6 of this act;
- 8 (6) Section 7 of this act;
- 9 (7) Section 8 of this act;
- 10 (8) Section 9 of this act;
- 11 (9) Section 10 of this act;
- 12 (10) Section 11 of this act;
- 13 (11) Section 12 of this act;
- 14 (12) Section 13 of this act;
- 15 (13) Section 14 of this act;
- 16 (14) Section 15 of this act;
- 17 (15) Section 16 of this act; and
- 18 (16) Section 17 of this act.

19 NEW SECTION. **Sec. 27.** Sections 7, 8, 14, 15, and 18 of this act  
20 are each added to chapter 9.94A RCW.

21 NEW SECTION. **Sec. 28.** Sections 2 through 12 of this act apply  
22 to sentences for crimes committed on or after July 1, 2015.

23 NEW SECTION. **Sec. 29.** If specific funding for the purposes of  
24 this act, referencing this act by bill or chapter number, is not  
25 provided by June 30, 2015, in the omnibus appropriations act, this  
26 act is null and void.

27 NEW SECTION. **Sec. 30.** Sections 2 through 12, 18, and 19 of this  
28 act are necessary for the immediate preservation of the public peace,  
29 health, or safety, or support of the state government and its  
30 existing public institutions, and take effect July 1, 2015.

--- END ---