

**RCW 9.94A.650 First-time offender waiver.** (1) This section applies to offenders who have never been previously convicted of a felony in this state, federal court, or another state, and who have never participated in a program of deferred prosecution for a felony, and who are convicted of a felony that is not:

(a) Classified as a violent offense or a sex offense under this chapter;

(b) Manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in Schedule I or II that is a narcotic drug or flunitrazepam classified in Schedule IV;

(c) Manufacture, delivery, or possession with intent to deliver a methamphetamine, its salts, isomers, and salts of its isomers as defined in RCW 69.50.206(d) (2);

(d) The selling for profit of any controlled substance or counterfeit substance classified in Schedule I, RCW 69.50.204, except leaves and flowering tops of cannabis; or

(e) Felony driving while under the influence of intoxicating liquor or any drug or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug.

(2) In sentencing a first-time offender the court may waive the imposition of a sentence within the standard sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses.

(3) The court may impose up to six months of community custody unless treatment is ordered, in which case the period of community custody may include up to the period of treatment, but shall not exceed one year.

(4) As a condition of community custody, in addition to any conditions authorized in RCW 9.94A.703, the court may order the offender to pay all court-ordered legal financial obligations and/or perform community restitution work.

(5) For the purposes of this section, "cannabis" has the meaning provided in RCW 69.50.101. [2022 c 16 § 6; 2011 1st sp.s. c 40 § 9; 2008 c 231 § 29; 2006 c 73 § 9; 2002 c 175 § 9; 2000 c 28 § 18.]

**Intent—Finding—2022 c 16:** See note following RCW 69.50.101.

**Application—Recalculation of community custody terms—2011 1st sp.s. c 40:** See note following RCW 9.94A.501.

**Effective date—2011 1st sp.s. c 40 §§ 1-9, 42:** See note following RCW 9.94A.501.

**Intent—Application—Application of repealers—Effective date—2008 c 231:** See notes following RCW 9.94A.701.

**Severability—2008 c 231:** See note following RCW 9.94A.500.

**Effective date—2006 c 73:** See note following RCW 46.61.502.

**Effective date—2002 c 175:** See note following RCW 7.80.130.

**Technical correction bill—2000 c 28:** See note following RCW 9.94A.015.