
SUBSTITUTE HOUSE BILL 2834

State of Washington

52nd Legislature

1992 Regular Session

By House Committee on Human Services (originally sponsored by Representatives Hargrove, Riley, Leonard, Dellwo, Appelwick and Basich)

Read first time 02/07/92.

1 AN ACT Relating to criminal sentencing; amending RCW 9.94A.150,
2 9.94A.440, and 9A.20.021; reenacting and amending RCW 9.94A.120; adding
3 new sections to chapter 9.95 RCW; adding a new section to chapter 72.09
4 RCW; creating new sections; repealing RCW 9.95.001, 9.95.0011,
5 9.95.003, 9.95.005, 9.95.007, 9.95.009, 9.95.010, 9.95.011, 9.95.013,
6 9.95.015, 9.95.017, 9.95.020, 9.95.028, 9.95.030, 9.95.031, 9.95.032,
7 9.95.040, 9.95.052, 9.95.055, 9.95.090, 9.95.100, 9.95.110, 9.95.115,
8 9.95.116, 9.95.120, 9.95.121, 9.95.122, 9.95.123, 9.95.124, 9.95.125,
9 9.95.126, 9.95.130, 9.95.140, 9.95.145, 9.95.150, 9.95.160, 9.95.170,
10 9.95.190, 9.95.200, 9.95.210, 9.95.220, 9.95.230, 9.95.240, 9.95.250,
11 9.95.260, 9.95.265, 9.95.270, 9.95.280, 9.95.290, 9.95.300, 9.95.310,
12 9.95.320, 9.95.330, 9.95.340, 9.95.350, 9.95.360, 9.95.370, 9.95.900,
13 9.96.050, 72.04A.050, 72.04A.070, 72.04A.080, 72.04A.090, 72.04A.120,
14 and 72.04A.900; prescribing penalties; providing effective dates; and
15 declaring an emergency.

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

2 NEW SECTION. **Sec. 1.** The legislature finds that crowded
3 prisons are clearly one of the most pressing problems facing the
4 criminal justice system today. Even the most conservative estimates
5 indicate that despite our aggressive prison construction plan we will
6 not be able to build enough prison beds to keep pace with expected
7 growth in the prison population over the next ten years. The huge
8 increase in our prison population is not only the result of more
9 individuals committing serious crimes but also because most offenders
10 released from prison will return again. Our corrections system has
11 become a high-cost institution that perpetually recycles inmates
12 without deterring crime. As a result of these conditions, serious
13 concerns have been raised about our current corrections philosophy.
14 Attention must be directed towards implementing a long-range
15 corrections strategy that focuses on inmate responsibility through work
16 training, the development of mature and marketable job skills, and
17 requiring inmates to pay for the cost of their incarceration.

18 The combined cost of housing, maintaining, and supervising inmates
19 in our state corrections facilities is increasing beyond our capability
20 to pay. The legislature recognizes that the responsibility for
21 criminal activity must fall squarely on the criminal. Society should
22 not have to pay the price for crimes twice, once for the criminal act
23 and then again by feeding, clothing, and housing the offender. The
24 corrections system must be the first place where criminal offenders are
25 given the opportunity to be responsible for paying for their criminal
26 activity, not just through the loss of their freedom, but also by
27 working while in prison and contributing an appropriate portion of
28 their wages to the cost of their incarceration. Allowing offenders to
29 become responsible through working in meaningful jobs for real wages

1 can be a beneficial opportunity for corrections. Everyone profits from
2 a successful corrections industry program -- the prison system,
3 taxpayers, the community, families, and the inmate. Most important, an
4 inmate who is drug-free and has mature job skills is significantly more
5 likely not to return to prison.

6 It is the purpose and intent of this act to outline a comprehensive
7 strategy for reducing upwardly spiraling prison costs through an inmate
8 work responsibility program, preserving scarce prison cell space for
9 our most dangerous offenders, and providing judges with alternatives to
10 incarceration, including drug rehabilitation, that must be used without
11 jeopardizing public safety.

12 **Sec. 2.** RCW 9.94A.120 and 1991 c 221 s 2, 1991 c 181 s 3, and 1991
13 c 104 s 3 are each reenacted and amended to read as follows:

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

16 (1) Except as authorized in subsections (2), (4), (5), ~~((and))~~ (7),
17 and (20) of this section, the court shall impose a sentence within the
18 sentence range for the offense.

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

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

27 (4)(a) An offender convicted of the crime of murder in the first
28 degree shall be sentenced to a term of total confinement not less than
29 twenty years.

1 **(b)** An offender convicted of the crime of assault in the first
2 degree where the offender used force or means likely to result in death
3 or intended to kill the victim shall be sentenced to a term of total
4 confinement not less than five years.

5 **(c)** An offender convicted of the crime of rape in the first degree
6 shall be sentenced to a term of total confinement not less than five
7 years, and shall not be eligible for furlough, work release or other
8 authorized leave of absence from the correctional facility during such
9 minimum five-year term except for the purpose of commitment to an
10 inpatient treatment facility.

11 **(d)** An offender shall be sentenced to a minimum term of confinement
12 of not less than fifteen years if the offender (i) while committed to
13 a state correctional facility for murder in the first or second degree,
14 homicide by abuse, assault in the first or second degree, rape in the
15 first or second degree, kidnapping in the first degree, robbery in the
16 first degree, arson in the first degree, or burglary in the first
17 degree; (ii) commits the crime of murder in the second degree, assault
18 in the first or second degree, rape in the first or second degree,
19 arson in the first or second degree, or robbery in the first or second
20 degree. The sentence shall be served consecutive to any term of
21 confinement remaining on the offense or offenses for which the offender
22 was committed to the state institution as provided in RCW 9.94A.400 (2)
23 and (5). An offender who commits murder in the first degree while
24 committed to a state institution for the conviction of one of the
25 offenses listed in (d)(ii) of this subsection shall serve his or her
26 sentence consecutive to any term of confinement remaining on the
27 offense or offenses for which the offender was committed to the state
28 institution. RCW 9A.20.021(1)(b), which provides that the statutory
29 maximum for class B felonies is ten years, does not apply to the crimes
30 identified in (d)(ii) of this subsection when committed in a state

1 correctional facility by an offender who is committed to the state
2 institution for a crime listed in (d)(i) of this subsection. The
3 statutory maximum is a term of life imprisonment.

4 The foregoing minimum terms of total confinement, specified in (a),
5 (b), (c), and (d) of this subsection, are mandatory and shall not be
6 varied or modified as provided in subsection (2) of this section.

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

16 (a) Devote time to a specific employment or occupation;

17 (b) Undergo available outpatient treatment for up to two years, or
18 inpatient treatment not to exceed the standard range of confinement for
19 that offense;

20 (c) Pursue a prescribed, secular course of study or vocational
21 training;

22 (d) Remain within prescribed geographical boundaries and notify the
23 court or the community corrections officer prior to any change in the
24 offender's address or employment;

25 (e) Report as directed to the court and a community corrections
26 officer; or

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

29 (6) If a sentence range has not been established for the
30 defendant's crime, the court shall impose a determinate sentence which

1 may include not more than one year of confinement, community service
2 work, a term of community supervision not to exceed one year, and/or
3 other legal financial obligations. The court may impose a sentence
4 which provides more than one year of confinement if the court finds,
5 considering the purpose of this chapter, that there are substantial and
6 compelling reasons justifying an exceptional sentence.

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

14 The report of the examination shall include at a minimum the
15 following: The defendant's version of the facts and the official
16 version of the facts, the defendant's offense history, an assessment of
17 problems in addition to alleged deviant behaviors, the offender's
18 social and employment situation, and other evaluation measures used.
19 The report shall set forth the sources of the evaluator's information.

20 The examiner shall assess and report regarding the defendant's
21 amenability to treatment and relative risk to the community. A
22 proposed treatment plan shall be provided and shall include, at a
23 minimum:

24 (A) Frequency and type of contact between offender and therapist;

25 (B) Specific issues to be addressed in the treatment and
26 description of planned treatment modalities;

27 (C) Monitoring plans, including any requirements regarding living
28 conditions, lifestyle requirements, and monitoring by family members
29 and others;

30 (D) Anticipated length of treatment; and

1 (E) Recommended crime-related prohibitions.

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

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

17 (A) The court shall place the defendant on community supervision
18 for the length of the suspended sentence or three years, whichever is
19 greater; and

20 (B) The court shall order treatment for any period up to three
21 years in duration. The court in its discretion shall order outpatient
22 sex offender treatment or inpatient sex offender treatment, if
23 available. A community mental health center may not be used for such
24 treatment unless it has an appropriate program designed for sex
25 offender treatment. The offender shall not change sex offender
26 treatment providers or treatment conditions without first notifying the
27 prosecutor, the community corrections officer, and the court, and shall
28 not change providers without court approval after a hearing if the
29 prosecutor or community corrections officer object to the change. In
30 addition, as conditions of the suspended sentence, the court may impose

1 other sentence conditions including up to six months of confinement,
2 not to exceed the sentence range of confinement for that offense,
3 crime-related prohibitions, and requirements that the offender perform
4 any one or more of the following:

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

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

9 (III) Report as directed to the court and a community corrections
10 officer;

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

14 (V) Make recoupment to the victim for the cost of any counseling
15 required as a result of the offender's crime.

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

23 (iv) At the time of sentencing, the court shall set a treatment
24 termination hearing for three months prior to the anticipated date for
25 completion of treatment. Prior to the treatment termination hearing,
26 the treatment professional and community corrections officer shall
27 submit written reports to the court and parties regarding the
28 defendant's compliance with treatment and monitoring requirements, and
29 recommendations regarding termination from treatment, including
30 proposed community supervision conditions. Either party may request

1 and the court may order another evaluation regarding the advisability
2 of termination from treatment. The defendant shall pay the cost of any
3 additional evaluation ordered unless the court finds the defendant to
4 be indigent in which case the state shall pay the cost. At the
5 treatment termination hearing the court may: (A) Modify conditions of
6 community supervision, and either (B) terminate treatment, or (C)
7 extend treatment for up to the remaining period of community
8 supervision.

9 (v) The court may revoke the suspended sentence at any time during
10 the period of community supervision and order execution of the sentence
11 if: (A) The defendant violates the conditions of the suspended
12 sentence, or (B) the court finds that the defendant is failing to make
13 satisfactory progress in treatment. All confinement time served during
14 the period of community supervision shall be credited to the offender
15 if the suspended sentence is revoked.

16 (vi) After July 1, 1991, examinations and treatment ordered
17 pursuant to this subsection shall only be conducted by sex offender
18 treatment providers certified by the department of health pursuant to
19 chapter 18.155 RCW.

20 For purposes of this subsection, "victim" means any person who has
21 sustained emotional, psychological, physical, or financial injury to
22 person or property as a result of the crime charged. "Victim" also
23 means a parent or guardian of a victim who is a minor child unless the
24 parent or guardian is the perpetrator of the offense.

25 (b) When an offender is convicted of any felony sex offense
26 committed before July 1, 1987, and is sentenced to a term of
27 confinement of more than one year but less than six years, the
28 sentencing court may, on its own motion or on the motion of the
29 offender or the state, order the offender committed for up to thirty
30 days to the custody of the secretary of social and health services for

1 evaluation and report to the court on the offender's amenability to
2 treatment at these facilities. If the secretary of social and health
3 services cannot begin the evaluation within thirty days of the court's
4 order of commitment, the offender shall be transferred to the state for
5 confinement pending an opportunity to be evaluated at the appropriate
6 facility. The court shall review the reports and may order that the
7 term of confinement imposed be served in the sexual offender treatment
8 program at the location determined by the secretary of social and
9 health services or the secretary's designee, only if the report
10 indicates that the offender is amenable to the treatment program
11 provided at these facilities. The offender shall be transferred to the
12 state pending placement in the treatment program. Any offender who has
13 escaped from the treatment program shall be referred back to the
14 sentencing court.

15 If the offender does not comply with the conditions of the
16 treatment program, the secretary of social and health services may
17 refer the matter to the sentencing court. The sentencing court shall
18 commit the offender to the department of corrections to serve the
19 balance of the term of confinement.

20 If the offender successfully completes the treatment program before
21 the expiration of the term of confinement, the court may convert the
22 balance of confinement to community supervision and may place
23 conditions on the offender including crime-related prohibitions and
24 requirements that the offender perform any one or more of the
25 following:

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

27 (ii) Remain within prescribed geographical boundaries and notify
28 the court or the community corrections officer prior to any change in
29 the offender's address or employment;

1 (iii) Report as directed to the court and a community corrections
2 officer;

3 (iv) Undergo available outpatient treatment.

4 If the offender violates any of the terms of community supervision,
5 the court may order the offender to serve out the balance of the
6 community supervision term in confinement in the custody of the
7 department of corrections.

8 After June 30, 1993, this subsection (b) shall cease to have
9 effect.

10 (c) When an offender commits any felony sex offense on or after
11 July 1, 1987, and is sentenced to a term of confinement of more than
12 one year but less than six years, the sentencing court may, on its own
13 motion or on the motion of the offender or the state, request the
14 department of corrections to evaluate whether the offender is amenable
15 to treatment and the department may place the offender in a treatment
16 program within a correctional facility operated by the department.

17 Except for an offender who has been convicted of a violation of RCW
18 9A.44.040 or 9A.44.050, if the offender completes the treatment program
19 before the expiration of his or her term of confinement, the department
20 of corrections may request the court to convert the balance of
21 confinement to community supervision and to place conditions on the
22 offender including crime-related prohibitions and requirements that the
23 offender perform any one or more of the following:

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

25 (ii) Remain within prescribed geographical boundaries and notify
26 the court or the community corrections officer prior to any change in
27 the offender's address or employment;

28 (iii) Report as directed to the court and a community corrections
29 officer;

30 (iv) Undergo available outpatient treatment.

1 If the offender violates any of the terms of his or her community
2 supervision, the court may order the offender to serve out the balance
3 of his community supervision term in confinement in the custody of the
4 department of corrections.

5 Nothing in (c) of this subsection shall confer eligibility for such
6 programs for offenders convicted and sentenced for a sex offense
7 committed prior to July 1, 1987. This subsection (c) does not apply to
8 any crime committed after July 1, 1990.

9 (d) Offenders convicted and sentenced for a sex offense committed
10 prior to July 1, 1987, may, subject to available funds, request an
11 evaluation by the department of corrections to determine whether they
12 are amenable to treatment. If the offender is determined to be
13 amenable to treatment, the offender may request placement in a
14 treatment program within a correctional facility operated by the
15 department. Placement in such treatment program is subject to
16 available funds.

17 (8)(a) When a court sentences a person to a term of total
18 confinement to the custody of the department of corrections for an
19 offense categorized as a sex offense or a serious violent offense
20 committed after July 1, 1988, but before July 1, 1990, assault in the
21 second degree, any crime against a person where it is determined in
22 accordance with RCW 9.94A.125 that the defendant or an accomplice was
23 armed with a deadly weapon at the time of commission, or any felony
24 offense under chapter 69.50 or 69.52 RCW, committed on or after July 1,
25 1988, the court shall in addition to the other terms of the sentence,
26 sentence the offender to a one-year term of community placement
27 beginning either upon completion of the term of confinement or at such
28 time as the offender is transferred to community custody in lieu of
29 earned early release in accordance with RCW 9.94A.150 (1) and (2).
30 When the court sentences an offender under this subsection to the

1 statutory maximum period of confinement then the community placement
2 portion of the sentence shall consist entirely of such community
3 custody to which the offender may become eligible, in accordance with
4 RCW 9.94A.150 (1) and (2). Any period of community custody actually
5 served shall be credited against the community placement portion of the
6 sentence.

7 (b) When a court sentences a person to a term of total confinement
8 to the custody of the department of corrections for an offense
9 categorized as a sex offense or serious violent offense committed on or
10 after July 1, 1990, the court shall in addition to other terms of the
11 sentence, sentence the offender to community placement for two years or
12 up to the period of earned early release awarded pursuant to RCW
13 9.94A.150 (1) and (2), whichever is longer. The community placement
14 shall begin either upon completion of the term of confinement or at
15 such time as the offender is transferred to community custody in lieu
16 of earned early release in accordance with RCW 9.94A.150 (1) and (2).
17 When the court sentences an offender under this subsection to the
18 statutory maximum period of confinement then the community placement
19 portion of the sentence shall consist entirely of the community custody
20 to which the offender may become eligible, in accordance with RCW
21 9.94A.150 (1) and (2). Any period of community custody actually served
22 shall be credited against the community placement portion of the
23 sentence. Unless a condition is waived by the court, the terms of
24 community placement for offenders sentenced pursuant to this section
25 shall include the following conditions:

26 (i) The offender shall report to and be available for contact with
27 the assigned community corrections officer as directed;

28 (ii) The offender shall work at department of corrections-approved
29 education, employment, and/or community service;

1 (iii) The offender shall not consume controlled substances except
2 pursuant to lawfully issued prescriptions;

3 (iv) An offender in community custody shall not unlawfully possess
4 controlled substances; and

5 (v) The offender shall pay supervision fees as determined by the
6 department of corrections.

7 (c) The court may also order any of the following special
8 conditions:

9 (i) The offender shall remain within, or outside of, a specified
10 geographical boundary;

11 (ii) The offender shall not have direct or indirect contact with
12 the victim of the crime or a specified class of individuals;

13 (iii) The offender shall participate in crime-related treatment or
14 counseling services;

15 (iv) The offender shall not consume alcohol;

16 (v) The residence location and living arrangements of a sex
17 offender shall be subject to the prior approval of the department of
18 corrections; or

19 (vi) The offender shall comply with any crime-related prohibitions.

20 (d) Prior to transfer to, or during, community placement, any
21 conditions of community placement may be removed or modified so as not
22 to be more restrictive by the sentencing court, upon recommendation of
23 the department of corrections.

24 (9) If the court imposes a sentence requiring confinement of thirty
25 days or less, the court may, in its discretion, specify that the
26 sentence be served on consecutive or intermittent days. A sentence
27 requiring more than thirty days of confinement shall be served on
28 consecutive days. Local jail administrators may schedule court-ordered
29 intermittent sentences as space permits.

1 (10) If a sentence imposed includes payment of a legal financial
2 obligation, the sentence shall specify the total amount of the legal
3 financial obligation owed, and shall require the offender to pay a
4 specified monthly sum toward that legal financial obligation.
5 Restitution to victims shall be paid prior to any other payments of
6 monetary obligations. Any legal financial obligation that is imposed
7 by the court may be collected by the department, which shall deliver
8 the amount paid to the county clerk for credit. The offender's
9 compliance with payment of legal financial obligations shall be
10 supervised by the department. All monetary payments ordered shall be
11 paid no later than ten years after the last date of release from
12 confinement pursuant to a felony conviction or the date the sentence
13 was entered. Independent of the department, the party or entity to
14 whom the legal financial obligation is owed shall have the authority to
15 utilize any other remedies available to the party or entity to collect
16 the legal financial obligation. Nothing in this section makes the
17 department, the state, or any of its employees, agents, or other
18 persons acting on their behalf liable under any circumstances for the
19 payment of these legal financial obligations. If an order includes
20 restitution as one of the monetary assessments, the county clerk shall
21 make disbursements to victims named in the order.

22 (11) Except as provided under RCW 9.94A.140(1) and 9.94A.142(1), a
23 court may not impose a sentence providing for a term of confinement or
24 community supervision or community placement which exceeds the
25 statutory maximum for the crime as provided in chapter 9A.20 RCW.

26 (12) All offenders sentenced to terms involving community
27 supervision, community service, community placement, or legal financial
28 obligation shall be under the supervision of the secretary of the
29 department of corrections or such person as the secretary may designate
30 and shall follow explicitly the instructions of the secretary including

1 reporting as directed to a community corrections officer, remaining
2 within prescribed geographical boundaries, notifying the community
3 corrections officer of any change in the offender's address or
4 employment, and paying the supervision fee assessment.

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

15 (14) The sentencing court shall give the offender credit for all
16 confinement time served before the sentencing if that confinement was
17 solely in regard to the offense for which the offender is being
18 sentenced.

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

24 (16) The court shall order restitution whenever the offender is
25 convicted of a felony that results in injury to any person or damage to
26 or loss of property, whether the offender is sentenced to confinement
27 or placed under community supervision, unless extraordinary
28 circumstances exist that make restitution inappropriate in the court's
29 judgment. The court shall set forth the extraordinary circumstances in
30 the record if it does not order restitution.

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

8 (18) In any sentence of partial confinement, the court may require
9 the defendant to serve the partial confinement in work release, in a
10 program of home detention, on work crew, or in a combined program of
11 work crew and home detention.

12 (19) All court-ordered legal financial obligations collected by the
13 department and remitted to the county clerk shall be credited and paid
14 where restitution is ordered. Restitution shall be paid prior to any
15 other payments of monetary obligations.

16 (20) An offender shall be sentenced to a minimum term of
17 confinement of not less than fifteen years or a determinate term within
18 the standard range, whichever is greater, if the offender (a) while
19 committed to a state correctional facility for murder in the first or
20 second degree, homicide by abuse, assault in the first or second
21 degree, rape in the first or second degree, kidnapping in the first
22 degree, robbery in the first degree, arson in the first degree, or
23 burglary in the first degree; (b) commits the crime of murder in the
24 second degree, assault in the first or second degree, rape in the first
25 or second degree, arson in the first or second degree, or robbery in
26 the first or second degree. The court may impose an exceptional
27 sentence above the mandatory minimum term or the standard range for the
28 offense based on the existence of aggravating factors as provided in
29 RCW 9.94A.390, but may not impose an exceptional sentence below the
30 mandatory minimum or standard range. The term imposed shall be served

1 consecutive to any term of confinement remaining on the offense or
2 offenses for which the offender was committed to the state institution
3 as provided in RCW 9.94A.400 (2) and (5). An offender who commits
4 murder in the first degree while committed to a state institution for
5 the conviction of one of the offenses listed in (b) of this subsection
6 shall serve his or her sentence consecutive to any term of confinement
7 remaining on the offense or offenses for which the offender was
8 committed to the state institution. RCW 9A.20.021(1)(b), which
9 provides that the statutory maximum for class B felonies is ten years,
10 does not apply to the crimes identified in (b) of this subsection when
11 committed in a state correctional facility by an offender who is
12 committed to the state institution for a crime listed in (a) of this
13 subsection. The statutory maximum is a term of life imprisonment.

14 **Sec. 3.** RCW 9.94A.150 and 1990 c 3 s 202 are each amended to read
15 as follows:

16 No person serving a sentence imposed pursuant to this chapter and
17 committed to the custody of the department shall leave the confines of
18 the correctional facility or be released prior to the expiration of the
19 sentence except as follows:

20 (1) Except as otherwise provided for in subsection (2) of this
21 section, the term of the sentence of an offender committed to a
22 correctional facility operated by the department, may be reduced by
23 earned early release time in accordance with procedures that shall be
24 developed and promulgated by the correctional agency having
25 jurisdiction in which the offender is confined. The earned early
26 release time shall be for good behavior and good performance, as
27 determined by the correctional agency having jurisdiction. The
28 correctional agency shall not credit the offender with earned early
29 release credits in advance of the offender actually earning the

1 credits. Any program established pursuant to this section shall allow
2 an offender to earn early release credits for presentence
3 incarceration. If an offender is transferred from a county jail to the
4 department of corrections, the county jail facility shall certify to
5 the department the amount of time spent in custody at the facility and
6 the amount of earned early release time. In the case of an offender
7 convicted of a serious violent offense or a sex offense that is a class
8 A felony committed on or after July 1, 1990, the aggregate earned early
9 release time may not exceed fifteen percent of the sentence. In no
10 other case shall the aggregate earned early release time exceed
11 one-third of the total sentence;

12 (2) A person convicted of a sex offense or an offense categorized
13 as a serious violent offense, assault in the second degree, any crime
14 against a person where it is determined in accordance with RCW
15 9.94A.125 that the defendant or an accomplice was armed with a deadly
16 weapon at the time of commission, or any felony offense under chapter
17 69.50 or 69.52 RCW may become eligible, in accordance with a program
18 developed by the department, for transfer to community custody status
19 in lieu of earned early release time pursuant to subsection (1) of this
20 section;

21 (3) An offender may leave a correctional facility pursuant to an
22 authorized furlough or leave of absence. In addition, offenders may
23 leave a correctional facility when in the custody of a corrections
24 officer or officers;

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

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

4 (6) The governor may pardon any offender;

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

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

11 **Sec. 4.** RCW 9.94A.440 and 1989 c 332 s 2 are each amended to read
12 as follows:

13 (1) Decision not to prosecute.

14 STANDARD: A prosecuting attorney may decline to prosecute, even
15 though technically sufficient evidence to prosecute exists, in
16 situations where prosecution would serve no public purpose, would
17 defeat the underlying purpose of the law in question or would result in
18 decreased respect for the law.

19 GUIDELINE/COMMENTARY:

20 Examples

21 The following are examples of reasons not to prosecute which could
22 satisfy the standard.

23 (a) Contrary to Legislative Intent - It may be proper to decline to
24 charge where the application of criminal sanctions would be clearly
25 contrary to the intent of the legislature in enacting the particular
26 statute.

27 (b) Antiquated Statute - It may be proper to decline to charge
28 where the statute in question is antiquated in that:

29 (i) It has not been enforced for many years; and

1 (ii) Most members of society act as if it were no longer in
2 existence; and

3 (iii) It serves no deterrent or protective purpose in today's
4 society; and

5 (iv) The statute has not been recently reconsidered by the
6 legislature.

7 This reason is not to be construed as the basis for declining cases
8 because the law in question is unpopular or because it is difficult to
9 enforce.

10 (c) De Minimus Violation - It may be proper to decline to charge
11 where the violation of law is only technical or insubstantial and where
12 no public interest or deterrent purpose would be served by prosecution.

13 (d) Confinement on Other Charges - Except for crimes committed by
14 prisoners in state correctional facilities as provided in RCW
15 9.94A.120(20), it may be proper to decline to charge because the
16 accused has been sentenced on another charge to a lengthy period of
17 confinement; and

18 (i) Conviction of the new offense would not merit any additional
19 direct or collateral punishment;

20 (ii) The new offense is either a misdemeanor or a felony which is
21 not particularly aggravated; and

22 (iii) Conviction of the new offense would not serve any significant
23 deterrent purpose.

24 (e) Pending Conviction on Another Charge - It may be proper to
25 decline to charge because the accused is facing a pending prosecution
26 in the same or another county; and

27 (i) Conviction of the new offense would not merit any additional
28 direct or collateral punishment;

29 (ii) Conviction in the pending prosecution is imminent;

1 (iii) The new offense is either a misdemeanor or a felony which is
2 not particularly aggravated; and

3 (iv) Conviction of the new offense would not serve any significant
4 deterrent purpose.

5 (f) High Disproportionate Cost of Prosecution - It may be proper to
6 decline to charge where the cost of locating or transporting, or the
7 burden on, prosecution witnesses is highly disproportionate to the
8 importance of prosecuting the offense in question. This reason should
9 be limited to minor cases and should not be relied upon in serious
10 cases.

11 (g) Improper Motives of Complainant - It may be proper to decline
12 charges because the motives of the complainant are improper and
13 prosecution would serve no public purpose, would defeat the underlying
14 purpose of the law in question or would result in decreased respect for
15 the law.

16 (h) Immunity - It may be proper to decline to charge where immunity
17 is to be given to an accused in order to prosecute another where the
18 accused's information or testimony will reasonably lead to the
19 conviction of others who are responsible for more serious criminal
20 conduct or who represent a greater danger to the public interest.

21 (i) Victim Request - It may be proper to decline to charge because
22 the victim requests that no criminal charges be filed and the case
23 involves the following crimes or situations:

24 (i) Assault cases where the victim has suffered little or no
25 injury;

26 (ii) Crimes against property, not involving violence, where no
27 major loss was suffered;

28 (iii) Where doing so would not jeopardize the safety of society.

29 Care should be taken to insure that the victim's request is freely
30 made and is not the product of threats or pressure by the accused.

1 The presence of these factors may also justify the decision to
2 dismiss a prosecution which has been commenced.

3 Notification

4 The prosecutor is encouraged to notify the victim, when practical,
5 and the law enforcement personnel, of the decision not to prosecute.

6 (2) Decision to prosecute.

7 STANDARD:

8 Crimes against persons will be filed if sufficient admissible
9 evidence exists, which, when considered with the most plausible,
10 reasonably foreseeable defense that could be raised under the evidence,
11 would justify conviction by a reasonable and objective fact-finder.
12 With regard to offenses prohibited by RCW 9A.44.040, 9A.44.050,
13 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, 9A.44.089, and
14 9A.64.020 the prosecutor should avoid prefiling agreements or
15 diversions intended to place the accused in a program of treatment or
16 counseling, so that treatment, if determined to be beneficial, can be
17 provided pursuant to RCW 9.94A.120(7).

18 Crimes against property/other crimes will be filed if the
19 admissible evidence is of such convincing force as to make it probable
20 that a reasonable and objective fact-finder would convict after hearing
21 all the admissible evidence and the most plausible defense that could
22 be raised.

23 See table below for the crimes within these categories.

24 CATEGORIZATION OF CRIMES FOR PROSECUTING STANDARDS

25 CRIMES AGAINST PERSONS

26 Aggravated Murder

27 1st Degree Murder

1 2nd Degree Murder
2 1st Degree Kidnaping
3 1st Degree Assault
4 1st Degree Rape
5 1st Degree Robbery
6 1st Degree Rape of a Child
7 1st Degree Arson
8 2nd Degree Kidnaping
9 2nd Degree Assault
10 2nd Degree Rape
11 2nd Degree Robbery
12 1st Degree Burglary
13 1st Degree Manslaughter
14 2nd Degree Manslaughter
15 1st Degree Extortion
16 Indecent Liberties
17 Incest
18 2nd Degree Rape of a Child
19 Vehicular Homicide
20 Vehicular Assault
21 3rd Degree Rape
22 3rd Degree Rape of a Child
23 1st Degree Child Molestation
24 2nd Degree Child Molestation
25 3rd Degree Child Molestation
26 2nd Degree Extortion
27 1st Degree Promoting Prostitution
28 Intimidating a Juror
29 Communication with a Minor
30 Intimidating a Witness

1 Intimidating a Public Servant
2 Bomb Threat (if against person)
3 3rd Degree Assault
4 Unlawful Imprisonment
5 Promoting a Suicide Attempt
6 Riot (if against person)

7 CRIMES AGAINST PROPERTY/OTHER CRIMES

8 2nd Degree Arson
9 1st Degree Escape
10 2nd Degree Burglary
11 1st Degree Theft
12 1st Degree Perjury
13 1st Degree Introducing Contraband
14 1st Degree Possession of Stolen Property
15 Bribery
16 Bribing a Witness
17 Bribe received by a Witness
18 Bomb Threat (if against property)
19 1st Degree Malicious Mischief
20 2nd Degree Theft
21 2nd Degree Escape
22 2nd Degree Introducing Contraband
23 2nd Degree Possession of Stolen Property
24 2nd Degree Malicious Mischief
25 1st Degree Reckless Burning
26 Taking a Motor Vehicle without Authorization
27 Forgery
28 2nd Degree Perjury

- 1 2nd Degree Promoting Prostitution
- 2 Tampering with a Witness
- 3 Trading in Public Office
- 4 Trading in Special Influence
- 5 Receiving/Granting Unlawful Compensation
- 6 Bigamy
- 7 Eluding a Pursuing Police Vehicle
- 8 Willful Failure to Return from Furlough
- 9 Riot (if against property)
- 10 Thefts of Livestock

11 ALL OTHER UNCLASSIFIED FELONIES

12 Selection of Charges/Degree of Charge

13 (1) The prosecutor should file charges which adequately describe
14 the nature of defendant's conduct. Other offenses may be charged only
15 if they are necessary to ensure that the charges:

16 (a) Will significantly enhance the strength of the state's case at
17 trial; or

18 (b) Will result in restitution to all victims.

19 (2) The prosecutor should not overcharge to obtain a guilty plea.

20 Overcharging includes:

21 (a) Charging a higher degree;

22 (b) Charging additional counts.

23 This standard is intended to direct prosecutors to charge those
24 crimes which demonstrate the nature and seriousness of a defendant's
25 criminal conduct, but to decline to charge crimes which are not
26 necessary to such an indication. Crimes which do not merge as a matter
27 of law, but which arise from the same course of conduct, do not all
28 have to be charged.

1 GUIDELINES/COMMENTARY:

2 Police Investigation

3 A prosecuting attorney is dependent upon law enforcement agencies
4 to conduct the necessary factual investigation which must precede the
5 decision to prosecute. The prosecuting attorney shall ensure that a
6 thorough factual investigation has been conducted before a decision to
7 prosecute is made. In ordinary circumstances the investigation should
8 include the following:

9 (1) The interviewing of all material witnesses, together with the
10 obtaining of written statements whenever possible;

11 (2) The completion of necessary laboratory tests; and

12 (3) The obtaining, in accordance with constitutional requirements,
13 of the suspect's version of the events.

14 If the initial investigation is incomplete, a prosecuting attorney
15 should insist upon further investigation before a decision to prosecute
16 is made, and specify what the investigation needs to include.

17 Exceptions

18 In certain situations, a prosecuting attorney may authorize filing
19 of a criminal complaint before the investigation is complete if:

20 (1) Probable cause exists to believe the suspect is guilty; and

21 (2) The suspect presents a danger to the community or is likely to
22 flee if not apprehended; or

23 (3) The arrest of the suspect is necessary to complete the
24 investigation of the crime.

25 In the event that the exception to the standard is applied, the
26 prosecuting attorney shall obtain a commitment from the law enforcement
27 agency involved to complete the investigation in a timely manner. If
28 the subsequent investigation does not produce sufficient evidence to
29 meet the normal charging standard, the complaint should be dismissed.

30 Investigation Techniques

1 The prosecutor should be fully advised of the investigatory
2 techniques that were used in the case investigation including:

- 3 (1) Polygraph testing;
- 4 (2) Hypnosis;
- 5 (3) Electronic surveillance;
- 6 (4) Use of informants.

7 Pre-Filing Discussions with Defendant

8 Discussions with the defendant or (~~his/her~~) his or her
9 representative regarding the selection or disposition of charges may
10 occur prior to the filing of charges, and potential agreements can be
11 reached.

12 NEW SECTION. **Sec. 5.** The indeterminate sentence review board
13 shall cease to exist on January 1, 1993. All persons who are
14 convicted of crimes committed before July 1, 1984, and who are under
15 the supervision of the board on the effective date of this section,
16 shall have their sentences reviewed and adjusted as provided in
17 sections 6 through 8 of this act.

18 NEW SECTION. **Sec. 6.** (1) Before its expiration on January 1,
19 1993, the indeterminate sentence review board shall establish, using
20 the tables prescribed under RCW 9.94A.310 and 9.94A.320, a standard
21 range for each offender under its supervision who is not on parole. If
22 an offender's crime does not have a sentence range or if the law
23 defining the crime has been amended since the commission of the
24 offense, the board shall select that range that, in the board's
25 opinion, includes crimes that are most similar to the offender's crime.
26 For each offender for whom the board has selected a standard range, the
27 board shall provide to the sentencing court a report containing the

1 standard range and any other information the board considers relevant
2 to the offender.

3 (2) Each sentencing court shall establish, using the tables
4 prescribed under RCW 9.94A.310 and 9.94A.320, a standard range for each
5 offender serving a sentence under RCW 9.95.011 (section 7, chapter 224,
6 Laws of 1986) and for each offender who, after the effective date of
7 this section, is convicted of a crime committed before July 1, 1984.
8 If an offender's crime does not have a sentence range or if the law
9 defining the crime has been amended since the commission of the
10 offense, the court shall select that range that, in the court's
11 opinion, includes crimes that are most similar to the offender's crime.

12 (3) On each offender for whom a sentencing range has been
13 established under subsection (1) or (2) of this section, the court
14 shall either impose a determinate term of confinement within that range
15 or impose an exceptional term of confinement outside the range. The
16 court shall also impose a determinate term of postrelease supervision
17 on the offender for a period not to exceed two years if the court
18 believes the offender should be subject to postrelease supervision,
19 given the nature of the offender's criminal conduct and the
20 circumstances when such supervision is required under chapter 9.94A
21 RCW.

22 In imposing a determinate term of confinement, including an
23 exceptional sentence, the court may consider any information that it
24 considers relevant to the offender, including, but not limited to, any
25 information the indeterminate sentence review board would have been
26 authorized to consider in setting a minimum term or making parole
27 decisions for the offender. The court may impose a term of confinement
28 outside the range only if it finds that there are substantial and
29 compelling reasons justifying the exceptional term. Whenever the court
30 imposes a term outside the range, it shall set forth the reasons for

1 its decision in written findings of fact and conclusions of law. A
2 sentence outside the range is a determinate sentence and is subject to
3 RCW 9.94A.210.

4 The court may revise a determinate term of confinement or
5 postrelease supervision set under this section, but in doing so shall
6 conform to the rules and standards that were applicable to the setting
7 of the determinate term.

8 (4) Each offender on parole on January 1, 1993, is released from
9 parole and placed on postrelease supervision for a period which shall
10 be the shorter of two years or the amount of time left on the
11 offender's statutory maximum term of imprisonment. The period shall be
12 reduced for time served on parole. Each offender for whom the
13 indeterminate sentence review board has scheduled a parole release date
14 that falls on or after January 1, 1993, shall be released from
15 confinement on the date scheduled for release, but only if (a) the
16 board has not subsequently denied the scheduled release, and (b) the
17 secretary of corrections, on or after January 1, 1993, has not denied
18 the release. The secretary may deny the release only for good cause,
19 such as the offender's bad conduct while in confinement or a clear
20 mistake or oversight in the setting of the release date. The court
21 shall specify a determinate term of postrelease supervision, not to
22 exceed two years, for each offender who is released under this
23 subsection after January 1, 1993, and who the court believes should be
24 subject to postrelease supervision, given the nature of the offender's
25 criminal conduct and the circumstances when such supervision is
26 required under chapter 9.94A RCW. Subsections (2) and (3) of this
27 section do not apply to an offender whom the indeterminate sentence
28 review board has scheduled for release on parole, unless the release
29 date is denied under this subsection.

1 (5) To the extent not inconsistent with this section, the terms,
2 conditions, and rules relating to postrelease supervision required
3 under this section, and the administration of such supervision, shall
4 be as provided for offenders on postrelease supervision under chapter
5 9.94A RCW.

6 NEW SECTION. **Sec. 7.** An offender who believes that he or she
7 has completed his or her sentence may petition the superior court for
8 restoration of civil rights. If the court finds that the sentence has
9 been fully completed, it shall provide the offender with a certificate
10 specifying that the offender has completed his or her sentence and that
11 all civil rights lost by operation of convictions are restored to the
12 offender.

13 NEW SECTION. **Sec. 8.** The supreme court is requested to adopt
14 rules to govern the implementation of this chapter by the superior
15 courts. Among other things, the rules should specify the appropriate
16 superior court to exercise jurisdiction under this chapter in
17 circumstances where the offender is under sentence for more than one
18 crime committed before July 1, 1984, and has been sentenced by more
19 than one superior court for those crimes.

20 NEW SECTION. **Sec. 9.** The department of corrections shall
21 assist the judiciary in fulfilling its responsibilities under this
22 chapter, including the preparation of written recommendations.

23 NEW SECTION. **Sec. 10.** Nothing in this chapter may be construed
24 to create any eligibility for persons sentenced to mandatory life
25 without parole or sentenced to the death penalty for a crime committed

1 before July 1, 1984, to be released from confinement under this
2 chapter.

3 NEW SECTION. **Sec. 11.** All references to the indeterminate
4 sentence review board in the Revised Code of Washington shall be
5 construed to mean the superior courts of the state of Washington or the
6 department of corrections, as appropriate.

7 NEW SECTION. **Sec. 12.** All reports, documents, surveys, books,
8 records, files, papers, or written material in the possession of the
9 indeterminate sentence review board shall be delivered to the custody
10 of the department of corrections. All cabinets, furniture, office
11 equipment, motor vehicles, and other tangible property employed by the
12 indeterminate sentence review board shall be made available to the
13 department of corrections. All funds, credits, or other assets held by
14 the indeterminate sentence review board shall be assigned to the
15 department of corrections.

16 Whenever any question arises as to the transfer of any personnel,
17 funds, books, documents, records, papers, files, equipment, or other
18 tangible property used or held in the exercise of the powers and the
19 performance of the duties and functions transferred, the director of
20 financial management shall make a determination as to the proper
21 allocation and certify the same to the state agencies concerned.

22 The transfer of the powers, duties, functions, and personnel of the
23 indeterminate sentence review board does not affect the validity of any
24 act performed before the effective date of this section.

25 **Sec. 13.** RCW 9A.20.021 and 1982 c 192 s 10 are each amended to
26 read as follows:

1 (1) Felony. No person convicted of a classified felony shall be
2 punished by confinement or fine exceeding the following:

3 (a) For a class A felony, by confinement in a state correctional
4 institution for a term of life imprisonment, or by a fine in an amount
5 fixed by the court of fifty thousand dollars, or by both such
6 confinement and fine;

7 (b) Except as provided in RCW 9.94A.120(4)(d) and (20) for a class
8 B felony, by confinement in a state correctional institution for a term
9 of ten years, or by a fine in an amount fixed by the court of twenty
10 thousand dollars, or by both such confinement and fine;

11 (c) For a class C felony, by confinement in a state correctional
12 institution for five years, or by a fine in an amount fixed by the
13 court of ten thousand dollars, or by both such confinement and fine.

14 (2) Gross Misdemeanor. Every person convicted of a gross
15 misdemeanor defined in Title 9A RCW shall be punished by imprisonment
16 in the county jail for a maximum term fixed by the court of not more
17 than one year, or by a fine in an amount fixed by the court of not more
18 than five thousand dollars, or by both such imprisonment and fine.

19 (3) Misdemeanor. Every person convicted of a misdemeanor defined
20 in Title 9A RCW shall be punished by imprisonment in the county jail
21 for a maximum term fixed by the court of not more than ninety days, or
22 by a fine in an amount fixed by the court of not more than one thousand
23 dollars, or by both such imprisonment and fine.

24 (4) This section applies to only those crimes committed on or after
25 July 1, 1984.

26 NEW SECTION. **Sec. 14.** A new section is added to chapter 72.09 RCW
27 to read as follows:

28 The secretary shall increase inmate participation in class I and
29 class II correctional industries work programs incrementally until a

1 combined total of fifty percent of all able and eligible inmates are
2 employed in class I and class II programs by December 30, 1996. All
3 inmates working in correctional industries programs shall deposit at
4 least fifty percent of their gross wages in a department of corrections
5 personal inmate savings account until the account reaches a minimum
6 total of two hundred fifty dollars. Thereafter, all inmates working in
7 class I, class II, class III, and class IV correctional industries
8 programs shall pay fifty percent of their gross wages earned, up to six
9 dollars per hour, toward the cost of incarceration so long as the
10 inmate has retained at least two hundred fifty dollars in a department
11 of corrections personal inmate savings account. The department shall
12 explore other methods of recovering a portion of the share of inmate
13 wages dedicated to the payment of the cost of incarceration, on
14 incentive programs that offer inmates benefits and amenities paid for
15 only from wages earned while working in a correctional industries
16 program. The department shall develop the necessary administrative
17 structure to recover inmates' wages and keep records of the amount
18 inmates pay for the costs of incarceration and amenities. All funds
19 gained from this section shall be deposited in a dedicated fund with
20 the department of corrections and shall be used only for the purpose of
21 enhancing and maintaining the correctional industries program until
22 December 31, 2000, and thereafter all funds shall be deposited in the
23 general fund.

24 NEW SECTION. **Sec. 15.** Effective January 1, 1993, the following
25 acts or parts of acts are each repealed:

26 (1) RCW 9.95.001 and 1986 c 224 s 2;

27 (2) RCW 9.95.0011 and 1989 c 259 s 4 & 1986 c 224 s 12;

28 (3) RCW 9.95.003 and 1986 c 224 s 3, 1975-'76 2nd ex.s. c 34 s 8,
29 1969 c 98 s 9, 1959 c 32 s 1, & 1955 c 340 s 9;

1 (4) RCW 9.95.005 and 1986 c 224 s 4, 1959 c 32 s 2, & 1955 c 340 s
2 10;

3 (5) RCW 9.95.007 and 1986 c 224 s 5, 1975-'76 2nd ex.s. c 63 s 1,
4 & 1959 c 32 s 3;

5 (6) RCW 9.95.009 and 1990 c 3 s 707, 1989 c 259 s 1, 1986 c 224 s
6 6, 1985 c 279 s 1, 1982 c 192 s 8, & 1981 c 137 s 24;

7 (7) RCW 9.95.010 and 1955 c 133 s 2;

8 (8) RCW 9.95.011 and 1986 c 224 s 7;

9 (9) RCW 9.95.013 and 1989 c 259 s 5;

10 (10) RCW 9.95.015 and 1986 c 224 s 8 & 1961 c 138 s 1;

11 (11) RCW 9.95.017 and 1986 c 224 s 11;

12 (12) RCW 9.95.020 and 1955 c 133 s 3;

13 (13) RCW 9.95.028 and 1984 c 114 s 1;

14 (14) RCW 9.95.030 and 1984 c 114 s 2 & 1955 c 133 s 4;

15 (15) RCW 9.95.031 and 1929 c 158 s 1;

16 (16) RCW 9.95.032 and 1984 c 114 s 3 & 1929 c 158 s 2;

17 (17) RCW 9.95.040 and 1986 c 224 s 9, 1975-'76 ex.s. c 63 s 2, 1961
18 c 138 s 2, & 1955 c 133 s 5;

19 (18) RCW 9.95.052 and 1986 c 224 s 10, 1983 c 196 s 1, & 1972 ex.s.
20 c 67 s 1;

21 (19) RCW 9.95.055 and 1951 c 239 s 1;

22 (20) RCW 9.95.090 and 1955 c 133 s 10;

23 (21) RCW 9.95.100 and 1955 c 133 s 11;

24 (22) RCW 9.95.110 and 1955 c 133 s 12;

25 (23) RCW 9.95.115 and 1989 c 259 s 3 & 1951 c 238 s 1;

26 (24) RCW 9.95.116 and 1989 c 259 s 2;

27 (25) RCW 9.95.120 and 1981 c 136 s 37, 1979 c 141 s 2, 1969 c 98 s
28 2, 1961 c 106 s 2, & 1955 c 133 s 13;

29 (26) RCW 9.95.121 and 1981 c 136 s 38, 1979 c 141 s 3, & 1969 c 98
30 s 6;

- 1 (27) RCW 9.95.122 and 1969 c 98 s 4;
- 2 (28) RCW 9.95.123 and 1969 c 98 s 5;
- 3 (29) RCW 9.95.124 and 1983 c 196 s 2, 1981 c 136 s 39, 1979 c 141
- 4 s 4, & 1969 c 98 s 6;
- 5 (30) RCW 9.95.125 and 1969 c 98 s 7;
- 6 (31) RCW 9.95.126 and 1969 c 98 s 8;
- 7 (32) RCW 9.95.130 and 1955 c 133 s 14;
- 8 (33) RCW 9.95.140 and 1990 c 3 s 126 & 1955 c 133 s 15;
- 9 (34) RCW 9.95.145 and 1990 c 3 s 127;
- 10 (35) RCW 9.95.150 and 1955 c 133 s 16;
- 11 (36) RCW 9.95.160 and 1955 c 133 s 17;
- 12 (37) RCW 9.95.170 and 1981 c 136 s 40, 1979 c 141 s 5, 1967 c 134
- 13 s 13, & 1935 c 114 s 3;
- 14 (38) RCW 9.95.190 and 1983 c 3 s 10 & 1955 c 133 s 18;
- 15 (39) RCW 9.95.200 and 1981 c 136 s 41, 1979 c 141 s 6, 1967 c 134
- 16 s 15, & 1957 c 227 s 3;
- 17 (40) RCW 9.95.210 and 1987 c 202 s 146, 1984 c 46 s 1, 1983 c 156
- 18 s 4, 1982 1st ex.s. c 47 s 10, 1982 1st ex.s. c 8 s 5, 1981 c 136 s 42,
- 19 & 1980 c 19 s 1;
- 20 (41) RCW 9.95.220 and 1957 c 227 s 5;
- 21 (42) RCW 9.95.230 and 1982 1st ex.s. c 47 s 11 & 1957 c 227 s 6;
- 22 (43) RCW 9.95.240 and 1957 c 227 s 7;
- 23 (44) RCW 9.95.250 and 1981 c 136 s 43, 1979 c 141 s 8, 1967 c 134
- 24 s 17, & 1957 c 227 s 8;
- 25 (45) RCW 9.95.260 and 1981 c 136 s 44, 1979 c 141 s 9, 1967 c 134
- 26 s 14, & 1935 c 114 s 7;
- 27 (46) RCW 9.95.265 and 1977 c 75 s 5 & 1955 c 340 s 11;
- 28 (47) RCW 9.95.270 and 1937 c 92 s 1;
- 29 (48) RCW 9.95.280 and 1955 c 183 s 1;
- 30 (49) RCW 9.95.290 and 1955 c 183 s 2;

1 (50) RCW 9.95.300 and 1955 c 183 s 3;
2 (51) RCW 9.95.310 and 1986 c 125 s 1, 1971 ex.s. c 31 s 1, & 1961
3 c 217 s 2;
4 (52) RCW 9.95.320 and 1986 c 125 s 2, 1981 c 136 s 45, 1971 ex.s.
5 c 31 s 2, & 1961 c 217 s 3;
6 (53) RCW 9.95.330 and 1981 c 136 s 46, 1971 ex.s. c 31 s 3, & 1961
7 c 217 s 4;
8 (54) RCW 9.95.340 and 1986 c 125 s 3, 1981 c 136 s 47, 1971 ex.s.
9 c 31 s 4, & 1961 c 217 s 5;
10 (55) RCW 9.95.350 and 1986 c 125 s 4, 1981 c 136 s 48, 1971 ex.s.
11 c 31 s 5, & 1961 c 217 s 6;
12 (56) RCW 9.95.360 and 1986 c 125 s 5, 1981 c 136 s 49, 1971 ex.s.
13 c 31 s 6, and 1961 c 217 s 7;
14 (57) RCW 9.95.370 and 1981 c 136 s 50, 1971 ex.s. c 31 s 7, & 1961
15 c 217 s 8;
16 (58) RCW 9.95.900 and 1981 c 137 s 32;
17 (59) RCW 9.96.050 and 1980 c 75 s 1 & 1961 c 187 s 1;
18 (60) RCW 72.04A.050 and 1981 c 136 s 81, 1979 c 141 s 173, & 1967
19 c 134 s 7;
20 (61) RCW 72.04A.070 and 1981 c 136 s 82, 1979 c 141 s 174, & 1967
21 c 134 s 9;
22 (62) RCW 72.04A.080 and 1981 c 136 s 83, 1979 c 141 s 175, & 1967
23 c 134 s 10;
24 (63) RCW 72.04A.090 and 1981 c 136 s 84, 1979 c 141 s 176, 1969 c
25 98 s 1, & 1967 c 134 s 11;
26 (64) RCW 72.04A.120 and 1991 c 104 s 2, 1989 c 252 s 20, & 1982 c
27 207 s 1; and
28 (65) RCW 72.04A.900 and 1981 c 137 s 34.

1 NEW SECTION. **Sec. 16.** The legislature intends that counties be
2 reimbursed for costs incurred during this fiscal biennium as a result
3 of the transfer of jurisdiction of offenders under the indeterminate
4 sentence review board to the sentencing courts and that such
5 reimbursement be at a rate not exceeding two thousand dollars per
6 offender. Any funds appropriated to the indeterminate sentence review
7 board and remaining unexpended on January 1, 1993, are transferred to
8 the office of financial management. The office shall develop a formula
9 for reimbursement and shall disburse the funds to the counties in
10 accordance with that formula. The office of financial management shall
11 seek the advice of the administrator for the courts in adopting the
12 formula and in determining which counties qualify for the reimbursement
13 and the amounts required. If the counties do not use any or all of the
14 funds available for reimbursement by the last day of the biennium, any
15 remaining funds shall lapse and revert to the general fund of the state
16 of Washington.

17 NEW SECTION. **Sec. 17.** Sections 5 through 11 of this act are
18 added to chapter 9.95 RCW.

19 NEW SECTION. **Sec. 18.** (1) Sections 5 through 10 of this act
20 are necessary for the immediate preservation of the public peace,
21 health, or safety, or support of the state government and its existing
22 public institutions, and shall take effect immediately.

23 (2) Sections 1 through 4 and 11 through 14 of this act shall take
24 effect June 30, 1992.

25 (3) Sections 15 and 16 of this act shall take effect January 1,
26 1993.

1 NEW SECTION. **Sec. 19.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.