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**BILL REQUEST - CODE REVISER'S OFFICE**

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BILL REQ. #: AMH-W/96

ATTY/TYPIST: BR:mmc

BRIEF TITLE:

2 **SSB 6274** - H COMM AMD  
3 By Committee on Appropriations

4 ADOPTED AS AMENDED 3/1/96

5 Strike everything after the enacting clause and insert the  
6 following:

7 "NEW SECTION. **Sec. 1.** The legislature finds that improving the  
8 supervision of convicted sex offenders in the community upon release  
9 from incarceration is a substantial public policy goal, in that  
10 effective supervision accomplishes many purposes including protecting  
11 the community, supporting crime victims, assisting offenders to change,  
12 and providing important information to decision makers.

13 **Sec. 2.** RCW 9.94A.120 and 1995 c 108 s 3 are each amended to read  
14 as follows:

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

17 (1) Except as authorized in subsections (2), (4), (5), (6), and (8)  
18 of this section, the court shall impose a sentence within the sentence  
19 range for the offense.

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

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

28 (4) A persistent offender shall be sentenced to a term of total  
29 confinement for life without the possibility of parole or, when  
30 authorized by RCW 10.95.030 for the crime of aggravated murder in the  
31 first degree, sentenced to death, notwithstanding the maximum sentence  
32 under any other law. An offender convicted of the crime of murder in  
33 the first degree shall be sentenced to a term of total confinement not  
34 less than twenty years. An offender convicted of the crime of assault  
35 in the first degree or assault of a child in the first degree where the

1 offender used force or means likely to result in death or intended to  
2 kill the victim shall be sentenced to a term of total confinement not  
3 less than five years. An offender convicted of the crime of rape in  
4 the first degree shall be sentenced to a term of total confinement not  
5 less than five years. The foregoing minimum terms of total confinement  
6 are mandatory and shall not be varied or modified as provided in  
7 subsection (2) of this section. In addition, all offenders subject to  
8 the provisions of this subsection shall not be eligible for community  
9 custody, earned early release time, furlough, home detention, partial  
10 confinement, work crew, work release, or any other form of early  
11 release as defined under RCW 9.94A.150 (1), (2), (3), (5), (7), or (8),  
12 or any other form of authorized leave of absence from the correctional  
13 facility while not in the direct custody of a corrections officer or  
14 officers during such minimum terms of total confinement except in the  
15 case of an offender in need of emergency medical treatment or for the  
16 purpose of commitment to an inpatient treatment facility in the case of  
17 an offender convicted of the crime of rape in the first degree.

18 (5) In sentencing a first-time offender the court may waive the  
19 imposition of a sentence within the sentence range and impose a  
20 sentence which may include up to ninety days of confinement in a  
21 facility operated or utilized under contract by the county and a  
22 requirement that the offender refrain from committing new offenses.  
23 The sentence may also include up to two years of community supervision,  
24 which, in addition to crime-related prohibitions, may include  
25 requirements that the offender perform any one or more of the  
26 following:

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

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

31 (c) Pursue a prescribed, secular course of study or vocational  
32 training;

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

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

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

1 (6)(a) An offender is eligible for the special drug offender  
2 sentencing alternative if:

3 (i) The offender is convicted of the manufacture, delivery, or  
4 possession with intent to manufacture or deliver a controlled substance  
5 classified in Schedule I or II that is a narcotic drug or a felony that  
6 is, under chapter 9A.28 RCW or RCW 69.50.407, a criminal attempt,  
7 criminal solicitation, or criminal conspiracy to commit such crimes,  
8 and the violation does not involve a sentence enhancement under RCW  
9 9.94A.310(3) or (4);

10 (ii) The offender has no prior convictions for a felony in this  
11 state, another state, or the United States; and

12 (iii) The offense involved only a small quantity of the particular  
13 controlled substance as determined by the judge upon consideration of  
14 such factors as the weight, purity, packaging, sale price, and street  
15 value of the controlled substance.

16 (b) If the midpoint of the standard range is greater than one year  
17 and the sentencing judge determines that the offender is eligible for  
18 this option and that the offender and the community will benefit from  
19 the use of the special drug offender sentencing alternative, the judge  
20 may waive imposition of a sentence within the standard range and impose  
21 a sentence that must include a period of total confinement in a state  
22 facility for one-half of the midpoint of the standard range. During  
23 incarceration in the state facility, offenders sentenced under this  
24 subsection shall undergo a comprehensive substance abuse assessment and  
25 receive, within available resources, treatment services appropriate for  
26 the offender. The treatment services shall be designed by the division  
27 of alcohol and substance abuse of the department of social and health  
28 services, in cooperation with the department of corrections. If the  
29 midpoint of the standard range is twenty-four months or less, no more  
30 than three months of the sentence may be served in a work release  
31 status. The court shall also impose one year of concurrent community  
32 custody and community supervision that must include appropriate  
33 outpatient substance abuse treatment, crime-related prohibitions  
34 including a condition not to use illegal controlled substances, and a  
35 requirement to submit to urinalysis or other testing to monitor that  
36 status. The court may require that the monitoring for controlled  
37 substances be conducted by the department or by a treatment  
38 ~~((alternative[s]))~~ alternatives to street crime program or a comparable  
39 court or agency-referred program. The offender may be required to pay

1 thirty dollars per month while on community custody to offset the cost  
2 of monitoring. In addition, the court shall impose three or more of  
3 the following conditions:

4 (i) Devote time to a specific employment or training;

5 (ii) Remain within prescribed geographical boundaries and notify  
6 the court or the community corrections officer before any change in the  
7 offender's address or employment;

8 (iii) Report as directed to a community corrections officer;

9 (iv) Pay all court-ordered legal financial obligations;

10 (v) Perform community service work;

11 (vi) Stay out of areas designated by the sentencing judge.

12 (c) If the offender violates any of the sentence conditions in (b)  
13 of this subsection, the department shall impose sanctions  
14 administratively, with notice to the prosecuting attorney and the  
15 sentencing court. Upon motion of the court or the prosecuting  
16 attorney, a violation hearing shall be held by the court. If the court  
17 finds that conditions have been willfully violated, the court may  
18 impose confinement consisting of up to the remaining one-half of the  
19 midpoint of the standard range. All total confinement served during  
20 the period of community custody shall be credited to the offender,  
21 regardless of whether the total confinement is served as a result of  
22 the original sentence, as a result of a sanction imposed by the  
23 department, or as a result of a violation found by the court. The term  
24 of community supervision shall be tolled by any period of time served  
25 in total confinement as a result of a violation found by the court.

26 (d) The department shall determine the rules for calculating the  
27 value of a day fine based on the offender's income and reasonable  
28 obligations which the offender has for the support of the offender and  
29 any dependents. These rules shall be developed in consultation with  
30 the administrator for the courts, the office of financial management,  
31 and the commission.

32 (7) If a sentence range has not been established for the  
33 defendant's crime, the court shall impose a determinate sentence which  
34 may include not more than one year of confinement, community service  
35 work, a term of community supervision not to exceed one year, and/or  
36 other legal financial obligations. The court may impose a sentence  
37 which provides more than one year of confinement if the court finds,  
38 considering the purpose of this chapter, that there are substantial and  
39 compelling reasons justifying an exceptional sentence.

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

8 The report of the examination shall include at a minimum the  
9 following: The defendant's version of the facts and the official  
10 version of the facts, the defendant's offense history, an assessment of  
11 problems in addition to alleged deviant behaviors, the offender's  
12 social and employment situation, and other evaluation measures used.  
13 The report shall set forth the sources of the evaluator's information.

14 The examiner shall assess and report regarding the defendant's  
15 amenability to treatment and relative risk to the community. A  
16 proposed treatment plan shall be provided and shall include, at a  
17 minimum:

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

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

21 (C) Monitoring plans, including any requirements regarding living  
22 conditions, lifestyle requirements, and monitoring by family members  
23 and others;

24 (D) Anticipated length of treatment; and

25 (E) Recommended crime-related prohibitions.

26 The court on its own motion may order, or on a motion by the state  
27 shall order, a second examination regarding the offender's amenability  
28 to treatment. The evaluator shall be selected by the party making the  
29 motion. The defendant shall pay the cost of any second examination  
30 ordered unless the court finds the defendant to be indigent in which  
31 case the state shall pay the cost.

32 (ii) After receipt of the reports, the court shall consider whether  
33 the offender and the community will benefit from use of this special  
34 sexual offender sentencing alternative and consider the victim's  
35 opinion whether the offender should receive a treatment disposition  
36 under this subsection. If the court determines that this special sex  
37 offender sentencing alternative is appropriate, the court shall then  
38 impose a sentence within the sentence range. If this sentence is less

1 than eight years of confinement, the court may suspend the execution of  
2 the sentence and impose the following conditions of suspension:

3 (A) The court shall place the defendant on community  
4 (~~supervision~~) custody for the length of the suspended sentence or  
5 three years, whichever is greater, and require the offender to comply  
6 with any conditions imposed by the department of corrections under  
7 subsection (14) of this section; and

8 (B) The court shall order treatment for any period up to three  
9 years in duration. The court in its discretion shall order outpatient  
10 sex offender treatment or inpatient sex offender treatment, if  
11 available. A community mental health center may not be used for such  
12 treatment unless it has an appropriate program designed for sex  
13 offender treatment. The offender shall not change sex offender  
14 treatment providers or treatment conditions without first notifying the  
15 prosecutor, the community corrections officer, and the court, and shall  
16 not change providers without court approval after a hearing if the  
17 prosecutor or community corrections officer object to the change. In  
18 addition, as conditions of the suspended sentence, the court may impose  
19 other sentence conditions including up to six months of confinement,  
20 not to exceed the sentence range of confinement for that offense,  
21 crime-related prohibitions, and requirements that the offender perform  
22 any one or more of the following:

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

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

27 (III) Report as directed to the court and a community corrections  
28 officer;

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

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

34 (iii) The sex offender therapist shall submit quarterly reports on  
35 the defendant's progress in treatment to the court and the parties.  
36 The report shall reference the treatment plan and include at a minimum  
37 the following: Dates of attendance, defendant's compliance with  
38 requirements, treatment activities, the defendant's relative progress

1 in treatment, and any other material as specified by the court at  
2 sentencing.

3 (iv) At the time of sentencing, the court shall set a treatment  
4 termination hearing for three months prior to the anticipated date for  
5 completion of treatment. Prior to the treatment termination hearing,  
6 the treatment professional and community corrections officer shall  
7 submit written reports to the court and parties regarding the  
8 defendant's compliance with treatment and monitoring requirements, and  
9 recommendations regarding termination from treatment, including  
10 proposed community supervision conditions. Either party may request  
11 and the court may order another evaluation regarding the advisability  
12 of termination from treatment. The defendant shall pay the cost of any  
13 additional evaluation ordered unless the court finds the defendant to  
14 be indigent in which case the state shall pay the cost. At the  
15 treatment termination hearing the court may: (A) Modify conditions of  
16 community (~~supervision~~) custody, and either (B) terminate treatment,  
17 or (C) extend treatment for up to the remaining period of community  
18 (~~supervision~~) custody.

19 (v) If a violation of conditions occurs during community custody,  
20 the department shall either impose sanctions as provided for in RCW  
21 9.94A.205(2)(a) or refer the violation to the court and recommend  
22 revocation of the suspended sentence as provided for in (a)(vi) of this  
23 subsection.

24 (vi) The court may revoke the suspended sentence at any time during  
25 the period of community (~~supervision~~) custody and order execution of  
26 the sentence if: (A) The defendant violates the conditions of the  
27 suspended sentence, or (B) the court finds that the defendant is  
28 failing to make satisfactory progress in treatment. All confinement  
29 time served during the period of community (~~supervision~~) custody  
30 shall be credited to the offender if the suspended sentence is revoked.

31 (~~(vi)~~) (vii) Except as provided in (a)(~~(vii)~~)(viii) of this  
32 subsection, after July 1, 1991, examinations and treatment ordered  
33 pursuant to this subsection shall only be conducted by sex offender  
34 treatment providers certified by the department of health pursuant to  
35 chapter 18.155 RCW.

36 (~~(vii)~~) (viii) A sex offender therapist who examines or treats a  
37 sex offender pursuant to this subsection (8) does not have to be  
38 certified by the department of health pursuant to chapter 18.155 RCW if  
39 the court finds that: (A) The offender has already moved to another



1 state or plans to move to another state for reasons other than  
2 circumventing the certification requirements; (B) no certified  
3 providers are available for treatment within a reasonable geographical  
4 distance of the offender's home; and (C) the evaluation and treatment  
5 plan comply with this subsection (8) and the rules adopted by the  
6 department of health.

7 For purposes of this subsection, "victim" means any person who has  
8 sustained emotional, psychological, physical, or financial injury to  
9 person or property as a result of the crime charged. "Victim" also  
10 means a parent or guardian of a victim who is a minor child unless the  
11 parent or guardian is the perpetrator of the offense.

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

19 Except for an offender who has been convicted of a violation of RCW  
20 9A.44.040 or 9A.44.050, if the offender completes the treatment program  
21 before the expiration of his or her term of confinement, the department  
22 of corrections may request the court to convert the balance of  
23 confinement to community supervision and to place conditions on the  
24 offender including crime-related prohibitions and requirements that the  
25 offender perform any one or more of the 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;
- 30 (iii) Report as directed to the court and a community corrections  
31 officer;
- 32 (iv) Undergo available outpatient treatment.

33 If the offender violates any of the terms of his or her community  
34 supervision, the court may order the offender to serve out the balance  
35 of his or her community supervision term in confinement in the custody  
36 of the department of corrections.

37 Nothing in this subsection (8)(b) shall confer eligibility for such  
38 programs for offenders convicted and sentenced for a sex offense

1 committed prior to July 1, 1987. This subsection (8)(b) does not apply  
2 to any crime committed after July 1, 1990.

3 (c) Offenders convicted and sentenced for a sex offense committed  
4 prior to July 1, 1987, may, subject to available funds, request an  
5 evaluation by the department of corrections to determine whether they  
6 are amenable to treatment. If the offender is determined to be  
7 amenable to treatment, the offender may request placement in a  
8 treatment program within a correctional facility operated by the  
9 department. Placement in such treatment program is subject to  
10 available funds.

11 (9)(a) When a court sentences a person to a term of total  
12 confinement to the custody of the department of corrections for an  
13 offense categorized as a sex offense or a serious violent offense  
14 committed after July 1, 1988, but before July 1, 1990, assault in the  
15 second degree, assault of a child in the second degree, any crime  
16 against a person where it is determined in accordance with RCW  
17 9.94A.125 that the defendant or an accomplice was armed with a deadly  
18 weapon at the time of commission, or any felony offense under chapter  
19 69.50 or 69.52 RCW not sentenced under subsection (6) of this section,  
20 committed on or after July 1, 1988, the court shall in addition to the  
21 other terms of the sentence, sentence the offender to a one-year term  
22 of community placement beginning either upon completion of the term of  
23 confinement or at such time as the offender is transferred to community  
24 custody in lieu of earned early release in accordance with RCW  
25 9.94A.150 (1) and (2). When the court sentences an offender under this  
26 subsection to the statutory maximum period of confinement then the  
27 community placement portion of the sentence shall consist entirely of  
28 such community custody to which the offender may become eligible, in  
29 accordance with RCW 9.94A.150 (1) and (2). Any period of community  
30 custody actually served shall be credited against the community  
31 placement portion of the sentence.

32 (b) When a court sentences a person to a term of total confinement  
33 to the custody of the department of corrections for an offense  
34 categorized as a sex offense committed on or after July 1, 1990, but  
35 before the effective date of this act, or a serious violent offense  
36 committed on or after July 1, 1990, the court shall in addition to  
37 other terms of the sentence, sentence the offender to community  
38 placement for two years or up to the period of earned early release  
39 awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer.

1 The community placement shall begin either upon completion of the term  
2 of confinement or at such time as the offender is transferred to  
3 community custody in lieu of earned early release in accordance with  
4 RCW 9.94A.150 (1) and (2). When the court sentences an offender under  
5 this subsection to the statutory maximum period of confinement then the  
6 community placement portion of the sentence shall consist entirely of  
7 the community custody to which the offender may become eligible, in  
8 accordance with RCW 9.94A.150 (1) and (2). Any period of community  
9 custody actually served shall be credited against the community  
10 placement portion of the sentence. Unless a condition is waived by the  
11 court, the terms of community placement for offenders sentenced  
12 pursuant to this section shall include the following conditions:

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

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

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

19 (iv) An offender in community custody shall not unlawfully possess  
20 controlled substances;

21 (v) The offender shall pay supervision fees as determined by the  
22 department of corrections; and

23 (vi) The residence location and living arrangements are subject to  
24 the prior approval of the department of corrections during the period  
25 of community placement.

26 (c) As a part of any sentence imposed under (a) or (b) of this  
27 subsection, the court may also order any of the following special  
28 conditions:

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

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

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

35 (iv) The offender shall not consume alcohol; or

36 (v) The offender shall comply with any crime-related prohibitions.

37 (d) Prior to transfer to, or during, community placement, any  
38 conditions of community placement may be removed or modified so as not

1 to be more restrictive by the sentencing court, upon recommendation of  
2 the department of corrections.

3 (10)(a) When a court sentences a person to the custody of the  
4 department of corrections for an offense categorized as a sex offense  
5 committed on or after the effective date of this act, the court shall,  
6 in addition to other terms of the sentence, sentence the offender to  
7 community custody for three years or up to the period of earned early  
8 release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is  
9 longer. The community custody shall begin either upon completion of  
10 the term of confinement or at such time as the offender is transferred  
11 to community custody in lieu of earned early release in accordance with  
12 RCW 9.94A.150 (1) and (2).

13 (b) Unless a condition is waived by the court, the terms of  
14 community custody shall be the same as those provided for in subsection  
15 (9)(b) of this section and may include those provided for in subsection  
16 (9)(c) of this section. As part of any sentence that includes a term  
17 of community custody imposed under this subsection, the court shall  
18 also require the offender to comply with any conditions imposed by the  
19 department of corrections under subsection (14) of this section.

20 (c) At any time prior to the completion of a sex offender's term of  
21 community custody, if the court finds that public safety would be  
22 enhanced, the court may impose and enforce an order extending any or  
23 all of the conditions imposed pursuant to this section for a period up  
24 to the maximum allowable sentence for the crime as it is classified in  
25 chapter 9A.20 RCW, regardless of the expiration of the offender's term  
26 of community custody. If a violation of a condition extended under  
27 this subsection occurs after the expiration of the offender's term of  
28 community custody, it shall be deemed a violation of the sentence for  
29 the purposes of RCW 9.94A.195 and may be punishable as contempt of  
30 court as provided for in RCW 7.21.040.

31 (11) If the court imposes a sentence requiring confinement of  
32 thirty days or less, the court may, in its discretion, specify that the  
33 sentence be served on consecutive or intermittent days. A sentence  
34 requiring more than thirty days of confinement shall be served on  
35 consecutive days. Local jail administrators may schedule court-ordered  
36 intermittent sentences as space permits.

37 ~~((11))~~ (12) If a sentence imposed includes payment of a legal  
38 financial obligation, the sentence shall specify the total amount of  
39 the legal financial obligation owed, and shall require the offender to

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

19 ~~((12))~~ (13) Except as provided under RCW 9.94A.140(1) and  
20 9.94A.142(1), a court may not impose a sentence providing for a term of  
21 confinement or community supervision or community placement which  
22 exceeds the statutory maximum for the crime as provided in chapter  
23 9A.20 RCW.

24 ~~((13))~~ (14) All offenders sentenced to terms involving community  
25 supervision, community service, community placement, or legal financial  
26 obligation shall be under the supervision of the ~~((secretary of the))~~  
27 department of corrections ~~((or such person as the secretary may~~  
28 ~~designate))~~ and shall follow explicitly the instructions and conditions  
29 of the ~~((secretary including))~~ department of corrections.

30 (a) The instructions shall include, at a minimum, reporting as  
31 directed to a community corrections officer, remaining within  
32 prescribed geographical boundaries, notifying the community corrections  
33 officer of any change in the offender's address or employment, and  
34 paying the supervision fee assessment.

35 (b) For sex offenders sentenced to terms involving community  
36 custody for crimes committed on or after the effective date of this  
37 act, the department may include, in addition to the instructions in (a)  
38 of this subsection, any appropriate conditions of supervision,  
39 including but not limited to, prohibiting the offender from having

1 contact with any other specified individuals or specific class of  
2 individuals. The conditions authorized under this subsection (14)(b)  
3 may be imposed by the department prior to or during a sex offenders'  
4 community custody term. If a violation of conditions imposed by the  
5 court or the department pursuant to subsection (10) of this section  
6 occurs during community custody, it shall be deemed a violation of  
7 community placement for the purposes of RCW 9.94A.207 and shall  
8 authorize the department to transfer an offender to a more restrictive  
9 confinement status as provided in RCW 9.94A.205. At any time prior to  
10 the completion of a sex offender's term of community custody, the  
11 department may recommend to the court that any or all of the conditions  
12 imposed by the court or the department pursuant to subsection (10) of  
13 this section be continued beyond the expiration of the offender's term  
14 of community custody as authorized in subsection (10)(c) of this  
15 section.

16 The department may require offenders to pay for special services  
17 rendered on or after July 25, 1993, including electronic monitoring,  
18 day reporting, and telephone reporting, dependent upon the offender's  
19 ability to pay. The department may pay for these services for  
20 offenders who are not able to pay.

21 ~~((14))~~ (15) All offenders sentenced to terms involving community  
22 supervision, community service, or community placement under the  
23 supervision of the department of corrections shall not own, use, or  
24 possess firearms or ammunition. Offenders who own, use, or are found  
25 to be in actual or constructive possession of firearms or ammunition  
26 shall be subject to the appropriate violation process and sanctions.  
27 "Constructive possession" as used in this subsection means the power  
28 and intent to control the firearm or ammunition. "Firearm" as used in  
29 this subsection means a weapon or device from which a projectile may be  
30 fired by an explosive such as gunpowder.

31 ~~((15))~~ (16) The sentencing court shall give the offender credit  
32 for all confinement time served before the sentencing if that  
33 confinement was solely in regard to the offense for which the offender  
34 is being sentenced.

35 ~~((16))~~ (17) A departure from the standards in RCW 9.94A.400 (1)  
36 and (2) governing whether sentences are to be served consecutively or  
37 concurrently is an exceptional sentence subject to the limitations in  
38 subsections (2) and (3) of this section, and may be appealed by the  
39 defendant or the state as set forth in RCW 9.94A.210 (2) through (6).

1       (~~(17)~~) (18) The court shall order restitution whenever the  
2 offender is convicted of a felony that results in injury to any person  
3 or damage to or loss of property, whether the offender is sentenced to  
4 confinement or placed under community supervision, unless extraordinary  
5 circumstances exist that make restitution inappropriate in the court's  
6 judgment. The court shall set forth the extraordinary circumstances in  
7 the record if it does not order restitution.

8       (~~(18)~~) (19) As a part of any sentence, the court may impose and  
9 enforce an order that relates directly to the circumstances of the  
10 crime for which the offender has been convicted, prohibiting the  
11 offender from having any contact with other specified individuals or a  
12 specific class of individuals for a period not to exceed the maximum  
13 allowable sentence for the crime, regardless of the expiration of the  
14 offender's term of community supervision or community placement.

15       (~~(19)~~) (20) In any sentence of partial confinement, the court may  
16 require the defendant to serve the partial confinement in work release,  
17 in a program of home detention, on work crew, or in a combined program  
18 of work crew and home detention.

19       (~~(20)~~) (21) All court-ordered legal financial obligations  
20 collected by the department and remitted to the county clerk shall be  
21 credited and paid where restitution is ordered. Restitution shall be  
22 paid prior to any other payments of monetary obligations.

23       **Sec. 3.** RCW 9.94A.205 and 1988 c 153 s 4 are each amended to read  
24 as follows:

25       (1) If an inmate violates any condition or requirement of community  
26 custody, the department may transfer the inmate to a more restrictive  
27 confinement status to serve up to the remaining portion of the  
28 sentence, less credit for any period actually spent in community  
29 custody or in detention awaiting disposition of an alleged violation  
30 and subject to the limitations of subsection (2) of this section.

31       (2)(a) For a sex offender sentenced to a term of community custody  
32 under RCW 9.94A.120(8) who violates any condition of community custody,  
33 the department may impose a sanction of up to sixty days confinement in  
34 a local correctional facility for each violation. If the department  
35 imposes a sanction, the department shall submit within seventy-two  
36 hours a report to the court and the prosecuting attorney outlining the  
37 violation or violations and the sanctions imposed.

1       (b) For a sex offender sentenced to a term of community custody  
2 under RCW 9.94A.120(10) who violates any condition of community custody  
3 after having completed his or her maximum term of total confinement,  
4 including time served on community custody in lieu of earned early  
5 release, the department may impose a sanction of up to sixty days in a  
6 local correctional facility for each violation.

7       (3) If an inmate is accused of violating any condition or  
8 requirement of community custody, he or she is entitled to a hearing  
9 before the department prior to the imposition of sanctions. The  
10 hearing shall be considered as inmate disciplinary proceedings and  
11 shall not be subject to chapter 34.05 RCW. The department shall  
12 develop hearing procedures and sanctions.

13       **Sec. 4.** RCW 9.94A.207 and 1988 c 153 s 5 are each amended to read  
14 as follows:

15       (1) The secretary may issue warrants for the arrest of any offender  
16 who violates a condition of community placement. The arrest warrants  
17 shall authorize any law enforcement or peace officer or community  
18 corrections officer of this state or any other state where such  
19 offender may be located, to arrest the offender and place him or her in  
20 total confinement pending disposition of the alleged violation. The  
21 department shall compensate the local jurisdiction at the office of  
22 financial management's adjudicated rate, in accordance with RCW  
23 70.48.440. A community corrections officer, if he or she has  
24 reasonable cause to believe an offender in community placement has  
25 violated a condition of community placement, may suspend the person's  
26 community placement status and arrest or cause the arrest and detention  
27 in total confinement of the offender, pending the determination of the  
28 secretary as to whether the violation has occurred. The community  
29 corrections officer shall report to the secretary all facts and  
30 circumstances and the reasons for the action of suspending community  
31 placement status. A violation of a condition of community placement  
32 shall be deemed a violation of the sentence for purposes of RCW  
33 9.94A.195. The authority granted to community corrections officers  
34 under this section shall be in addition to that set forth in RCW  
35 9.94A.195.

36       (2) Inmates, as defined in RCW (~~(72.09.020)~~) 72.09.015, who have  
37 been transferred to community custody and who are detained in a local  
38 correctional facility are the financial responsibility of the



1 department of corrections, except as provided in subsection (3) of this  
2 section. The community custody inmate shall be removed from the local  
3 correctional facility, except as provided in subsection (3) of this  
4 section, not later than eight days, excluding weekends and holidays,  
5 following admittance to the local correctional facility and  
6 notification that the inmate is available for movement to a state  
7 correctional institution. ~~((However, if good cause is shown,))~~

8 (3) The department may negotiate with local correctional  
9 authorities for an additional period of detention; however, sex  
10 offenders sanctioned for community custody violations under RCW  
11 9.94A.205(2) to a term of confinement shall remain in the local  
12 correctional facility for the complete term of the sanction. For  
13 confinement sanctions imposed under RCW 9.94A.205(2)(a), the local  
14 correctional facility shall be financially responsible. For  
15 confinement sanctions imposed under RCW 9.94A.205(2)(b), the department  
16 of corrections shall be financially responsible for that portion of the  
17 sanction served during the time in which the sex offender is on  
18 community custody in lieu of earned early release, and the local  
19 correctional facility shall be financially responsible for that portion  
20 of the sanction served by the sex offender after the time in which the  
21 sex offender is on community custody in lieu of earned early release.

22 **Sec. 5.** RCW 9.94A.030 and 1995 c 268 s 2, 1995 c 108 s 1, and 1995  
23 c 101 s 2 are each reenacted and amended to read as follows:

24 Unless the context clearly requires otherwise, the definitions in  
25 this section apply throughout this chapter.

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

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

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

1 (4) "Community custody" means that portion of an inmate's sentence  
2 of confinement in lieu of earned early release time or imposed pursuant  
3 to RCW 9.94A.120 (6), (8), or (10) served in the community subject to  
4 controls placed on the inmate's movement and activities by the  
5 department of corrections.

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

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

16 (7) "Community supervision" means a period of time during which a  
17 convicted offender is subject to crime-related prohibitions and other  
18 sentence conditions imposed by a court pursuant to this chapter or RCW  
19 16.52.200(6) or 46.61.524. For first-time offenders, the supervision  
20 may include crime-related prohibitions and other conditions imposed  
21 pursuant to RCW 9.94A.120(5). For purposes of the interstate compact  
22 for out-of-state supervision of parolees and probationers, RCW  
23 9.95.270, community supervision is the functional equivalent of  
24 probation and should be considered the same as probation by other  
25 states.

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

28 (9) "Conviction" means an adjudication of guilt pursuant to Titles  
29 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and  
30 acceptance of a plea of guilty.

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

1 any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the  
2 influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a),  
3 legal financial obligations may also include payment to a public agency  
4 of the expense of an emergency response to the incident resulting in  
5 the conviction, subject to the provisions in RCW 38.52.430.

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

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

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

28 (13) "Day fine" means a fine imposed by the sentencing judge that  
29 equals the difference between the offender's net daily income and the  
30 reasonable obligations that the offender has for the support of the  
31 offender and any dependents.

32 (14) "Day reporting" means a program of enhanced supervision  
33 designed to monitor the defendant's daily activities and compliance  
34 with sentence conditions, and in which the defendant is required to  
35 report daily to a specific location designated by the department or the  
36 sentencing judge.

37 (15) "Department" means the department of corrections.

38 (16) "Determinate sentence" means a sentence that states with  
39 exactitude the number of actual years, months, or days of total

1 confinement, of partial confinement, of community supervision, the  
2 number of actual hours or days of community service work, or dollars or  
3 terms of a legal financial obligation. The fact that an offender  
4 through "earned early release" can reduce the actual period of  
5 confinement shall not affect the classification of the sentence as a  
6 determinate sentence.

7 (17) "Disposable earnings" means that part of the earnings of an  
8 individual remaining after the deduction from those earnings of any  
9 amount required by law to be withheld. For the purposes of this  
10 definition, "earnings" means compensation paid or payable for personal  
11 services, whether denominated as wages, salary, commission, bonuses, or  
12 otherwise, and, notwithstanding any other provision of law making the  
13 payments exempt from garnishment, attachment, or other process to  
14 satisfy a court-ordered legal financial obligation, specifically  
15 includes periodic payments pursuant to pension or retirement programs,  
16 or insurance policies of any type, but does not include payments made  
17 under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050,  
18 or Title 74 RCW.

19 (18) "Drug offense" means:

20 (a) Any felony violation of chapter 69.50 RCW except possession of  
21 a controlled substance (RCW 69.50.401(d)) or forged prescription for a  
22 controlled substance (RCW 69.50.403);

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

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

29 (19) "Escape" means:

30 (a) Escape in the first degree (RCW 9A.76.110), escape in the  
31 second degree (RCW 9A.76.120), willful failure to return from furlough  
32 (RCW 72.66.060), willful failure to return from work release (RCW  
33 72.65.070), or willful failure to be available for supervision by the  
34 department while in community custody (RCW 72.09.310); or

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

38 (20) "Felony traffic offense" means:

1 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW  
2 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-  
3 and-run injury-accident (RCW 46.52.020(4)); or

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

7 (21) "Fines" means the requirement that the offender pay a specific  
8 sum of money over a specific period of time to the court.

9 (22)(a) "First-time offender" means any person who is convicted of  
10 a felony (i) not classified as a violent offense or a sex offense under  
11 this chapter, or (ii) that is not the manufacture, delivery, or  
12 possession with intent to manufacture or deliver a controlled substance  
13 classified in schedule I or II that is a narcotic drug, nor the  
14 manufacture, delivery, or possession with intent to deliver  
15 methamphetamine, its salts, isomers, and salts of its isomers as  
16 defined in RCW 69.50.206(d)(2), nor the selling for profit of any  
17 controlled substance or counterfeit substance classified in schedule I,  
18 RCW 69.50.204, except leaves and flowering tops of marihuana, and  
19 except as provided in (b) of this subsection, who previously has never  
20 been convicted of a felony in this state, federal court, or another  
21 state, and who has never participated in a program of deferred  
22 prosecution for a felony offense.

23 (b) For purposes of (a) of this subsection, a juvenile adjudication  
24 for an offense committed before the age of fifteen years is not a  
25 previous felony conviction except for adjudications of sex offenses and  
26 serious violent offenses.

27 (23) "Most serious offense" means any of the following felonies or  
28 a felony attempt to commit any of the following felonies, as now  
29 existing or hereafter amended:

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

33 (b) Assault in the second degree;

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

35 (d) Child molestation in the second degree;

36 (e) Controlled substance homicide;

37 (f) Extortion in the first degree;

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

39 (h) Indecent liberties;

- 1 (i) Kidnapping in the second degree;
- 2 (j) Leading organized crime;
- 3 (k) Manslaughter in the first degree;
- 4 (l) Manslaughter in the second degree;
- 5 (m) Promoting prostitution in the first degree;
- 6 (n) Rape in the third degree;
- 7 (o) Robbery in the second degree;
- 8 (p) Sexual exploitation;
- 9 (q) Vehicular assault;
- 10 (r) Vehicular homicide, when proximately caused by the driving of  
11 any vehicle by any person while under the influence of intoxicating  
12 liquor or any drug as defined by RCW 46.61.502, or by the operation of  
13 any vehicle in a reckless manner;
- 14 (s) Any other class B felony offense with a finding of sexual  
15 motivation, as "sexual motivation" is defined under this section;
- 16 (t) Any other felony with a deadly weapon verdict under RCW  
17 9.94A.125;
- 18 (u) Any felony offense in effect at any time prior to December 2,  
19 1993, that is comparable to a most serious offense under this  
20 subsection, or any federal or out-of-state conviction for an offense  
21 that under the laws of this state would be a felony classified as a  
22 most serious offense under this subsection.
- 23 (24) "Nonviolent offense" means an offense which is not a violent  
24 offense.
- 25 (25) "Offender" means a person who has committed a felony  
26 established by state law and is eighteen years of age or older or is  
27 less than eighteen years of age but whose case has been transferred by  
28 the appropriate juvenile court to a criminal court pursuant to RCW  
29 13.40.110. Throughout this chapter, the terms "offender" and  
30 "defendant" are used interchangeably.
- 31 (26) "Partial confinement" means confinement for no more than one  
32 year in a facility or institution operated or utilized under contract  
33 by the state or any other unit of government, or, if home detention or  
34 work crew has been ordered by the court, in an approved residence, for  
35 a substantial portion of each day with the balance of the day spent in  
36 the community. Partial confinement includes work release, home  
37 detention, work crew, and a combination of work crew and home detention  
38 as defined in this section.
- 39 (27) "Persistent offender" is an offender who:

1 (a) Has been convicted in this state of any felony considered a  
2 most serious offense; and

3 (b) Has, before the commission of the offense under (a) of this  
4 subsection, been convicted as an offender on at least two separate  
5 occasions, whether in this state or elsewhere, of felonies that under  
6 the laws of this state would be considered most serious offenses and  
7 would be included in the offender score under RCW 9.94A.360; provided  
8 that of the two or more previous convictions, at least one conviction  
9 must have occurred before the commission of any of the other most  
10 serious offenses for which the offender was previously convicted.

11 (28) "Postrelease supervision" is that portion of an offender's  
12 community placement that is not community custody.

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

17 (30) "Serious traffic offense" means:

18 (a) Driving while under the influence of intoxicating liquor or any  
19 drug (RCW 46.61.502), actual physical control while under the influence  
20 of intoxicating liquor or any drug (RCW 46.61.504), reckless driving  
21 (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5));  
22 or

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

26 (31) "Serious violent offense" is a subcategory of violent offense  
27 and means:

28 (a) Murder in the first degree, homicide by abuse, murder in the  
29 second degree, assault in the first degree, kidnapping in the first  
30 degree, or rape in the first degree, assault of a child in the first  
31 degree, or an attempt, criminal solicitation, or criminal conspiracy to  
32 commit one of these felonies; or

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

36 (32) "Sentence range" means the sentencing court's discretionary  
37 range in imposing a nonappealable sentence.

38 (33) "Sex offense" means:

1 (a) A felony that is a violation of chapter 9A.44 RCW or RCW  
2 9A.64.020 or 9.68A.090 or a felony that is, under chapter 9A.28 RCW, a  
3 criminal attempt, criminal solicitation, or criminal conspiracy to  
4 commit such crimes;

5 (b) A felony with a finding of sexual motivation under RCW  
6 9.94A.127 or 13.40.135; or

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

10 (34) "Sexual motivation" means that one of the purposes for which  
11 the defendant committed the crime was for the purpose of his or her  
12 sexual gratification.

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

17 (36) "Transition training" means written and verbal instructions  
18 and assistance provided by the department to the offender during the  
19 two weeks prior to the offender's successful completion of the work  
20 ethic camp program. The transition training shall include instructions  
21 in the offender's requirements and obligations during the offender's  
22 period of community custody.

23 (37) "Victim" means any person who has sustained emotional,  
24 psychological, physical, or financial injury to person or property as  
25 a direct result of the crime charged.

26 (38) "Violent offense" means:

27 (a) Any of the following felonies, as now existing or hereafter  
28 amended: Any felony defined under any law as a class A felony or an  
29 attempt to commit a class A felony, criminal solicitation of or  
30 criminal conspiracy to commit a class A felony, manslaughter in the  
31 first degree, manslaughter in the second degree, indecent liberties if  
32 committed by forcible compulsion, kidnapping in the second degree,  
33 arson in the second degree, assault in the second degree, assault of a  
34 child in the second degree, extortion in the first degree, robbery in  
35 the second degree, vehicular assault, and vehicular homicide, when  
36 proximately caused by the driving of any vehicle by any person while  
37 under the influence of intoxicating liquor or any drug as defined by  
38 RCW 46.61.502, or by the operation of any vehicle in a reckless manner;



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

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

7 (39) "Work crew" means a program of partial confinement consisting  
8 of civic improvement tasks for the benefit of the community of not less  
9 than thirty-five hours per week that complies with RCW 9.94A.135. The  
10 civic improvement tasks shall have minimal negative impact on existing  
11 private industries or the labor force in the county where the service  
12 or labor is performed. The civic improvement tasks shall not affect  
13 employment opportunities for people with developmental disabilities  
14 contracted through sheltered workshops as defined in RCW 82.04.385.  
15 Only those offenders sentenced to a facility operated or utilized under  
16 contract by a county or the state are eligible to participate on a work  
17 crew. Offenders sentenced for a sex offense as defined in subsection  
18 (33) of this section are not eligible for the work crew program.

19 (40) "Work ethic camp" means an alternative incarceration program  
20 designed to reduce recidivism and lower the cost of corrections by  
21 requiring offenders to complete a comprehensive array of real-world job  
22 and vocational experiences, character-building work ethics training,  
23 life management skills development, substance abuse rehabilitation,  
24 counseling, literacy training, and basic adult education.

25 (41) "Work release" means a program of partial confinement  
26 available to offenders who are employed or engaged as a student in a  
27 regular course of study at school. Participation in work release shall  
28 be conditioned upon the offender attending work or school at regularly  
29 defined hours and abiding by the rules of the work release facility.

30 (42) "Home detention" means a program of partial confinement  
31 available to offenders wherein the offender is confined in a private  
32 residence subject to electronic surveillance.

33 **Sec. 6.** RCW 4.24.550 and 1994 c 129 s 2 are each amended to read  
34 as follows:

35 (1) Public agencies are authorized to release relevant and  
36 necessary information regarding sex offenders to the public when the  
37 release of the information is necessary for public protection. This  
38 authority exists whether or not the public agency received notification

1 about the sex offender from the department of corrections or the  
2 department of social and health services or any other public agency.

3 (2) Local law enforcement agencies and officials who decide to  
4 release information pursuant to this section shall make a good faith  
5 effort to notify the public and residents at least fourteen days before  
6 the sex offender is released or if the offender receives a special sex  
7 offender disposition alternative under RCW 13.40.160 or special sex  
8 offender sentencing alternative under RCW 9.94A.120 at least thirty  
9 days after the sex offender is sentenced. If a change occurs in the  
10 release plan, this notification provision will not require an extension  
11 of the release date. The department of corrections and the department  
12 of social and health services shall provide local law enforcement  
13 officials with all relevant information on sex offenders about to be  
14 released or placed into the community in a timely manner. The juvenile  
15 court shall provide local law enforcement officials with all relevant  
16 information on sex offenders allowed to remain in the community in a  
17 timely manner.

18 (3) An elected public official, public employee, or public agency  
19 as defined in RCW 4.24.470 is immune from civil liability for damages  
20 for any discretionary decision to release relevant and necessary  
21 information, unless it is shown that the official, employee, or agency  
22 acted with gross negligence or in bad faith. The authorization and  
23 immunity in this section applies to information regarding: (a) A  
24 person convicted of, or juvenile found to have committed, a sex offense  
25 as defined by RCW 9.94A.030; (b) a person found not guilty of a sex  
26 offense by reason of insanity under chapter 10.77 RCW; (c) a person  
27 found incompetent to stand trial for a sex offense and subsequently  
28 committed under chapter 71.05 or 71.34 RCW; (d) a person committed as  
29 a sexual psychopath under chapter 71.06 RCW; or (e) a person committed  
30 as a sexually violent predator under chapter 71.09 RCW. The immunity  
31 provided under this section applies to the release of relevant  
32 information to other employees or officials or to the general public.

33 (4) Except as otherwise provided by statute, nothing in this  
34 section shall impose any liability upon a public official, public  
35 employee, or public agency for failing to release information as  
36 provided in subsections (2) and (3) of this section.

37 (5) Nothing in this section implies that information regarding  
38 persons designated in subsections (2) and (3) of this section is  
39 confidential except as otherwise provided by statute.

1       **Sec. 7.** RCW 13.40.215 and 1995 c 324 s 1 are each amended to read  
2 as follows:

3       (1)(a) Except as provided in subsection (2) of this section, at the  
4 earliest possible date, and in no event later than thirty days before  
5 discharge, parole, or any other authorized leave or release, or before  
6 transfer to a community residential facility, the secretary shall send  
7 written notice of the discharge, parole, authorized leave or release,  
8 or transfer of a juvenile found to have committed a violent offense, a  
9 sex offense, or stalking, to the following:

10       (i) The chief of police of the city, if any, in which the juvenile  
11 will reside;

12       (ii) The sheriff of the county in which the juvenile will reside;  
13 and

14       (iii) The approved private schools and the common school district  
15 board of directors of the district in which the juvenile intends to  
16 reside or the approved private school or public school district in  
17 which the juvenile last attended school, whichever is appropriate,  
18 except when it has been determined by the department that the juvenile  
19 is twenty-one years old; is not required to return to school under  
20 chapter 28A.225 RCW; or will be in the community for less than seven  
21 consecutive days on approved leave and will not be attending school  
22 during that time.

23       (b) The same notice as required by (a) of this subsection shall be  
24 sent to the following, if such notice has been requested in writing  
25 about a specific juvenile:

26       (i) The victim of the offense for which the juvenile was found to  
27 have committed or the victim's next of kin if the crime was a homicide;

28       (ii) Any witnesses who testified against the juvenile in any court  
29 proceedings involving the offense; and

30       (iii) Any person specified in writing by the prosecuting attorney.  
31 Information regarding victims, next of kin, or witnesses requesting the  
32 notice, information regarding any other person specified in writing by  
33 the prosecuting attorney to receive the notice, and the notice are  
34 confidential and shall not be available to the juvenile. The notice to  
35 the chief of police or the sheriff shall include the identity of the  
36 juvenile, the residence where the juvenile will reside, the identity of  
37 the person, if any, responsible for supervising the juvenile, and the  
38 time period of any authorized leave.

1 (c) The thirty-day notice requirements contained in this subsection  
2 shall not apply to emergency medical furloughs.

3 (d) The existence of the notice requirements in this subsection  
4 will not require any extension of the release date in the event the  
5 release plan changes after notification.

6 (2)(a) If a juvenile found to have committed a violent offense, a  
7 sex offense, or stalking escapes from a facility of the department, the  
8 secretary shall immediately notify, by the most reasonable and  
9 expedient means available, the chief of police of the city and the  
10 sheriff of the county in which the juvenile resided immediately before  
11 the juvenile's arrest. If previously requested, the secretary shall  
12 also notify the witnesses and the victim of the offense which the  
13 juvenile was found to have committed or the victim's next of kin if the  
14 crime was a homicide. If the juvenile is recaptured, the secretary  
15 shall send notice to the persons designated in this subsection as soon  
16 as possible but in no event later than two working days after the  
17 department learns of such recapture.

18 (b) The secretary may authorize a leave, for a juvenile found to  
19 have committed a violent offense, a sex offense, or stalking, which  
20 shall not exceed forty-eight hours plus travel time, to meet an  
21 emergency situation such as a death or critical illness of a member of  
22 the juvenile's family. The secretary may authorize a leave, which  
23 shall not exceed the time medically necessary, to obtain medical care  
24 not available in a juvenile facility maintained by the department.  
25 Prior to the commencement of an emergency or medical leave, the  
26 secretary shall give notice of the leave to the appropriate law  
27 enforcement agency in the jurisdiction in which the juvenile will be  
28 during the leave period. The notice shall include the identity of the  
29 juvenile, the time period of the leave, the residence of the juvenile  
30 during the leave, and the identity of the person responsible for  
31 supervising the juvenile during the leave. If previously requested,  
32 the department shall also notify the witnesses and victim of the  
33 offense which the juvenile was found to have committed or the victim's  
34 next of kin if the offense was a homicide.

35 In case of an emergency or medical leave the secretary may waive  
36 all or any portion of the requirements for leaves pursuant to RCW  
37 13.40.205 (2)(a), (3), (4), and (5).

1 (3) If the victim, the victim's next of kin, or any witness is  
2 under the age of sixteen, the notice required by this section shall be  
3 sent to the parents or legal guardian of the child.

4 (4) The secretary shall send the notices required by this chapter  
5 to the last address provided to the department by the requesting party.  
6 The requesting party shall furnish the department with a current  
7 address.

8 (5) Except as provided in subsection (2) of this section, at the  
9 earliest possible date, and in no event later than five days after  
10 sentencing a sex offender to a special sex offender disposition  
11 alternative under RCW 13.40.160(5), the juvenile court shall send  
12 written notice of the disposition to the following:

13 (a) The chief of police of the city, if any, in which the juvenile  
14 will reside; and

15 (b) The sheriff of the county in which the juvenile will reside.

16 (6) Upon discharge, parole, or other authorized leave or release,  
17 a convicted juvenile sex offender shall not attend a public elementary,  
18 middle, or high school that is attended by a victim of the sex  
19 offender. The parents or legal guardians of the convicted juvenile sex  
20 offender shall be responsible for transportation or other costs  
21 associated with or required by the sex offender's change in school that  
22 otherwise would be paid by a school district. Upon discharge, parole,  
23 or other authorized leave or release of a convicted juvenile sex  
24 offender, the secretary shall send written notice of the discharge,  
25 parole, or other authorized leave or release and the requirements of  
26 this subsection to the common school district board of directors of the  
27 district in which the sex offender intends to reside or the district in  
28 which the sex offender last attended school, whichever is appropriate.

29 ~~((6))~~ (7) For purposes of this section the following terms have  
30 the following meanings:

31 (a) "Violent offense" means a violent offense under RCW 9.94A.030;

32 (b) "Sex offense" means a sex offense under RCW 9.94A.030;

33 (c) "Stalking" means the crime of stalking as defined in RCW  
34 9A.46.110;

35 (d) "Next of kin" means a person's spouse, parents, siblings, and  
36 children.

37 **Sec. 8.** RCW 13.40.217 and 1990 c 3 s 102 are each amended to read  
38 as follows:

1 In addition to any other information required to be released under  
2 this chapter, the department (~~(is)~~) and juvenile courts are authorized,  
3 pursuant to RCW 4.24.550, to release relevant information that is  
4 necessary to protect the public concerning juveniles adjudicated of sex  
5 offenses.

6 **Sec. 9.** RCW 9.95.062 and 1989 c 276 s 1 are each amended to read  
7 as follows:

8 (1) Notwithstanding CrR 3.2 or RAP 7.2, an appeal by a defendant in  
9 a criminal action shall not stay the execution of the judgment of  
10 conviction, if the court determines by a preponderance of the evidence  
11 that:

12 (a) The defendant is likely to flee or to pose a danger to the  
13 safety of any other person or the community if the judgment is stayed;  
14 or

15 (b) The delay resulting from the stay will unduly diminish the  
16 deterrent effect of the punishment; or

17 (c) A stay of the judgment will cause unreasonable trauma to the  
18 victims of the crime or their families; or

19 (d) The defendant has not undertaken to the extent of the  
20 defendant's financial ability to pay the financial obligations under  
21 the judgment or has not posted an adequate performance bond to assure  
22 payment.

23 (2) An appeal by a defendant convicted of one of the following  
24 offenses shall not stay execution of the judgment of conviction: Rape  
25 in the first or second degree (RCW 9A.44.040 and 9A.44.050); rape of a  
26 child in the first, second, or third degree (RCW 9A.44.073, 9A.44.076,  
27 and 9A.44.079); child molestation in the first, second, or third degree  
28 (RCW 9A.44.083, 9A.44.086, and 9A.44.089); sexual misconduct with a  
29 minor in the first or second degree (RCW 9A.44.093 and 9A.44.096);  
30 indecent liberties (RCW 9A.44.100); incest (RCW 9A.64.020); luring (RCW  
31 9A.40.090); any class A or B felony that is a sexually motivated  
32 offense as defined in RCW 9.94A.030; a felony violation of RCW  
33 9.68A.090; or any offense that is, under chapter 9A.28 RCW, a criminal  
34 attempt, solicitation, or conspiracy to commit one of those offenses.

35 (3) In case the defendant has been convicted of a felony, and has  
36 been unable to obtain release pending the appeal by posting an appeal  
37 bond, cash, adequate security, release on personal recognizance, or any  
38 other conditions imposed by the court, the time the defendant has been

1 imprisoned pending the appeal shall be deducted from the term for which  
2 the defendant was sentenced, if the judgment is affirmed.

3 **Sec. 10.** RCW 10.64.025 and 1989 c 276 s 2 are each amended to read  
4 as follows:

5 (1) A defendant who has been found guilty of a felony and is  
6 awaiting sentencing shall be detained unless the court finds by clear  
7 and convincing evidence that the defendant is not likely to flee or to  
8 pose a danger to the safety of any other person or the community if  
9 released. Any bail bond that was posted on behalf of a defendant  
10 shall, upon the defendant's conviction, be exonerated.

11 (2) A defendant who has been found guilty of one of the following  
12 offenses shall be detained pending sentencing: Rape in the first or  
13 second degree (RCW 9A.44.040 and 9A.44.050); rape of a child in the  
14 first, second, or third degree (RCW 9A.44.073, 9A.44.076, and  
15 9A.44.079); child molestation in the first, second, or third degree  
16 (RCW 9A.44.083, 9A.44.086, and 9A.44.089); sexual misconduct with a  
17 minor in the first or second degree (RCW 9A.44.093 and 9A.44.096);  
18 indecent liberties (RCW 9A.44.100); incest (RCW 9A.64.020); luring (RCW  
19 9A.40.090); any class A or B felony that is a sexually motivated  
20 offense as defined in RCW 9.94A.030; a felony violation of RCW  
21 9.68A.090; or any offense that is, under chapter 9A.28 RCW, a criminal  
22 attempt, solicitation, or conspiracy to commit one of those offenses.

23 **Sec. 11.** RCW 9A.44.130 and 1995 c 268 s 3, 1995 c 248 s 1, and  
24 1995 c 195 s 1 are each reenacted and amended to read as follows:

25 (1) Any adult or juvenile residing in this state who has been found  
26 to have committed or has been convicted of any sex offense, or who has  
27 been found not guilty by reason of insanity under chapter 10.77 RCW of  
28 committing any sex offense, shall register with the county sheriff for  
29 the county of the person's residence.

30 (2) The person shall provide the county sheriff with the following  
31 information when registering: (a) Name; (b) address; (c) date and  
32 place of birth; (d) place of employment; (e) crime for which convicted;  
33 (f) date and place of conviction; (g) aliases used; and (h) social  
34 security number.

35 (3)(a) Sex offenders shall register within the following deadlines.  
36 For purposes of this section the term "conviction" refers to adult  
37 convictions and juvenile adjudications for sex offenses:

1 (i) SEX OFFENDERS IN CUSTODY. Sex offenders who committed a sex  
2 offense on, before, or after February 28, 1990, and who, on or after  
3 July 28, 1991, are in custody, as a result of that offense, of the  
4 state department of corrections, the state department of social and  
5 health services, a local division of youth services, or a local jail or  
6 juvenile detention facility, must register within twenty-four hours  
7 from the time of release with the county sheriff for the county of the  
8 person's residence. The agency that has jurisdiction over the offender  
9 shall provide notice to the sex offender of the duty to register.  
10 Failure to register within twenty-four hours of release constitutes a  
11 violation of this section and is punishable as provided in subsection  
12 (7) of this section.

13 (ii) SEX OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL  
14 JURISDICTION. Sex offenders, who, on July 28, 1991, are not in custody  
15 but are under the jurisdiction of the indeterminate sentence review  
16 board or under the department of correction's active supervision, as  
17 defined by the department of corrections, the state department of  
18 social and health services, or a local division of youth services, for  
19 sex offenses committed before, on, or after February 28, 1990, must  
20 register within ten days of July 28, 1991. A change in supervision  
21 status of a sex offender who was required to register under this  
22 subsection (3)(a)(ii) as of July 28, 1991, shall not relieve the  
23 offender of the duty to register or to reregister following a change in  
24 residence. The obligation to register shall only cease pursuant to RCW  
25 9A.44.140.

26 (iii) SEX OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who,  
27 on or after July 23, 1995, as a result of that offense are in the  
28 custody of the United States bureau of prisons or other federal or  
29 military correctional agency for sex offenses committed before, on, or  
30 after February 28, 1990, must register within twenty-four hours from  
31 the time of release with the county sheriff for the county of the  
32 person's residence. Sex offenders who, on July 23, 1995, are not in  
33 custody but are under the jurisdiction of the United States bureau of  
34 prisons, United States courts, United States parole commission, or  
35 military parole board for sex offenses committed before, on, or after  
36 February 28, 1990, must register within ten days of July 23, 1995. A  
37 change in supervision status of a sex offender who was required to  
38 register under this subsection (3)(a)(iii) as of July 23, 1995, shall  
39 not relieve the offender of the duty to register or to reregister



1 following a change in residence. The obligation to register shall only  
2 cease pursuant to RCW 9A.44.140.

3 (iv) SEX OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex  
4 offenders who are convicted of a sex offense on or after July 28, 1991,  
5 for a sex offense that was committed on or after February 28, 1990, but  
6 who are not sentenced to serve a term of confinement immediately upon  
7 sentencing, shall report to the county sheriff to register immediately  
8 upon completion of being sentenced.

9 (v) SEX OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON  
10 RESIDENTS. Sex offenders who move to Washington state from another  
11 state or a foreign country that are not under the jurisdiction of the  
12 state department of corrections, the indeterminate sentence review  
13 board, or the state department of social and health services at the  
14 time of moving to Washington, must register within thirty days of  
15 establishing residence or reestablishing residence if the person is a  
16 former Washington resident. The duty to register under this subsection  
17 applies to sex offenders convicted under the laws of another state or  
18 a foreign country, federal or military statutes, or Washington state  
19 for offenses committed on or after February 28, 1990. Sex offenders  
20 from other states or a foreign country who, when they move to  
21 Washington, are under the jurisdiction of the department of  
22 corrections, the indeterminate sentence review board, or the department  
23 of social and health services must register within twenty-four hours of  
24 moving to Washington. The agency that has jurisdiction over the  
25 offender shall notify the offender of the registration requirements  
26 before the offender moves to Washington.

27 (vi) SEX OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any  
28 adult or juvenile who has been found not guilty by reason of insanity  
29 under chapter 10.77 RCW of committing a sex offense on, before, or  
30 after February 28, 1990, and who, on or after July 23, 1995, is in  
31 custody, as a result of that finding, of the state department of social  
32 and health services, must register within twenty-four hours from the  
33 time of release with the county sheriff for the county of the person's  
34 residence. The state department of social and health services shall  
35 provide notice to the adult or juvenile in its custody of the duty to  
36 register. Any adult or juvenile who has been found not guilty by  
37 reason of insanity of committing a sex offense on, before, or after  
38 February 28, 1990, but who was released prior to July 23, 1995, shall  
39 be required to register within twenty-four hours of receiving notice of

1 this registration requirement. The state department of social and  
2 health services shall make reasonable attempts within available  
3 resources to notify offenders who were released prior to July 23, 1995.  
4 Failure to register within twenty-four hours of release, or of  
5 receiving notice, constitutes a violation of this section and is  
6 punishable as provided in subsection (7) of this section.

7 (b) Failure to register within the time required under this section  
8 constitutes a per se violation of this section and is punishable as  
9 provided in subsection (7) of this section. The county sheriff shall  
10 not be required to determine whether the person is living within the  
11 county.

12 (c) An arrest on charges of failure to register, service of an  
13 information, or a complaint for a violation of this section, or  
14 arraignment on charges for a violation of this section, constitutes  
15 actual notice of the duty to register. Any person charged with the  
16 crime of failure to register under this section who asserts as a  
17 defense the lack of notice of the duty to register shall register  
18 immediately following actual notice of the duty through arrest,  
19 service, or arraignment. Failure to register as required under this  
20 subsection (c) constitutes grounds for filing another charge of failing  
21 to register. Registering following arrest, service, or arraignment on  
22 charges shall not relieve the offender from criminal liability for  
23 failure to register prior to the filing of the original charge.

24 (d) The deadlines for the duty to register under this section do  
25 not relieve any sex offender of the duty to register under this section  
26 as it existed prior to July 28, 1991.

27 (4)(a) If any person required to register pursuant to this section  
28 changes his or her residence address within the same county, the person  
29 must send written notice of the change of address to the county sheriff  
30 (~~within ten~~) at least fourteen days (~~of~~) before moving. If any  
31 person required to register pursuant to this section moves to a new  
32 county, the person must send written notice of the change of address at  
33 least fourteen days before moving to the county sheriff in the new  
34 county of residence and must register with (~~the~~) that county sheriff  
35 (~~in the new county~~) within (~~ten days~~) twenty-four hours of moving.  
36 The person must also send written notice within ten days of the change  
37 of address in the new county to the county sheriff with whom the person  
38 last registered. If any person required to register pursuant to this  
39 section moves out of Washington state, the person must also send

1 written notice within ten days of moving to the new state or a foreign  
2 country to the county sheriff with whom the person last registered in  
3 Washington state.

4 (b) It is an affirmative defense to a charge that the person failed  
5 to send a notice at least fourteen days in advance of moving as  
6 required under (a) of this subsection that the person did not know the  
7 location of his or her new residence at least fourteen days before  
8 moving. The defendant must establish the defense by a preponderance of  
9 the evidence and, to prevail on the defense, must also prove by a  
10 preponderance that the defendant sent the required notice within  
11 twenty-four hours of determining the new address.

12 (5) The county sheriff shall obtain a photograph of the individual  
13 and shall obtain a copy of the individual's fingerprints.

14 (6) "Sex offense" for the purpose of RCW 9A.44.130, 10.01.200,  
15 43.43.540, 70.48.470, and 72.09.330 means any offense defined as a sex  
16 offense by RCW 9.94A.030 and any violation of RCW 9.68A.090 or  
17 9A.44.096 as well as any gross misdemeanor that is, under chapter 9A.28  
18 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy  
19 to commit an offense that is classified as a sex offense under RCW  
20 9.94A.030.

21 (7) A person who knowingly fails to register or who moves without  
22 notifying the county sheriff as required by this section is guilty of  
23 a class C felony if the crime for which the individual was convicted  
24 was a class A felony or a federal or out-of-state conviction for an  
25 offense that under the laws of this state would be a class A felony.  
26 If the crime was other than a class A felony or a federal or out-of-  
27 state conviction for an offense that under the laws of this state would  
28 be a class A felony, violation of this section is a gross misdemeanor.

29 **Sec. 12.** RCW 9A.44.140 and 1995 c 268 s 4 are each amended to read  
30 as follows:

31 (1) The duty to register under RCW 9A.44.130 shall end:

32 (a) For a person convicted of a class A felony: Such person may  
33 only be relieved of the duty to register under subsection (3) or (4) of  
34 this section.

35 (b) For a person convicted of a class B felony: Fifteen years  
36 after the last date of release from confinement, if any, (including  
37 full-time residential treatment) pursuant to the conviction, or entry  
38 of the judgment and sentence, if the person has spent fifteen

1 consecutive years in the community without being convicted of any new  
2 offenses.

3 (c) For a person convicted of a class C felony (~~(or any)~~), a  
4 violation of RCW 9.68A.090 or 9A.44.096, or an attempt, solicitation,  
5 or conspiracy to commit a class C felony: Ten years after the last  
6 date of release from confinement, if any, (including full-time  
7 residential treatment) pursuant to the conviction, or entry of the  
8 judgment and sentence, if the person has spent ten consecutive years in  
9 the community without being convicted of any new offenses.

10 (2) The provisions of subsection (1) of this section shall apply  
11 equally to a person who has been found not guilty by reason of insanity  
12 under chapter 10.77 RCW of a sex offense.

13 (3) Any person having a duty to register under RCW 9A.44.130 may  
14 petition the superior court to be relieved of that duty. The petition  
15 shall be made to the court in which the petitioner was convicted of the  
16 offense that subjects him or her to the duty to register, or, in the  
17 case of convictions in other states, a foreign country, or a federal or  
18 military court, to the court in Thurston county. The prosecuting  
19 attorney of the county shall be named and served as the respondent in  
20 any such petition. The court shall consider the nature of the  
21 registrable offense committed, and the criminal and relevant  
22 noncriminal behavior of the petitioner both before and after  
23 conviction, and may consider other factors. Except as provided in  
24 subsection (4) of this section, the court may relieve the petitioner of  
25 the duty to register only if the petitioner shows, with clear and  
26 convincing evidence, that future registration of the petitioner will  
27 not serve the purposes of RCW 9A.44.130, 10.01.200, 43.43.540,  
28 46.20.187, 70.48.470, and 72.09.330.

29 (4) An offender having a duty to register under RCW 9A.44.130 for  
30 a sex offense committed when the offender was a juvenile may petition  
31 the superior court to be relieved of that duty. The court shall  
32 consider the nature of the registrable offense committed, and the  
33 criminal and relevant noncriminal behavior of the petitioner both  
34 before and after adjudication, and may consider other factors. The  
35 court may relieve the petitioner of the duty to register for a sex  
36 offense that was committed while the petitioner was fifteen years of  
37 age or older only if the petitioner shows, with clear and convincing  
38 evidence, that future registration of the petitioner will not serve the  
39 purposes of RCW 9A.44.130, 10.01.200, 43.43.540, 46.20.187, 70.48.470,

1 and 72.09.330. The court may relieve the petitioner of the duty to  
2 register for a sex offense that was committed while the petitioner was  
3 under the age of fifteen if the petitioner (a) has not been adjudicated  
4 of any additional sex offenses during the twenty-four months following  
5 the adjudication for the sex offense giving rise to the duty to  
6 register, and (b) the petitioner proves by a preponderance of the  
7 evidence that future registration of the petitioner will not serve the  
8 purposes of RCW 9A.44.130, 10.01.200, 43.43.540, 46.20.187, 70.48.470,  
9 and 72.09.330.

10 (5) Unless relieved of the duty to register pursuant to this  
11 section, a violation of RCW 9A.44.130 is an ongoing offense for  
12 purposes of the statute of limitations under RCW 9A.04.080.

13 (6) Nothing in RCW 9.94A.220 relating to discharge of an offender  
14 shall be construed as operating to relieve the offender of his or her  
15 duty to register pursuant to RCW 9A.44.130.

16 NEW SECTION. **Sec. 13.** Sections 6 through 8 of this act are  
17 necessary for the immediate preservation of the public peace, health,  
18 or safety, or support of the state government and its existing public  
19 institutions, and shall take effect immediately.

20 NEW SECTION. **Sec. 14.** Sections 1 through 5 of this act apply to  
21 crimes committed on or after the effective date of this act.

22 NEW SECTION. **Sec. 15.** If specific funding for the purposes of  
23 this act, referencing this act by bill or chapter number, is not  
24 provided by June 30, 1996, in the supplemental omnibus appropriations  
25 act, this act is null and void."

26 **SSB 6274** - H COMM AMD  
27 By Committee on Appropriations

28

29 On page 1, line 1 of the title, after "offenders;" strike the  
30 remainder of the title and insert "amending RCW 9.94A.120, 9.94A.205,  
31 9.94A.207, 4.24.550, 13.40.215, 13.40.217, 9.95.062, and 10.64.025;  
32 reenacting and amending RCW 9.94A.030, 9A.44.130, and 9A.44.140;

1 creating new sections; prescribing penalties; and declaring an  
2 emergency."

--- END ---