

CERTIFICATION OF ENROLLMENT
SUBSTITUTE SENATE BILL 6336

Chapter 226, Laws of 2000

56th Legislature
2000 Regular Session

COMMUNITY SUPERVISION

EFFECTIVE DATE: 6/8/00 - Except section 5, which becomes effective 3/30/00.

Passed by the Senate February 11, 2000
YEAS 44 NAYS 0

BRAD OWEN
President of the Senate

Passed by the House March 8, 2000
YEAS 98 NAYS 0

CLYDE BALLARD
**Speaker of the
House of Representatives**

FRANK CHOPP
**Speaker of the
House of Representatives**

Approved March 30, 2000

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6336** as passed by the Senate and the House of Representatives on the dates hereon set forth.

TONY M. COOK
Secretary

FILED

March 30, 2000 - 3:36 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6336

Passed Legislature - 2000 Regular Session

State of Washington 56th Legislature 2000 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Long, Sheahan and Costa; by request of Department of Corrections)

Read first time 02/03/2000.

1 AN ACT Relating to terms of community supervision; amending RCW
2 9.94A.145; reenacting and amending RCW 9.94A.120, 9.94A.142, and
3 9.94A.170; creating a new section; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that supervision of
6 offenders in the community and an offender's payment of restitution
7 enhances public safety, improves offender accountability, is an
8 important component of providing justice to victims, and strengthens
9 the community. The legislature intends that all terms and conditions
10 of an offender's supervision in the community, including the length of
11 supervision and payment of legal financial obligations, not be
12 curtailed by an offender's absence from supervision for any reason
13 including confinement in any correctional institution. The
14 legislature, through this act, revises the results of *In re*
15 *Sappenfield*, 980 P.2d 1271 (1999) and declares that an offender's
16 absence from supervision or subsequent incarceration acts to toll the
17 jurisdiction of the court or department over an offender for the
18 purpose of enforcing legal financial obligations.

1 **Sec. 2.** RCW 9.94A.120 and 1999 c 324 s 2, 1999 c 197 s 4, 1999 c
2 196 s 5, and 1999 c 147 s 3 are each reenacted and amended to read as
3 follows:

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

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

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

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

17 (4) A persistent offender shall be sentenced to a term of total
18 confinement for life without the possibility of parole or, when
19 authorized by RCW 10.95.030 for the crime of aggravated murder in the
20 first degree, sentenced to death, notwithstanding the maximum sentence
21 under any other law. An offender convicted of the crime of murder in
22 the first degree shall be sentenced to a term of total confinement not
23 less than twenty years. An offender convicted of the crime of assault
24 in the first degree or assault of a child in the first degree where the
25 offender used force or means likely to result in death or intended to
26 kill the victim shall be sentenced to a term of total confinement not
27 less than five years. An offender convicted of the crime of rape in
28 the first degree shall be sentenced to a term of total confinement not
29 less than five years. The foregoing minimum terms of total confinement
30 are mandatory and shall not be varied or modified as provided in
31 subsection (2) of this section. In addition, all offenders subject to
32 the provisions of this subsection shall not be eligible for community
33 custody, earned release time, furlough, home detention, partial
34 confinement, work crew, work release, or any other form of early
35 release as defined under RCW 9.94A.150 (1), (2), (3), (~~(5), (7), or~~)
36 (6), (8), or (9), or any other form of authorized leave of absence from
37 the correctional facility while not in the direct custody of a
38 corrections officer or officers during such minimum terms of total
39 confinement except: (a) In the case of an offender in need of

1 emergency medical treatment; (b) for the purpose of commitment to an
2 inpatient treatment facility in the case of an offender convicted of
3 the crime of rape in the first degree; or (c) for an extraordinary
4 medical placement when authorized under RCW 9.94A.150(4).

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

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

15 (ii) Undergo available outpatient treatment for up to the period
16 specified in (b) of this subsection, or inpatient treatment not to
17 exceed the standard range of confinement for that offense;

18 (iii) Pursue a prescribed, secular course of study or vocational
19 training;

20 (iv) Remain within prescribed geographical boundaries and notify
21 the community corrections officer prior to any change in the offender's
22 address or employment;

23 (v) Report as directed to a community corrections officer; or

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

26 (b) The terms and statuses applicable to sentences under (a) of
27 this subsection are:

28 (i) For sentences imposed on or after July 25, 1999, for crimes
29 committed before July 1, 2000, up to one year of community supervision.
30 If treatment is ordered, the period of community supervision may
31 include up to the period of treatment, but shall not exceed two years;
32 and

33 (ii) For crimes committed on or after July 1, 2000, up to one year
34 of community custody unless treatment is ordered, in which case the
35 period of community custody may include up to the period of treatment,
36 but shall not exceed two years. Any term of community custody imposed
37 under this subsection (5) is subject to conditions and sanctions as
38 authorized in this subsection (5) and in subsection (11)(b) and (c) of
39 this section.

1 (c) The department shall discharge from community supervision any
2 offender sentenced under this subsection (5) before July 25, 1999, who
3 has served at least one year of community supervision and has completed
4 any treatment ordered by the court.

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

7 (i) The offender is convicted of a felony that is not a violent
8 offense or sex offense and the violation does not involve a sentence
9 enhancement under RCW 9.94A.310 (3) or (4);

10 (ii) The offender has no current or prior convictions for a sex
11 offense or violent offense in this state, another state, or the United
12 States;

13 (iii) For a violation of the uniform controlled substances act
14 under chapter 69.50 RCW or a criminal solicitation to commit such a
15 violation under chapter 9A.28 RCW, the offense involved only a small
16 quantity of the particular controlled substance as determined by the
17 judge upon consideration of such factors as the weight, purity,
18 packaging, sale price, and street value of the controlled substance;
19 and

20 (iv) The offender has not been found by the United States attorney
21 general to be subject to a deportation detainer or order.

22 (b) If the standard range is greater than one year and the
23 sentencing judge determines that the offender is eligible for this
24 option and that the offender and the community will benefit from the
25 use of the special drug offender sentencing alternative, the judge may
26 waive imposition of a sentence within the standard range and impose a
27 sentence that must include a period of total confinement in a state
28 facility for one-half of the midpoint of the standard range. During
29 incarceration in the state facility, offenders sentenced under this
30 subsection shall undergo a comprehensive substance abuse assessment and
31 receive, within available resources, treatment services appropriate for
32 the offender. The treatment services shall be designed by the division
33 of alcohol and substance abuse of the department of social and health
34 services, in cooperation with the department of corrections.

35 The court shall also impose:

36 (i) The remainder of the midpoint of the standard range as a term
37 of community custody which must include appropriate substance abuse
38 treatment in a program that has been approved by the division of

1 alcohol and substance abuse of the department of social and health
2 services;

3 (ii) Crime-related prohibitions including a condition not to use
4 illegal controlled substances; and

5 (iii) A requirement to submit to urinalysis or other testing to
6 monitor that status.

7 The court may prohibit the offender from using alcohol or
8 controlled substances and may require that the monitoring for
9 controlled substances be conducted by the department or by a treatment
10 alternatives to street crime program or a comparable court or agency-
11 referred program. The offender may be required to pay thirty dollars
12 per month while on community custody to offset the cost of monitoring.
13 In addition, the court shall impose three or more of the following
14 conditions:

15 (A) Devote time to a specific employment or training;

16 (B) Remain within prescribed geographical boundaries and notify the
17 court or the community corrections officer before any change in the
18 offender's address or employment;

19 (C) Report as directed to a community corrections officer;

20 (D) Pay all court-ordered legal financial obligations;

21 (E) Perform community service work;

22 (F) Stay out of areas designated by the sentencing judge;

23 (G) Such other conditions as the court may require such as
24 affirmative conditions.

25 (c) If the offender violates any of the sentence conditions in (b)
26 of this subsection, a violation hearing shall be held by the department
27 unless waived by the offender. If the department finds that conditions
28 have been willfully violated, the offender may be reclassified to serve
29 the remaining balance of the original sentence.

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

36 (e) An offender who fails to complete the special drug offender
37 sentencing alternative program or who is administratively terminated
38 from the program shall be reclassified to serve the unexpired term of
39 his or her sentence as ordered by the sentencing judge and shall be

1 subject to all rules relating to earned early release time. An
2 offender who violates any conditions of supervision as defined by the
3 department shall be sanctioned. Sanctions may include, but are not
4 limited to, reclassifying the offender to serve the unexpired term of
5 his or her sentence as ordered by the sentencing judge. If an offender
6 is reclassified to serve the unexpired term of his or her sentence, the
7 offender shall be subject to all rules relating to earned early release
8 time.

9 (7) If a sentence range has not been established for the
10 defendant's crime, the court shall impose a determinate sentence which
11 may include not more than one year of confinement; community service
12 work; until July 1, 2000, a term of community supervision not to exceed
13 one year and on and after July 1, 2000, a term of community custody not
14 to exceed one year, subject to conditions and sanctions as authorized
15 in subsection (11)(b) and (c) of this section; and/or other legal
16 financial obligations. The court may impose a sentence which provides
17 more than one year of confinement if the court finds, considering the
18 purpose of this chapter, that there are substantial and compelling
19 reasons justifying an exceptional sentence.

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

27 The report of the examination shall include at a minimum the
28 following: The defendant's version of the facts and the official
29 version of the facts, the defendant's offense history, an assessment of
30 problems in addition to alleged deviant behaviors, the offender's
31 social and employment situation, and other evaluation measures used.
32 The report shall set forth the sources of the evaluator's information.

33 The examiner shall assess and report regarding the defendant's
34 amenability to treatment and relative risk to the community. A
35 proposed treatment plan shall be provided and shall include, at a
36 minimum:

- 37 (A) Frequency and type of contact between offender and therapist;
38 (B) Specific issues to be addressed in the treatment and
39 description of planned treatment modalities;

1 (C) Monitoring plans, including any requirements regarding living
2 conditions, lifestyle requirements, and monitoring by family members
3 and others;

4 (D) Anticipated length of treatment; and

5 (E) Recommended crime-related prohibitions.

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

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

21 (A) The court shall place the defendant on community custody for
22 the length of the suspended sentence or three years, whichever is
23 greater, and require the offender to comply with any conditions imposed
24 by the department of corrections under subsection (15) of this section;

25 (B) The court shall order treatment for any period up to three
26 years in duration. The court in its discretion shall order outpatient
27 sex offender treatment or inpatient sex offender treatment, if
28 available. A community mental health center may not be used for such
29 treatment unless it has an appropriate program designed for sex
30 offender treatment. The offender shall not change sex offender
31 treatment providers or treatment conditions without first notifying the
32 prosecutor, the community corrections officer, and the court, and shall
33 not change providers without court approval after a hearing if the
34 prosecutor or community corrections officer object to the change. In
35 addition, as conditions of the suspended sentence, the court may impose
36 other sentence conditions including up to six months of confinement,
37 not to exceed the sentence range of confinement for that offense,
38 crime-related prohibitions, and requirements that the offender perform
39 any one or more of the following:

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

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

5 (III) Report as directed to the court and a community corrections
6 officer;

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

10 (V) Make recoupment to the victim for the cost of any counseling
11 required as a result of the offender's crime; and

12 (C) Sex offenders sentenced under this special sex offender
13 sentencing alternative are not eligible to accrue any earned release
14 time while serving a suspended sentence.

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

22 (iv) At the time of sentencing, the court shall set a treatment
23 termination hearing for three months prior to the anticipated date for
24 completion of treatment. Prior to the treatment termination hearing,
25 the treatment professional and community corrections officer shall
26 submit written reports to the court and parties regarding the
27 defendant's compliance with treatment and monitoring requirements, and
28 recommendations regarding termination from treatment, including
29 proposed community supervision conditions. Either party may request
30 and the court may order another evaluation regarding the advisability
31 of termination from treatment. The defendant shall pay the cost of any
32 additional evaluation ordered unless the court finds the defendant to
33 be indigent in which case the state shall pay the cost. At the
34 treatment termination hearing the court may: (A) Modify conditions of
35 community custody, and either (B) terminate treatment, or (C) extend
36 treatment for up to the remaining period of community custody.

37 (v) If a violation of conditions occurs during community custody,
38 the department shall either impose sanctions as provided for in RCW
39 9.94A.205(2)(a) or refer the violation to the court and recommend

1 revocation of the suspended sentence as provided for in (a)(vi) of this
2 subsection.

3 (vi) The court may revoke the suspended sentence at any time during
4 the period of community custody and order execution of the sentence if:
5 (A) The defendant violates the conditions of the suspended sentence, or
6 (B) the court finds that the defendant is failing to make satisfactory
7 progress in treatment. All confinement time served during the period
8 of community custody shall be credited to the offender if the suspended
9 sentence is revoked.

10 (vii) Except as provided in (a)(viii) of this subsection, after
11 July 1, 1991, examinations and treatment ordered pursuant to this
12 subsection shall only be conducted by sex offender treatment providers
13 certified by the department of health pursuant to chapter 18.155 RCW.

14 (viii) A sex offender therapist who examines or treats a sex
15 offender pursuant to this subsection (8) does not have to be certified
16 by the department of health pursuant to chapter 18.155 RCW if the court
17 finds that: (A) The offender has already moved to another state or
18 plans to move to another state for reasons other than circumventing the
19 certification requirements; (B) no certified providers are available
20 for treatment within a reasonable geographical distance of the
21 offender's home; and (C) the evaluation and treatment plan comply with
22 this subsection (8) and the rules adopted by the department of health.

23 (ix) For purposes of this subsection (8), "victim" means any person
24 who has sustained emotional, psychological, physical, or financial
25 injury to person or property as a result of the crime charged.
26 "Victim" also means a parent or guardian of a victim who is a minor
27 child unless the parent or guardian is the perpetrator of the offense.

28 (x) If the defendant was less than eighteen years of age when the
29 charge was filed, the state shall pay for the cost of initial
30 evaluation and treatment.

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

38 Except for an offender who has been convicted of a violation of RCW
39 9A.44.040 or 9A.44.050, if the offender completes the treatment program

1 before the expiration of his or her term of confinement, the department
2 of corrections may request the court to convert the balance of
3 confinement to community supervision and to place conditions on the
4 offender including crime-related prohibitions and requirements that the
5 offender perform any one or more of the following:

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

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

10 (iii) Report as directed to the court and a community corrections
11 officer;

12 (iv) Undergo available outpatient treatment.

13 If the offender violates any of the terms of his or her community
14 supervision, the court may order the offender to serve out the balance
15 of his or her community supervision term in confinement in the custody
16 of the department of corrections.

17 Nothing in this subsection (8)(b) shall confer eligibility for such
18 programs for offenders convicted and sentenced for a sex offense
19 committed prior to July 1, 1987. This subsection (8)(b) does not apply
20 to any crime committed after July 1, 1990.

21 (c) Offenders convicted and sentenced for a sex offense committed
22 prior to July 1, 1987, may, subject to available funds, request an
23 evaluation by the department of corrections to determine whether they
24 are amenable to treatment. If the offender is determined to be
25 amenable to treatment, the offender may request placement in a
26 treatment program within a correctional facility operated by the
27 department. Placement in such treatment program is subject to
28 available funds.

29 (d) Within the funds available for this purpose, the department
30 shall develop and monitor transition and relapse prevention strategies,
31 including risk assessment and release plans, to reduce risk to the
32 community after sex offenders' terms of confinement in the custody of
33 the department.

34 (9)(a)(i) When a court sentences a person to a term of total
35 confinement to the custody of the department of corrections for an
36 offense categorized as a sex offense or a serious violent offense
37 committed after July 1, 1988, but before July 1, 1990, assault in the
38 second degree, assault of a child in the second degree, any crime
39 against a person where it is determined in accordance with RCW

1 9.94A.125 that the defendant or an accomplice was armed with a deadly
2 weapon at the time of commission, or any felony offense under chapter
3 69.50 or 69.52 RCW not sentenced under subsection (6) of this section,
4 committed on or after July 1, 1988, but before July 25, 1999, the court
5 shall in addition to the other terms of the sentence, sentence the
6 offender to a one-year term of community placement beginning either
7 upon completion of the term of confinement or at such time as the
8 offender is transferred to community custody in lieu of earned release
9 in accordance with RCW 9.94A.150 (1) and (2). When the court sentences
10 an offender under this subsection to the statutory maximum period of
11 confinement then the community placement portion of the sentence shall
12 consist entirely of such community custody to which the offender may
13 become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any
14 period of community custody actually served shall be credited against
15 the community placement portion of the sentence.

16 (ii) Except for persons sentenced under (b) of this subsection or
17 subsection (10)(a) of this section, when a court sentences a person to
18 a term of total confinement to the custody of the department of
19 corrections for a violent offense, any crime against a person under RCW
20 9.94A.440(2), or any felony offense under chapter 69.50 or 69.52 RCW
21 not sentenced under subsection (6) of this section, committed on or
22 after July 25, 1999, but before July 1, 2000, the court shall in
23 addition to the other terms of the sentence, sentence the offender to
24 a one-year term of community placement beginning either upon completion
25 of the term of confinement or at such time as the offender is
26 transferred to community custody in lieu of earned release in
27 accordance with RCW 9.94A.150 (1) and (2). When the court sentences
28 the offender under this subsection (9)(a)(ii) to the statutory maximum
29 period of confinement, then the community placement portion of the
30 sentence shall consist entirely of such community custody to which the
31 offender may become eligible, in accordance with RCW 9.94A.150 (1) and
32 (2). Any period of community custody actually served shall be credited
33 against the community placement portion of the sentence.

34 (b) When a court sentences a person to a term of total confinement
35 to the custody of the department of corrections for an offense
36 categorized as a sex offense committed on or after July 1, 1990, but
37 before June 6, 1996, or a serious violent offense, vehicular homicide,
38 or vehicular assault, committed on or after July 1, 1990, but before
39 July 1, 2000, the court shall in addition to other terms of the

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

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

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

20 (iii) The offender shall not possess or consume controlled
21 substances except pursuant to lawfully issued prescriptions;

22 (iv) The offender shall pay supervision fees as determined by the
23 department of corrections;

24 (v) The residence location and living arrangements are subject to
25 the prior approval of the department of corrections during the period
26 of community placement; and

27 (vi) The offender shall submit to affirmative acts necessary to
28 monitor compliance with the orders of the court as required by the
29 department.

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

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

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

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

39 (iv) The offender shall not consume alcohol;

1 (v) The offender shall comply with any crime-related prohibitions;
2 or

3 (vi) For an offender convicted of a felony sex offense against a
4 minor victim after June 6, 1996, the offender shall comply with any
5 terms and conditions of community placement imposed by the department
6 of corrections relating to contact between the sex offender and a minor
7 victim or a child of similar age or circumstance as a previous victim.

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

12 (10)(a) When a court sentences a person to the custody of the
13 department of corrections for an offense categorized as a sex offense
14 committed on or after June 6, 1996, but before July 1, 2000, the court
15 shall, in addition to other terms of the sentence, sentence the
16 offender to community custody for three years or up to the period of
17 earned release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever
18 is longer. The community custody shall begin either upon completion of
19 the term of confinement or at such time as the offender is transferred
20 to community custody in lieu of earned release in accordance with RCW
21 9.94A.150 (1) and (2).

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

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

1 (11)(a) When a court sentences a person to the custody of the
2 department of corrections for a sex offense, a violent offense, any
3 crime against a person under RCW 9.94A.440(2), or a felony offense
4 under chapter 69.50 or 69.52 RCW not sentenced under subsection (6) of
5 this section, committed on or after July 1, 2000, the court shall in
6 addition to the other terms of the sentence, sentence the offender to
7 community custody for the community custody range or up to the period
8 of earned release awarded pursuant to RCW 9.94A.150 (1) and (2),
9 whichever is longer. The community custody shall begin either upon
10 completion of the term of confinement or at such time as the offender
11 is transferred to community custody in lieu of earned release in
12 accordance with RCW 9.94A.150 (1) and (2).

13 (b) Unless a condition is waived by the court, the conditions of
14 community custody shall include those provided for in subsection
15 (9)(b)(i) through (vi) of this section. The conditions may also
16 include those provided for in subsection (9)(c)(i) through (vi) of this
17 section. The court may also order the offender to participate in
18 rehabilitative programs or otherwise perform affirmative conduct
19 reasonably related to the circumstances of the offense, the offender's
20 risk of reoffending, or the safety of the community, and the department
21 shall enforce such conditions pursuant to (f) of this subsection. As
22 part of any sentence that includes a term of community custody imposed
23 under this subsection, the court shall also require the offender to
24 comply with any conditions imposed by the department of corrections
25 under subsection (15) of this section. The department shall assess the
26 offender's risk of reoffense and may establish and modify additional
27 conditions of the offender's community custody based upon the risk to
28 community safety. The department may not impose conditions that are
29 contrary to those ordered by the court and may not contravene or
30 decrease court imposed conditions. The department shall notify the
31 offender in writing of any such conditions or modifications. In
32 setting, modifying, and enforcing conditions of community custody, the
33 department shall be deemed to be performing a quasi-judicial function.

34 (c) If an offender violates conditions imposed by the court or the
35 department pursuant to this subsection during community custody, the
36 department may transfer the offender to a more restrictive confinement
37 status and impose other available sanctions as provided in RCW
38 9.94A.205 and 9.94A.207.

1 (d) Except for terms of community custody under subsection (8) of
2 this section, the department shall discharge the offender from
3 community custody on a date determined by the department, which the
4 department may modify, based on risk and performance of the offender,
5 within the range or at the end of the period of earned release,
6 whichever is later.

7 (e) At any time prior to the completion or termination of a sex
8 offender's term of community custody, if the court finds that public
9 safety would be enhanced, the court may impose and enforce an order
10 extending any or all of the conditions imposed pursuant to this section
11 for a period up to the maximum allowable sentence for the crime as it
12 is classified in chapter 9A.20 RCW, regardless of the expiration of the
13 offender's term of community custody. If a violation of a condition
14 extended under this subsection occurs after the expiration of the
15 offender's term of community custody, it shall be deemed a violation of
16 the sentence for the purposes of RCW 9.94A.195 and may be punishable as
17 contempt of court as provided for in RCW 7.21.040. If the court
18 extends a condition beyond the expiration of the term of community
19 custody, the department is not responsible for supervision of the
20 offender's compliance with the condition.

21 (f) Within the funds available for community custody, the
22 department shall determine conditions and duration of community custody
23 on the basis of risk to community safety, and shall supervise offenders
24 during community custody on the basis of risk to community safety and
25 conditions imposed by the court. The secretary shall adopt rules to
26 implement the provisions of this subsection (11)(f).

27 (g) By the close of the next business day after receiving notice of
28 a condition imposed or modified by the department, an offender may
29 request an administrative review under rules adopted by the department.
30 The condition shall remain in effect unless the reviewing officer finds
31 that it is not reasonably related to any of the following: (i) The
32 crime of conviction; (ii) the offender's risk of reoffending; or (iii)
33 the safety of the community.

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

1 (13)(a) 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.

9 (b) For an offense committed prior to July 1, 2000, the offender's
10 compliance with payment of legal financial obligations shall be
11 supervised by the department for ten years following the entry of the
12 judgment and sentence or ten years following the offender's release
13 from total confinement, whichever period ends later. All monetary
14 payments ordered shall be paid no later than ten years after the last
15 date of release from confinement pursuant to a felony conviction or the
16 date the sentence was entered unless the superior court extends the
17 criminal judgment an additional ten years. If the legal financial
18 obligations including crime victims' assessments are not paid during
19 the initial ten-year period, the superior court may extend jurisdiction
20 under the criminal judgment an additional ten years as provided in RCW
21 9.94A.140, 9.94A.142, and 9.94A.145. If jurisdiction under the
22 criminal judgment is extended, the department is not responsible for
23 supervision of the offender during the subsequent period.

24 (c) For an offense committed on or after July 1, 2000, the court
25 shall retain jurisdiction over the offender, for purposes of the
26 offender's compliance with payment of the legal financial obligations,
27 until the obligation is completely satisfied, regardless of the
28 statutory maximum for the crime. The department of corrections shall
29 supervise the offender's compliance with payment of the legal financial
30 obligations for ten years following the entry of the judgment and
31 sentence or ten years following the offender's release from total
32 confinement, whichever period ends later. The department is not
33 responsible for supervision of the offender during any subsequent
34 period of time the offender remains under the court's jurisdiction.

35 (d) Independent of the department, the party or entity to whom the
36 legal financial obligation is owed shall have the authority to utilize
37 any other remedies available to the party or entity to collect the
38 legal financial obligation. Nothing in this section makes the
39 department, the state, or any of its employees, agents, or other

1 persons acting on their behalf liable under any circumstances for the
2 payment of these legal financial obligations. If an order includes
3 restitution as one of the monetary assessments, the county clerk shall
4 make disbursements to victims named in the order.

5 (14) Except as provided under RCW 9.94A.140(1) and 9.94A.142(1), a
6 court may not impose a sentence providing for a term of confinement or
7 community supervision, community placement, or community custody which
8 exceeds the statutory maximum for the crime as provided in chapter
9 9A.20 RCW.

10 (15) All offenders sentenced to terms involving community
11 supervision, community service, community placement, community custody,
12 or legal financial obligation shall be under the supervision of the
13 department of corrections and shall follow explicitly the instructions
14 and conditions of the department of corrections. The department may
15 require an offender to perform affirmative acts it deems appropriate to
16 monitor compliance with the conditions of the sentence imposed.

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

22 (b) For offenders sentenced to terms involving community custody
23 for crimes committed on or after June 6, 1996, the department may
24 include, in addition to the instructions in (a) of this subsection, any
25 appropriate conditions of supervision, including but not limited to,
26 prohibiting the offender from having contact with any other specified
27 individuals or specific class of individuals. For offenders sentenced
28 to terms of community custody for crimes committed on or after July 1,
29 2000, the department may additionally require the offender to
30 participate in rehabilitative programs or otherwise perform affirmative
31 conduct, and to obey all laws.

32 The conditions authorized under this subsection (15)(b) may be
33 imposed by the department prior to or during an offender's community
34 custody term. If a violation of conditions imposed by the court or the
35 department pursuant to subsection (10) of this section occurs during
36 community custody, it shall be deemed a violation of community
37 placement for the purposes of RCW 9.94A.207 and shall authorize the
38 department to transfer an offender to a more restrictive confinement
39 status as provided in RCW 9.94A.205. At any time prior to the

1 completion of an offender's term of community custody, the department
2 may recommend to the court that any or all of the conditions imposed by
3 the court or the department pursuant to subsection (10) or (11) of this
4 section be continued beyond the expiration of the offender's term of
5 community custody as authorized in subsection (10)(c) or (11)(e) of
6 this section.

7 The department may require offenders to pay for special services
8 rendered on or after July 25, 1993, including electronic monitoring,
9 day reporting, and telephone reporting, dependent upon the offender's
10 ability to pay. The department may pay for these services for
11 offenders who are not able to pay.

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

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

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

32 (19) The court shall order restitution whenever the offender is
33 convicted of a felony that results in injury to any person or damage to
34 or loss of property, whether the offender is sentenced to confinement
35 or placed under community supervision, unless extraordinary
36 circumstances exist that make restitution inappropriate in the court's
37 judgment. The court shall set forth the extraordinary circumstances in
38 the record if it does not order restitution.

1 (20) 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 (21) The court may order an offender whose sentence includes
9 community placement or community supervision to undergo a mental status
10 evaluation and to participate in available outpatient mental health
11 treatment, if the court finds that reasonable grounds exist to believe
12 that the offender is a mentally ill person as defined in RCW 71.24.025,
13 and that this condition is likely to have influenced the offense. An
14 order requiring mental status evaluation or treatment must be based on
15 a presentence report and, if applicable, mental status evaluations that
16 have been filed with the court to determine the offender's competency
17 or eligibility for a defense of insanity. The court may order
18 additional evaluations at a later date if deemed appropriate.

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

23 (23) All court-ordered legal financial obligations collected by the
24 department and remitted to the county clerk shall be credited and paid
25 where restitution is ordered. Restitution shall be paid prior to any
26 other payments of monetary obligations.

27 (24) In sentencing an offender convicted of a crime of domestic
28 violence, as defined in RCW 10.99.020, if the offender has a minor
29 child, or if the victim of the offense for which the offender was
30 convicted has a minor child, the court may, as part of any term of
31 community supervision, order the offender to participate in a domestic
32 violence perpetrator program approved under RCW 26.50.150.

33 (25)(a) Sex offender examinations and treatment ordered as a
34 special condition of community placement or community custody under
35 this section shall be conducted only by sex offender treatment
36 providers certified by the department of health under chapter 18.155
37 RCW unless the court finds that: (i) The offender has already moved to
38 another state or plans to move to another state for reasons other than
39 circumventing the certification requirements; (ii) no certified

1 providers are available for treatment within a reasonable geographic
2 distance of the offender's home, as determined in rules adopted by the
3 secretary; (iii) the evaluation and treatment plan comply with the
4 rules adopted by the department of health; or (iv) the treatment
5 provider is employed by the department. A treatment provider selected
6 by an offender who is not certified by the department of health shall
7 consult with a certified provider during the offender's period of
8 treatment to ensure compliance with the rules adopted by the department
9 of health. The frequency and content of the consultation shall be
10 based on the recommendation of the certified provider.

11 (b) A sex offender's failure to participate in treatment required
12 as a condition of community placement or community custody is a
13 violation that will not be excused on the basis that no treatment
14 provider was located within a reasonable geographic distance of the
15 offender's home.

16 **Sec. 3.** RCW 9.94A.142 and 1997 c 121 s 4 and 1997 c 52 s 2 are
17 each reenacted and amended to read as follows:

18 (1) When restitution is ordered, the court shall determine the
19 amount of restitution due at the sentencing hearing or within one
20 hundred eighty days except as provided in subsection (4) of this
21 section. The court may continue the hearing beyond the one hundred
22 eighty days for good cause. The court shall then set a minimum monthly
23 payment that the offender is required to make towards the restitution
24 that is ordered. The court should take into consideration the total
25 amount of the restitution owed, the offender's present, past, and
26 future ability to pay, as well as any assets that the offender may
27 have. During the period of supervision, the community corrections
28 officer may examine the offender to determine if there has been a
29 change in circumstances that warrants an amendment of the monthly
30 payment schedule. The community corrections officer may recommend a
31 change to the schedule of payment and shall inform the court of the
32 recommended change and the reasons for the change. The sentencing
33 court may then reset the monthly minimum payments based on the report
34 from the community corrections officer of the change in circumstances.
35 Except as provided in subsection (3) of this section, restitution
36 ordered by a court pursuant to a criminal conviction shall be based on
37 easily ascertainable damages for injury to or loss of property, actual
38 expenses incurred for treatment for injury to persons, and lost wages

1 resulting from injury. Restitution shall not include reimbursement for
2 damages for mental anguish, pain and suffering, or other intangible
3 losses, but may include the costs of counseling reasonably related to
4 the offense. The amount of restitution shall not exceed double the
5 amount of the offender's gain or the victim's loss from the commission
6 of the crime. For the purposes of this section, for an offense
7 committed prior to July 1, 2000, the offender shall remain under the
8 court's jurisdiction for a term of ten years following the offender's
9 release from total confinement or ten years subsequent to the entry of
10 the judgment and sentence, whichever period (~~(is longer)~~) ends later.
11 Prior to the expiration of the initial ten-year period, the superior
12 court may extend jurisdiction under the criminal judgment an additional
13 ten years for payment of restitution. For an offense committed on or
14 after July 1, 2000, the offender shall remain under the court's
15 jurisdiction until the obligation is completely satisfied, regardless
16 of the statutory maximum for the crime. The portion of the sentence
17 concerning restitution may be modified as to amount, terms, and
18 conditions during (~~(either the initial ten-year period or subsequent~~
19 ~~ten-year period if the criminal judgment is extended)~~) any period of
20 time the offender remains under the court's jurisdiction, regardless of
21 the expiration of the offender's term of community supervision and
22 regardless of the statutory maximum for the crime. The court may not
23 reduce the total amount of restitution ordered because the offender may
24 lack the ability to pay the total amount. The offender's compliance
25 with the restitution shall be supervised by the department of
26 corrections for ten years following the entry of the judgment and
27 sentence or ten years following the offender's release from total
28 confinement. (~~(If jurisdiction under the criminal judgment is~~
29 ~~extended, the department is not responsible for supervision of the~~
30 ~~offender during the subsequent period)~~) The department is not
31 responsible for supervision of the offender during any subsequent
32 period of time the offender remains under the court's jurisdiction.

33 (2) Restitution shall be ordered whenever the offender is convicted
34 of an offense which results in injury to any person or damage to or
35 loss of property or as provided in subsection (3) of this section
36 unless extraordinary circumstances exist which make restitution
37 inappropriate in the court's judgment and the court sets forth such
38 circumstances in the record. In addition, restitution shall be ordered
39 to pay for an injury, loss, or damage if the offender pleads guilty to

1 a lesser offense or fewer offenses and agrees with the prosecutor's
2 recommendation that the offender be required to pay restitution to a
3 victim of an offense or offenses which are not prosecuted pursuant to
4 a plea agreement.

5 (3) Restitution for the crime of rape of a child in the first,
6 second, or third degree, in which the victim becomes pregnant, shall
7 include: (a) All of the victim's medical expenses that are associated
8 with the rape and resulting pregnancy; and (b) child support for any
9 child born as a result of the rape if child support is ordered pursuant
10 to a civil superior court or administrative order for support for that
11 child. The clerk must forward any restitution payments made on behalf
12 of the victim's child to the Washington state child support registry
13 under chapter 26.23 RCW. Identifying information about the victim and
14 child shall not be included in the order. The defendant shall receive
15 a credit against any obligation owing under the administrative or
16 superior court order for support of the victim's child. For the
17 purposes of this subsection, the offender shall remain under the
18 court's jurisdiction until the defendant has satisfied support
19 obligations under the superior court or administrative order (~~but not~~
20 ~~longer than~~) for the period provided in RCW 4.16.020 or a maximum term
21 of twenty-five years following the offender's release from total
22 confinement or twenty-five years subsequent to the entry of the
23 judgment and sentence, whichever period is longer. The court may not
24 reduce the total amount of restitution ordered because the offender may
25 lack the ability to pay the total amount. The department shall
26 supervise the offender's compliance with the restitution ordered under
27 this subsection.

28 (4) Regardless of the provisions of subsections (1), (2), and (3)
29 of this section, the court shall order restitution in all cases where
30 the victim is entitled to benefits under the crime victims'
31 compensation act, chapter 7.68 RCW. If the court does not order
32 restitution and the victim of the crime has been determined to be
33 entitled to benefits under the crime victims' compensation act, the
34 department of labor and industries, as administrator of the crime
35 victims' compensation program, may petition the court within one year
36 of entry of the judgment and sentence for entry of a restitution order.
37 Upon receipt of a petition from the department of labor and industries,
38 the court shall hold a restitution hearing and shall enter a
39 restitution order.

1 (5) In addition to any sentence that may be imposed, a defendant
2 who has been found guilty of an offense involving fraud or other
3 deceptive practice or an organization which has been found guilty of
4 any such offense may be ordered by the sentencing court to give notice
5 of the conviction to the class of persons or to the sector of the
6 public affected by the conviction or financially interested in the
7 subject matter of the offense by mail, by advertising in designated
8 areas or through designated media, or by other appropriate means.

9 (6) This section does not limit civil remedies or defenses
10 available to the victim, survivors of the victim, or defendant
11 including support enforcement remedies for support ordered under
12 subsection (3) of this section for a child born as a result of a rape
13 of a child victim. The court shall identify in the judgment and
14 sentence the victim or victims entitled to restitution and what amount
15 is due each victim. The state or victim may enforce the court-ordered
16 restitution in the same manner as a judgment in a civil action.
17 Restitution collected through civil enforcement must be paid through
18 the registry of the court and must be distributed proportionately
19 according to each victim's loss when there is more than one victim.

20 (7) This section shall apply to offenses committed after July 1,
21 1985.

22 **Sec. 4.** RCW 9.94A.145 and 1999 c 196 s 6 are each amended to read
23 as follows:

24 (1) Whenever a person is convicted of a felony, the court may order
25 the payment of a legal financial obligation as part of the sentence.
26 The court must on either the judgment and sentence or on a subsequent
27 order to pay, designate the total amount of a legal financial
28 obligation and segregate this amount among the separate assessments
29 made for restitution, costs, fines, and other assessments required by
30 law. On the same order, the court is also to set a sum that the
31 offender is required to pay on a monthly basis towards satisfying the
32 legal financial obligation. If the court fails to set the offender
33 monthly payment amount, the department shall set the amount. Upon
34 receipt of an offender's monthly payment, after restitution is
35 satisfied, the county clerk shall distribute the payment proportionally
36 among all other fines, costs, and assessments imposed, unless otherwise
37 ordered by the court.

1 (2) If the court determines that the offender, at the time of
2 sentencing, has the means to pay for the cost of incarceration, the
3 court may require the offender to pay for the cost of incarceration at
4 a rate of fifty dollars per day of incarceration. Payment of other
5 court-ordered financial obligations, including all legal financial
6 obligations and costs of supervision shall take precedence over the
7 payment of the cost of incarceration ordered by the court. All funds
8 recovered from offenders for the cost of incarceration in the county
9 jail shall be remitted to the county and the costs of incarceration in
10 a prison shall be remitted to the department of corrections.

11 (3) The court may add to the judgment and sentence or subsequent
12 order to pay a statement that a notice of payroll deduction is to be
13 immediately issued. If the court chooses not to order the immediate
14 issuance of a notice of payroll deduction at sentencing, the court
15 shall add to the judgment and sentence or subsequent order to pay a
16 statement that a notice of payroll deduction may be issued or other
17 income-withholding action may be taken, without further notice to the
18 offender if a monthly court-ordered legal financial obligation payment
19 is not paid when due, and an amount equal to or greater than the amount
20 payable for one month is owed.

21 If a judgment and sentence or subsequent order to pay does not
22 include the statement that a notice of payroll deduction may be issued
23 or other income-withholding action may be taken if a monthly legal
24 financial obligation payment is past due, the department may serve a
25 notice on the offender stating such requirements and authorizations.
26 Service shall be by personal service or any form of mail requiring a
27 return receipt.

28 (4) All legal financial obligations that are ordered as a result of
29 a conviction for a felony, may also be enforced in the same manner as
30 a judgment in a civil action by the party or entity to whom the legal
31 financial obligation is owed. Restitution collected through civil
32 enforcement must be paid through the registry of the court and must be
33 distributed proportionately according to each victim's loss when there
34 is more than one victim. The judgment and sentence shall identify the
35 party or entity to whom restitution is owed so that the state, party,
36 or entity may enforce the judgment. If restitution is ordered pursuant
37 to RCW 9.94A.140(3) or 9.94A.142(3) to a victim of rape of a child and
38 the victim's child born from the rape, the Washington state child
39 support registry shall be identified as the party to whom payments must

1 be made. Restitution obligations arising from the rape of a child in
2 the first, second, or third degree that result in the pregnancy of the
3 victim may be enforced for the time periods provided under RCW
4 9.94A.140(3) and 9.94A.142(3). All other legal financial obligations
5 for an offense committed prior to July 1, 2000, may be enforced at any
6 time during the ten-year period following the offender's release from
7 total confinement or within ten years of entry of the judgment and
8 sentence, whichever period ((is longer)) ends later. Prior to the
9 expiration of the initial ten-year period, the superior court may
10 extend the criminal judgment an additional ten years for payment of
11 legal financial obligations including crime victims' assessments. ((If
12 jurisdiction under the criminal judgment is extended, the department is
13 not responsible for supervision of the offender during the subsequent
14 period)) All other legal financial obligations for an offense committed
15 on or after July 1, 2000, may be enforced at any time the offender
16 remains under the court's jurisdiction. The department of corrections
17 shall supervise the offender's compliance with payment of the legal
18 financial obligations for ten years following the entry of the judgment
19 and sentence, or ten years following the offender's release from total
20 confinement, whichever period ends later. The department is not
21 responsible for supervision of the offender during any subsequent
22 period of time the offender remains under the court's jurisdiction.
23 Independent of the department, the party or entity to whom the legal
24 financial obligation is owed shall have the authority to utilize any
25 other remedies available to the party or entity to collect the legal
26 financial obligation.

27 (5) In order to assist the court in setting a monthly sum that the
28 offender must pay during the period of supervision, the offender is
29 required to report to the department for purposes of preparing a
30 recommendation to the court. When reporting, the offender is required,
31 under oath, to truthfully and honestly respond to all questions
32 concerning present, past, and future earning capabilities and the
33 location and nature of all property or financial assets. The offender
34 is further required to bring any and all documents as requested by the
35 department.

36 (6) After completing the investigation, the department shall make
37 a report to the court on the amount of the monthly payment that the
38 offender should be required to make towards a satisfied legal financial
39 obligation.

1 (7) During the period of supervision, the department may make a
2 recommendation to the court that the offender's monthly payment
3 schedule be modified so as to reflect a change in financial
4 circumstances. If the department sets the monthly payment amount, the
5 department may modify the monthly payment amount without the matter
6 being returned to the court. Also, during the period of supervision,
7 the offender may be required at the request of the department to report
8 to the department for the purposes of reviewing the appropriateness of
9 the collection schedule for the legal financial obligation. During
10 this reporting, the offender is required under oath to truthfully and
11 honestly respond to all questions concerning earning capabilities and
12 the location and nature of all property or financial assets. Also, the
13 offender is required to bring any and all documents as requested by the
14 department in order to prepare the collection schedule.

15 (8) After the judgment and sentence or payment order is entered,
16 the department shall for any period of supervision be authorized to
17 collect the legal financial obligation from the offender. Any amount
18 collected by the department shall be remitted daily to the county clerk
19 for the purposes of disbursements. The department is authorized to
20 accept credit cards as payment for a legal financial obligation, and
21 any costs incurred related to accepting credit card payments shall be
22 the responsibility of the offender.

23 (9) The department or any obligee of the legal financial obligation
24 may seek a mandatory wage assignment for the purposes of obtaining
25 satisfaction for the legal financial obligation pursuant to RCW
26 9.94A.2001.

27 (10) The requirement that the offender pay a monthly sum towards a
28 legal financial obligation constitutes a condition or requirement of a
29 sentence and the offender is subject to the penalties as provided in
30 RCW 9.94A.200 for noncompliance.

31 (11) The county clerk shall provide the department with
32 individualized monthly billings for each offender with an unsatisfied
33 legal financial obligation and shall provide the department with notice
34 of payments by such offenders no less frequently than weekly.

35 (12) The department may arrange for the collection of unpaid legal
36 financial obligations through the county clerk, or through another
37 entity if the clerk does not assume responsibility for collection. The
38 costs for collection services shall be paid by the offender.

1 **Sec. 5.** RCW 9.94A.170 and 1999 c 196 s 7 and 1999 c 143 s 14 are
2 each reenacted and amended to read as follows:

3 (1) A term of confinement ordered in a sentence pursuant to this
4 chapter shall be tolled by any period of time during which the offender
5 has absented himself or herself from confinement without the prior
6 approval of the entity in whose custody the offender has been placed.
7 A term of partial confinement shall be tolled during any period of time
8 spent in total confinement pursuant to a new conviction or pursuant to
9 sanctions for violation of sentence conditions on a separate felony
10 conviction.

11 (2) ~~((A))~~ Any term of community custody ~~((ordered in a sentence~~
12 ~~pursuant to this chapter))~~, community placement, or community
13 supervision shall be tolled by any period of time during which the
14 offender has absented himself or herself from supervision without prior
15 approval of the entity under whose ~~((community custody))~~ supervision
16 the offender has been placed.

17 (3) Any period of community custody, community placement, or
18 community supervision shall be tolled during any period of time the
19 offender is in confinement for any reason. However, if an offender is
20 detained pursuant to RCW 9.94A.207 or 9.94A.195 and is later found not
21 to have violated a condition or requirement of community custody,
22 community placement, or community supervision, time spent in
23 confinement due to such detention shall not toll the period of
24 community custody, community placement, or community supervision.

25 (4) For terms of confinement or community custody ~~((sentences))~~,
26 community placement, or community supervision, the date for the tolling
27 of the sentence shall be established by the entity responsible for the
28 confinement or ~~((community custody))~~ supervision.

29 NEW SECTION. **Sec. 6.** If any provision of this act or its
30 application to any person or circumstance is held invalid, the
31 remainder of the act or the application of the provision to other
32 persons or circumstances is not affected.

33 NEW SECTION. **Sec. 7.** Section 5 of this act is necessary for the
34 immediate preservation of the public peace, health, or safety, or
35 support of the state government and its existing public institutions,
36 and takes effect immediately.

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