

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5970

Chapter 94, Laws of 2001

57th Legislature
2001 Regular Session

PROBATION ORDERS

EFFECTIVE DATE: 7/22/01

Passed by the Senate March 14, 2001
YEAS 44 NAYS 0

ROSA FRANKLIN
President of the Senate

Passed by the House April 10, 2001
YEAS 95 NAYS 0

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

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

Approved April 19, 2001

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 **ENGROSSED SUBSTITUTE SENATE BILL 5970** as passed by the Senate and the House of Representatives on the dates hereon set forth.

TONY M. COOK
Secretary

FILED

April 19, 2001 - 5:08 p.m.

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5970

Passed Legislature - 2001 Regular Session

State of Washington

57th Legislature

2001 Regular Session

By Senate Committee on Judiciary (originally sponsored by Senator Hargrove)

READ FIRST TIME 03/05/01.

1 AN ACT Relating to probation orders; and amending RCW 3.66.067,
2 3.66.068, 35.20.255, 3.50.320, and 3.50.330.

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

4 **Sec. 1.** RCW 3.66.067 and 1984 c 258 s 46 are each amended to read
5 as follows:

6 After a conviction, the court may ~~((defer sentencing))~~ impose
7 sentence by suspending all or a portion of the defendant's sentence or
8 by deferring the sentence of the defendant and may place the defendant
9 on probation for a period of no longer than two years and prescribe the
10 conditions thereof(, but in no case shall it extend for more than two
11 years from the date of conviction)). A defendant who has been
12 sentenced, or whose sentence has been deferred, and who then fails to
13 appear for any hearing to address the defendant's compliance with the
14 terms of probation when ordered to do so by the court, shall have the
15 term of probation tolled until such time as the defendant makes his or
16 her presence known to the court on the record. During the time of the
17 deferral, the court may, for good cause shown, permit a defendant to
18 withdraw the plea of guilty and to enter a plea of not guilty, and the
19 court may dismiss the charges.

1 **Sec. 2.** RCW 3.66.068 and 1999 c 56 s 2 are each amended to read as
2 follows:

3 For a period not to exceed five years after imposition of sentence
4 for a defendant sentenced under RCW 46.61.5055 and two years after
5 imposition of sentence for all other offenses, the court has continuing
6 jurisdiction and authority to suspend or defer the execution of all or
7 any part of its sentence upon stated terms, including installment
8 payment of fines. A defendant who has been sentenced, or whose
9 sentence has been deferred, and who then fails to appear for any
10 hearing to address the defendant's compliance with the terms of
11 probation when ordered to do so by the court, shall have the term of
12 probation tolled until such time as the defendant makes his or her
13 presence known to the court on the record. However, the jurisdiction
14 period in this section does not apply to the enforcement of orders
15 issued under RCW 46.20.720.

16 **Sec. 3.** RCW 35.20.255 and 1999 c 56 s 3 are each amended to read
17 as follows:

18 Judges of the municipal court, in their discretion, shall have the
19 power in all criminal proceedings within their jurisdiction including
20 violations of city ordinances, to defer imposition of any sentence,
21 suspend all or part of any sentence including installment payment of
22 fines, fix the terms of any such deferral or suspension, and provide
23 for such probation ((and parole)) as in their opinion is reasonable and
24 necessary under the circumstances of the case, but in no case shall it
25 extend for more than five years from the date of conviction for a
26 defendant to be sentenced under RCW 46.61.5055 and two years from the
27 date of conviction for all other offenses. A defendant who has been
28 sentenced, or whose sentence has been deferred, and who then fails to
29 appear for any hearing to address the defendant's compliance with the
30 terms of probation when ordered to do so by the court, shall have the
31 term of probation tolled until such time as the defendant makes his or
32 her presence known to the court on the record. However, the
33 jurisdiction period in this section does not apply to the enforcement
34 of orders issued under RCW 46.20.720. Any time before entering an
35 order terminating probation, the court may modify or revoke its order
36 suspending or deferring the imposition or execution of the sentence.

1 **Sec. 4.** RCW 3.50.320 and 1984 c 258 s 116 are each amended to read
2 as follows:

3 After a conviction, the court may (~~defer sentencing~~) impose
4 sentence by suspending all or a portion of the defendant's sentence or
5 by deferring the sentence of the defendant and may place the defendant
6 on probation for a period of no longer than two years and prescribe the
7 conditions thereof(~~(, but in no case shall it extend for more than two~~
8 ~~years from the date of conviction)~~). A defendant who has been
9 sentenced, or whose sentence has been deferred, and who then fails to
10 appear for any hearing to address the defendant's compliance with the
11 terms of probation when ordered to do so by the court, shall have the
12 term of probation tolled until such time as the defendant makes his or
13 her presence known to the court on the record. During the time of the
14 deferral, the court may, for good cause shown, permit a defendant to
15 withdraw the plea of guilty, permit the defendant to enter a plea of
16 not guilty, and dismiss the charges.

17 **Sec. 5.** RCW 3.50.330 and 1999 c 56 s 1 are each amended to read as
18 follows:

19 For a period not to exceed five years after imposition of sentence
20 for a defendant sentenced under RCW 46.61.5055 and two years after
21 imposition of sentence for all other offenses, the court shall have
22 continuing jurisdiction and authority to suspend or defer the execution
23 of all or any part of the sentence upon stated terms, including
24 installment payment of fines. A defendant who has been sentenced, or
25 whose sentence has been deferred, and who then fails to appear for any
26 hearing to address the defendant's compliance with the terms of
27 probation when ordered to do so by the court, shall have the term of
28 probation tolled until such time as the defendant makes his or her
29 presence known to the court on the record. However, the jurisdiction
30 period in this section does not apply to the enforcement of orders
31 issued under RCW 46.20.720. Any time before entering an order
32 terminating probation, the court may modify or revoke its order
33 suspending or deferring the imposition or execution of the sentence.

Passed the Senate March 14, 2001.

Passed the House April 10, 2001.

Approved by the Governor April 19, 2001.

Filed in Office of Secretary of State April 19, 2001.