

CERTIFICATION OF ENROLLMENT

**ENGROSSED HOUSE BILL 2279**

Chapter 214, Laws of 2009

61st Legislature  
2009 Regular Session

ASSAULT OF CHILD--COMMUNITY CUSTODY--SENTENCING STUDY

EFFECTIVE DATE: 08/01/09

Passed by the House March 10, 2009  
Yeas 96 Nays 0

FRANK CHOPP

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**Speaker of the House of Representatives**

Passed by the Senate April 17, 2009  
Yeas 42 Nays 0

BRAD OWEN

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**President of the Senate**

Approved April 25, 2009, 11:08 a.m.

CHRISTINE GREGOIRE

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**Governor of the State of Washington**

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 2279** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

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**Chief Clerk**

FILED

April 27, 2009

**Secretary of State  
State of Washington**

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**ENGROSSED HOUSE BILL 2279**

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Passed Legislature - 2009 Regular Session

**State of Washington                      61st Legislature                      2009 Regular Session**

**By** Representatives Hurst, Hope, Dunshee, Kelley, and Roach

Read first time 02/23/09. Referred to Committee on Public Safety & Emergency Preparedness.

1            AN ACT Relating to the offense of assault of a child in the first  
2 degree by requiring the review of the sentencing of offenders and  
3 modifying the conditions of release; amending RCW 9.94A.703; creating  
4 new sections; and providing an effective date.

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

6            NEW SECTION.    **Sec. 1.** This act shall be known as the Eryk Woodruff  
7 public safety act of 2009.

8            NEW SECTION.    **Sec. 2.** (1) The sentencing guidelines commission  
9 shall review the crime of assault of a child in the first degree as it  
10 relates to: The elements of the crime, sentencing under the sentencing  
11 reform act grid, all provisions providing for exceptional sentences  
12 both above and below the standard sentencing ranges, judicial  
13 discretion in sentencing, earned early release, and community custody  
14 requirements. As part of its review, the commission shall:

15            (a) Study the relevant provisions of the sentencing reform act  
16 relating to assault of a child in the first degree;

17            (b) Consider the revision of the sentencing range for assault of a  
18 child in the first degree which includes, but is not limited to, taking

1 into consideration the violence of the offense, the age of victims, the  
2 criminal history of the offender, the mental health capacity of the  
3 offender, and the risk of the offender reoffending in the community;

4 (c) Consider the use of advisory sentencing guidelines for assault  
5 of a child in the first degree;

6 (d) Consider the modification of the mandatory minimum term of  
7 confinement for an offender convicted of assault of a child in the  
8 first degree;

9 (e) Consider altering the statutory provisions surrounding earned  
10 early release for an offender convicted of assault of a child in the  
11 first degree;

12 (f) Consider restructuring or adjusting the statutory community  
13 custody conditions for offenders convicted of assault of a child in the  
14 first degree;

15 (g) Consider the use of determinate plus sentencing that provides  
16 for a minimum and a maximum term of confinement for an offender  
17 convicted of assault of a child in the first degree; and

18 (h) Determine the fiscal impact of any proposed recommendations.

19 (2) The commission shall review and make recommendations regarding  
20 the revision or modification of the sentences of offenders convicted of  
21 the crime of assault of a child in the first degree.

22 (3) The commission shall submit its findings to the appropriate  
23 committees of the legislature no later than December 31, 2009.

24 **Sec. 3.** RCW 9.94A.703 and 2008 c 231 s 9 are each amended to read  
25 as follows:

26 When a court sentences a person to a term of community custody, the  
27 court shall impose conditions of community custody as provided in this  
28 section.

29 (1) **Mandatory conditions.** As part of any term of community  
30 custody, the court shall:

31 (a) Require the offender to inform the department of court-ordered  
32 treatment upon request by the department;

33 (b) Require the offender to comply with any conditions imposed by  
34 the department under RCW 9.94A.704;

35 (c) If the offender was sentenced under RCW ((~~9.94A.712~~)) 9.94A.507  
36 for an offense listed in RCW ((~~9.94A.712~~)) 9.94A.507(1)(a), and the

1 victim of the offense was under eighteen years of age at the time of  
2 the offense, prohibit the offender from residing in a community  
3 protection zone;

4 (d) If the offender was sentenced under RCW 9A.36.120, prohibit the  
5 offender from serving in any paid or volunteer capacity where he or she  
6 has control or supervision of minors under the age of thirteen.

7 (2) **Waivable conditions.** Unless waived by the court, as part of  
8 any term of community custody, the court shall order an offender to:

9 (a) Report to and be available for contact with the assigned  
10 community corrections officer as directed;

11 (b) Work at department-approved education, employment, or community  
12 restitution, or any combination thereof;

13 (c) Refrain from possessing or consuming controlled substances  
14 except pursuant to lawfully issued prescriptions;

15 (d) Pay supervision fees as determined by the department; and

16 (e) Obtain prior approval of the department for the offender's  
17 residence location and living arrangements.

18 (3) **Discretionary conditions.** As part of any term of community  
19 custody, the court may order an offender to:

20 (a) Remain within, or outside of, a specified geographical  
21 boundary;

22 (b) Refrain from direct or indirect contact with the victim of the  
23 crime or a specified class of individuals;

24 (c) Participate in crime-related treatment or counseling services;

25 (d) Participate in rehabilitative programs or otherwise perform  
26 affirmative conduct reasonably related to the circumstances of the  
27 offense, the offender's risk of reoffending, or the safety of the  
28 community;

29 (e) Refrain from consuming alcohol; or

30 (f) Comply with any crime-related prohibitions.

31 (4) **Special conditions.**

32 (a) In sentencing an offender convicted of a crime of domestic  
33 violence, as defined in RCW 10.99.020, if the offender has a minor  
34 child, or if the victim of the offense for which the offender was  
35 convicted has a minor child, the court may order the offender to  
36 participate in a domestic violence perpetrator program approved under  
37 RCW 26.50.150.

1 (b)(i) In sentencing an offender convicted of an alcohol or drug-  
2 related traffic offense, the court shall require the offender to  
3 complete a diagnostic evaluation by an alcohol or drug dependency  
4 agency approved by the department of social and health services or a  
5 qualified probation department, defined under RCW 46.61.516, that has  
6 been approved by the department of social and health services. If the  
7 offense was pursuant to chapter 46.61 RCW, the report shall be  
8 forwarded to the department of licensing. If the offender is found to  
9 have an alcohol or drug problem that requires treatment, the offender  
10 shall complete treatment in a program approved by the department of  
11 social and health services under chapter 70.96A RCW. If the offender  
12 is found not to have an alcohol or drug problem that requires  
13 treatment, the offender shall complete a course in an information  
14 school approved by the department of social and health services under  
15 chapter 70.96A RCW. The offender shall pay all costs for any  
16 evaluation, education, or treatment required by this section, unless  
17 the offender is eligible for an existing program offered or approved by  
18 the department of social and health services.

19 (ii) For purposes of this section, "alcohol or drug-related traffic  
20 offense" means the following: Driving while under the influence as  
21 defined by RCW 46.61.502, actual physical control while under the  
22 influence as defined by RCW 46.61.504, vehicular homicide as defined by  
23 RCW 46.61.520(1)(a), vehicular assault as defined by RCW  
24 46.61.522(1)(b), homicide by watercraft as defined by RCW 79A.60.050,  
25 or assault by watercraft as defined by RCW 79A.60.060.

26 (iii) This subsection (4)(b) does not require the department of  
27 social and health services to add new treatment or assessment  
28 facilities nor affect its use of existing programs and facilities  
29 authorized by law.

30 NEW SECTION. **Sec. 4.** This act takes effect August 1, 2009.

Passed by the House March 10, 2009.

Passed by the Senate April 17, 2009.

Approved by the Governor April 25, 2009.

Filed in Office of Secretary of State April 27, 2009.