
ENGROSSED SUBSTITUTE HOUSE BILL 2543

State of Washington

63rd Legislature

2014 Regular Session

By House Public Safety (originally sponsored by Representatives Shea, Overstreet, Taylor, and Short)

READ FIRST TIME 02/05/14.

1 AN ACT Relating to electronic monitoring; amending RCW 9.94A.030;
2 creating a new section; and providing an expiration date.

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

4 NEW SECTION. **Sec. 1.** (1) A work group on electronic home
5 monitoring is established to study and make recommendations relating to
6 establishing statewide standards for electronic home monitoring in
7 Washington state.

8 (2) The work group shall consist of the following members:

9 (a) One member from each of the two largest caucuses of the senate,
10 appointed by the president of the senate;

11 (b) One member from each of the two largest caucuses of the house
12 of representatives, appointed by the speaker of the house of
13 representatives;

14 (c) The chief of the Washington state patrol or the chief's
15 designee;

16 (d) The secretary of the department of corrections or the
17 secretary's designee;

18 (e) The executive director of the Washington association of
19 sheriffs and police chiefs or the executive director's designee;

- 1 (f) One member representing the superior court judges' association;
- 2 (g) One member representing the district and municipal court
3 judges' association;
- 4 (h) One member representing the Washington state association of
5 counties;
- 6 (i) One member representing the Washington association of
7 prosecuting attorneys;
- 8 (j) One member representing the Washington defender's association
9 or the Washington association of criminal defense lawyers;
- 10 (k) One member representing the Washington coalition of crime
11 victim advocates; and
- 12 (l) At least two members, appointed by the governor, who represent
13 agencies engaged in the electronic monitoring of offenders in
14 Washington state.
- 15 (3) Members of the work group shall select a chair or cochairs from
16 among its legislative membership.
- 17 (4) At a minimum, the work group shall research, review, and make
18 recommendations on:
- 19 (a) Imposing reporting standards on public and private agencies
20 which monitor individuals through electronic home monitoring to govern
21 how quickly and frequently courts, prosecutors and law enforcements
22 should be notified of violations;
- 23 (b) Imposing monitoring standards to govern how often and by which
24 methods agencies must verify monitored individual's activities;
- 25 (c) Imposing operational requirements on agencies to ensure
26 continued monitoring around the clock, including staffing and equipment
27 requirements, contingency plans, and bonding and insurance
28 requirements;
- 29 (d) Ensuring professional requirements, such as background checks
30 and prohibitions on private relationships between agencies or agency
31 employees and monitored individuals;
- 32 (e) Ensuring compliance with any standards imposed, by methods such
33 as auditing requirements or other oversight, and penalties; and
- 34 (f) Improving accountability for individuals on supervision and
35 consistency, as appropriate, of the terms of electronic home monitoring
36 for similar monitored individuals.
- 37 (5) The work group shall compile its findings and recommendations

1 for electronic home monitoring into a final report and provide its
2 report to the appropriate committees of the legislature and governor by
3 December 1, 2014.

4 (6) The work group shall function within existing resources and no
5 specific budget may be provided to complete the report. The
6 participants are encouraged to donate their time to offset any costs.

7 (7) This section expires January 1, 2015.

8 **Sec. 2.** RCW 9.94A.030 and 2012 c 143 s 1 are each amended to read
9 as follows:

10 Unless the context clearly requires otherwise, the definitions in
11 this section apply throughout this chapter.

12 (1) "Board" means the indeterminate sentence review board created
13 under chapter 9.95 RCW.

14 (2) "Collect," or any derivative thereof, "collect and remit," or
15 "collect and deliver," when used with reference to the department,
16 means that the department, either directly or through a collection
17 agreement authorized by RCW 9.94A.760, is responsible for monitoring
18 and enforcing the offender's sentence with regard to the legal
19 financial obligation, receiving payment thereof from the offender, and,
20 consistent with current law, delivering daily the entire payment to the
21 superior court clerk without depositing it in a departmental account.

22 (3) "Commission" means the sentencing guidelines commission.

23 (4) "Community corrections officer" means an employee of the
24 department who is responsible for carrying out specific duties in
25 supervision of sentenced offenders and monitoring of sentence
26 conditions.

27 (5) "Community custody" means that portion of an offender's
28 sentence of confinement in lieu of earned release time or imposed as
29 part of a sentence under this chapter and served in the community
30 subject to controls placed on the offender's movement and activities by
31 the department.

32 (6) "Community protection zone" means the area within eight hundred
33 eighty feet of the facilities and grounds of a public or private
34 school.

35 (7) "Community restitution" means compulsory service, without
36 compensation, performed for the benefit of the community by the
37 offender.

1 (8) "Confinement" means total or partial confinement.

2 (9) "Conviction" means an adjudication of guilt pursuant to Title
3 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and
4 acceptance of a plea of guilty.

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

12 (11) "Criminal history" means the list of a defendant's prior
13 convictions and juvenile adjudications, whether in this state, in
14 federal court, or elsewhere.

15 (a) The history shall include, where known, for each conviction (i)
16 whether the defendant has been placed on probation and the length and
17 terms thereof; and (ii) whether the defendant has been incarcerated and
18 the length of incarceration.

19 (b) A conviction may be removed from a defendant's criminal history
20 only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or
21 a similar out-of-state statute, or if the conviction has been vacated
22 pursuant to a governor's pardon.

23 (c) The determination of a defendant's criminal history is distinct
24 from the determination of an offender score. A prior conviction that
25 was not included in an offender score calculated pursuant to a former
26 version of the sentencing reform act remains part of the defendant's
27 criminal history.

28 (12) "Criminal street gang" means any ongoing organization,
29 association, or group of three or more persons, whether formal or
30 informal, having a common name or common identifying sign or symbol,
31 having as one of its primary activities the commission of criminal
32 acts, and whose members or associates individually or collectively
33 engage in or have engaged in a pattern of criminal street gang
34 activity. This definition does not apply to employees engaged in
35 concerted activities for their mutual aid and protection, or to the
36 activities of labor and bona fide nonprofit organizations or their
37 members or agents.

1 (13) "Criminal street gang associate or member" means any person
2 who actively participates in any criminal street gang and who
3 intentionally promotes, furthers, or assists in any criminal act by the
4 criminal street gang.

5 (14) "Criminal street gang-related offense" means any felony or
6 misdemeanor offense, whether in this state or elsewhere, that is
7 committed for the benefit of, at the direction of, or in association
8 with any criminal street gang, or is committed with the intent to
9 promote, further, or assist in any criminal conduct by the gang, or is
10 committed for one or more of the following reasons:

11 (a) To gain admission, prestige, or promotion within the gang;

12 (b) To increase or maintain the gang's size, membership, prestige,
13 dominance, or control in any geographical area;

14 (c) To exact revenge or retribution for the gang or any member of
15 the gang;

16 (d) To obstruct justice, or intimidate or eliminate any witness
17 against the gang or any member of the gang;

18 (e) To directly or indirectly cause any benefit, aggrandizement,
19 gain, profit, or other advantage for the gang, its reputation,
20 influence, or membership; or

21 (f) To provide the gang with any advantage in, or any control or
22 dominance over any criminal market sector, including, but not limited
23 to, manufacturing, delivering, or selling any controlled substance
24 (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen
25 property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88
26 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual
27 abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter
28 9.68 RCW).

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

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

38 (17) "Department" means the department of corrections.

1 (18) "Determinate sentence" means a sentence that states with
2 exactitude the number of actual years, months, or days of total
3 confinement, of partial confinement, of community custody, the number
4 of actual hours or days of community restitution work, or dollars or
5 terms of a legal financial obligation. The fact that an offender
6 through earned release can reduce the actual period of confinement
7 shall not affect the classification of the sentence as a determinate
8 sentence.

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

21 (20) "Domestic violence" has the same meaning as defined in RCW
22 10.99.020 and 26.50.010.

23 (21) "Drug offender sentencing alternative" is a sentencing option
24 available to persons convicted of a felony offense other than a violent
25 offense or a sex offense and who are eligible for the option under RCW
26 9.94A.660.

27 (22) "Drug offense" means:

28 (a) Any felony violation of chapter 69.50 RCW except possession of
29 a controlled substance (RCW 69.50.4013) or forged prescription for a
30 controlled substance (RCW 69.50.403);

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

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

37 (23) "Earned release" means earned release from confinement as
38 provided in RCW 9.94A.728.

1 (24) "Escape" means:

2 (a) Sexually violent predator escape (RCW 9A.76.115), escape in the
3 first degree (RCW 9A.76.110), escape in the second degree (RCW
4 9A.76.120), willful failure to return from furlough (RCW 72.66.060),
5 willful failure to return from work release (RCW 72.65.070), or willful
6 failure to be available for supervision by the department while in
7 community custody (RCW 72.09.310); or

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

11 (25) "Felony traffic offense" means:

12 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW
13 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-
14 run injury-accident (RCW 46.52.020(4)), felony driving while under the
15 influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or
16 felony physical control of a vehicle while under the influence of
17 intoxicating liquor or any drug (RCW 46.61.504(6)); or

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

21 (26) "Fine" means a specific sum of money ordered by the sentencing
22 court to be paid by the offender to the court over a specific period of
23 time.

24 (27) "First-time offender" means any person who has no prior
25 convictions for a felony and is eligible for the first-time offender
26 waiver under RCW 9.94A.650.

27 (28) "Home detention" means a program of partial confinement
28 available to offenders wherein the offender is confined in a private
29 residence subject to electronic surveillance that determines the
30 monitored individual's presence at an approved location through either:

31 (a) Signaling, which continuously detects whether the monitored
32 individual is at the approved location and notifies the monitoring
33 agency of the time that the monitored individual leaves the approved
34 location, tampers with, or removes the monitoring device; or

35 (b) Satellite monitoring, which continuously detects the location
36 of the monitored individual and notifies a home detention monitor of
37 the monitored individual's location at all times.

1 (29) "Homelessness" or "homeless" means a condition where an
2 individual lacks a fixed, regular, and adequate nighttime residence and
3 who has a primary nighttime residence that is:

4 (a) A supervised, publicly or privately operated shelter designed
5 to provide temporary living accommodations;

6 (b) A public or private place not designed for, or ordinarily used
7 as, a regular sleeping accommodation for human beings; or

8 (c) A private residence where the individual stays as a transient
9 invitee.

10 (30) "Legal financial obligation" means a sum of money that is
11 ordered by a superior court of the state of Washington for legal
12 financial obligations which may include restitution to the victim,
13 statutorily imposed crime victims' compensation fees as assessed
14 pursuant to RCW 7.68.035, court costs, county or interlocal drug funds,
15 court-appointed attorneys' fees, and costs of defense, fines, and any
16 other financial obligation that is assessed to the offender as a result
17 of a felony conviction. Upon conviction for vehicular assault while
18 under the influence of intoxicating liquor or any drug, RCW
19 46.61.522(1)(b), or vehicular homicide while under the influence of
20 intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial
21 obligations may also include payment to a public agency of the expense
22 of an emergency response to the incident resulting in the conviction,
23 subject to RCW 38.52.430.

24 (31) "Minor child" means a biological or adopted child of the
25 offender who is under age eighteen at the time of the offender's
26 current offense.

27 (32) "Most serious offense" means any of the following felonies or
28 a felony attempt to commit any of the following felonies:

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

32 (b) Assault in the second degree;

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

34 (d) Child molestation in the second degree;

35 (e) Controlled substance homicide;

36 (f) Extortion in the first degree;

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

38 (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, when caused by the operation or driving of
10 a vehicle by a person while under the influence of intoxicating liquor
11 or any drug or by the operation or driving of a vehicle in a reckless
12 manner;
- 13 (r) Vehicular homicide, when proximately caused by the driving of
14 any vehicle by any person while under the influence of intoxicating
15 liquor or any drug as defined by RCW 46.61.502, or by the operation of
16 any vehicle in a reckless manner;
- 17 (s) Any other class B felony offense with a finding of sexual
18 motivation;
- 19 (t) Any other felony with a deadly weapon verdict under RCW
20 9.94A.825;
- 21 (u) Any felony offense in effect at any time prior to December 2,
22 1993, that is comparable to a most serious offense under this
23 subsection, or any federal or out-of-state conviction for an offense
24 that under the laws of this state would be a felony classified as a
25 most serious offense under this subsection;
- 26 (v)(i) A prior conviction for indecent liberties under RCW
27 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess.
28 as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as
29 it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1)
30 (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;
- 31 (ii) A prior conviction for indecent liberties under RCW
32 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988,
33 if: (A) The crime was committed against a child under the age of
34 fourteen; or (B) the relationship between the victim and perpetrator is
35 included in the definition of indecent liberties under RCW
36 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997,
37 or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993,
38 through July 27, 1997;

1 (w) Any out-of-state conviction for a felony offense with a finding
2 of sexual motivation if the minimum sentence imposed was ten years or
3 more; provided that the out-of-state felony offense must be comparable
4 to a felony offense under this title and Title 9A RCW and the out-of-
5 state definition of sexual motivation must be comparable to the
6 definition of sexual motivation contained in this section.

7 (33) "Nonviolent offense" means an offense which is not a violent
8 offense.

9 (34) "Offender" means a person who has committed a felony
10 established by state law and is eighteen years of age or older or is
11 less than eighteen years of age but whose case is under superior court
12 jurisdiction under RCW 13.04.030 or has been transferred by the
13 appropriate juvenile court to a criminal court pursuant to RCW
14 13.40.110. In addition, for the purpose of community custody
15 requirements under this chapter, "offender" also means a misdemeanor
16 or gross misdemeanor probationer ordered by a superior court to
17 probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and
18 supervised by the department pursuant to RCW 9.94A.501 and 9.94A.5011.
19 Throughout this chapter, the terms "offender" and "defendant" are used
20 interchangeably.

21 (35) "Partial confinement" means confinement for no more than one
22 year in a facility or institution operated or utilized under contract
23 by the state or any other unit of government, or, if home detention or
24 work crew has been ordered by the court or home detention has been
25 ordered by the department as part of the parenting program, in an
26 approved residence, for a substantial portion of each day with the
27 balance of the day spent in the community. Partial confinement
28 includes work release, home detention, work crew, and a combination of
29 work crew and home detention.

30 (36) "Pattern of criminal street gang activity" means:

31 (a) The commission, attempt, conspiracy, or solicitation of, or any
32 prior juvenile adjudication of or adult conviction of, two or more of
33 the following criminal street gang-related offenses:

34 (i) Any "serious violent" felony offense as defined in this
35 section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a
36 Child 1 (RCW 9A.36.120);

37 (ii) Any "violent" offense as defined by this section, excluding
38 Assault of a Child 2 (RCW 9A.36.130);

- 1 (iii) Deliver or Possession with Intent to Deliver a Controlled
- 2 Substance (chapter 69.50 RCW);
- 3 (iv) Any violation of the firearms and dangerous weapon act
- 4 (chapter 9.41 RCW);
- 5 (v) Theft of a Firearm (RCW 9A.56.300);
- 6 (vi) Possession of a Stolen Firearm (RCW 9A.56.310);
- 7 (vii) Malicious Harassment (RCW 9A.36.080);
- 8 (viii) Harassment where a subsequent violation or deadly threat is
- 9 made (RCW 9A.46.020(2)(b));
- 10 (ix) Criminal Gang Intimidation (RCW 9A.46.120);
- 11 (x) Any felony conviction by a person eighteen years of age or
- 12 older with a special finding of involving a juvenile in a felony
- 13 offense under RCW 9.94A.833;
- 14 (xi) Residential Burglary (RCW 9A.52.025);
- 15 (xii) Burglary 2 (RCW 9A.52.030);
- 16 (xiii) Malicious Mischief 1 (RCW 9A.48.070);
- 17 (xiv) Malicious Mischief 2 (RCW 9A.48.080);
- 18 (xv) Theft of a Motor Vehicle (RCW 9A.56.065);
- 19 (xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);
- 20 (xvii) Taking a Motor Vehicle Without Permission 1 (RCW 9A.56.070);
- 21 (xviii) Taking a Motor Vehicle Without Permission 2 (RCW
- 22 9A.56.075);
- 23 (xix) Extortion 1 (RCW 9A.56.120);
- 24 (xx) Extortion 2 (RCW 9A.56.130);
- 25 (xxi) Intimidating a Witness (RCW 9A.72.110);
- 26 (xxii) Tampering with a Witness (RCW 9A.72.120);
- 27 (xxiii) Reckless Endangerment (RCW 9A.36.050);
- 28 (xxiv) Coercion (RCW 9A.36.070);
- 29 (xxv) Harassment (RCW 9A.46.020); or
- 30 (xxvi) Malicious Mischief 3 (RCW 9A.48.090);
- 31 (b) That at least one of the offenses listed in (a) of this
- 32 subsection shall have occurred after July 1, 2008;
- 33 (c) That the most recent committed offense listed in (a) of this
- 34 subsection occurred within three years of a prior offense listed in (a)
- 35 of this subsection; and
- 36 (d) Of the offenses that were committed in (a) of this subsection,
- 37 the offenses occurred on separate occasions or were committed by two or
- 38 more persons.

1 (37) "Persistent offender" is an offender who:

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

4 (ii) Has, before the commission of the offense under (a) of this
5 subsection, been convicted as an offender on at least two separate
6 occasions, whether in this state or elsewhere, of felonies that under
7 the laws of this state would be considered most serious offenses and
8 would be included in the offender score under RCW 9.94A.525; provided
9 that of the two or more previous convictions, at least one conviction
10 must have occurred before the commission of any of the other most
11 serious offenses for which the offender was previously convicted; or

12 (b)(i) Has been convicted of: (A) Rape in the first degree, rape
13 of a child in the first degree, child molestation in the first degree,
14 rape in the second degree, rape of a child in the second degree, or
15 indecent liberties by forcible compulsion; (B) any of the following
16 offenses with a finding of sexual motivation: Murder in the first
17 degree, murder in the second degree, homicide by abuse, kidnapping in
18 the first degree, kidnapping in the second degree, assault in the first
19 degree, assault in the second degree, assault of a child in the first
20 degree, assault of a child in the second degree, or burglary in the
21 first degree; or (C) an attempt to commit any crime listed in this
22 subsection (37)(b)(i); and

23 (ii) Has, before the commission of the offense under (b)(i) of this
24 subsection, been convicted as an offender on at least one occasion,
25 whether in this state or elsewhere, of an offense listed in (b)(i) of
26 this subsection or any federal or out-of-state offense or offense under
27 prior Washington law that is comparable to the offenses listed in
28 (b)(i) of this subsection. A conviction for rape of a child in the
29 first degree constitutes a conviction under (b)(i) of this subsection
30 only when the offender was sixteen years of age or older when the
31 offender committed the offense. A conviction for rape of a child in
32 the second degree constitutes a conviction under (b)(i) of this
33 subsection only when the offender was eighteen years of age or older
34 when the offender committed the offense.

35 (38) "Predatory" means: (a) The perpetrator of the crime was a
36 stranger to the victim, as defined in this section; (b) the perpetrator
37 established or promoted a relationship with the victim prior to the
38 offense and the victimization of the victim was a significant reason

1 the perpetrator established or promoted the relationship; or (c) the
2 perpetrator was: (i) A teacher, counselor, volunteer, or other person
3 in authority in any public or private school and the victim was a
4 student of the school under his or her authority or supervision. For
5 purposes of this subsection, "school" does not include home-based
6 instruction as defined in RCW 28A.225.010; (ii) a coach, trainer,
7 volunteer, or other person in authority in any recreational activity
8 and the victim was a participant in the activity under his or her
9 authority or supervision; (iii) a pastor, elder, volunteer, or other
10 person in authority in any church or religious organization, and the
11 victim was a member or participant of the organization under his or her
12 authority; or (iv) a teacher, counselor, volunteer, or other person in
13 authority providing home-based instruction and the victim was a student
14 receiving home-based instruction while under his or her authority or
15 supervision. For purposes of this subsection: (A) "Home-based
16 instruction" has the same meaning as defined in RCW 28A.225.010; and
17 (B) "teacher, counselor, volunteer, or other person in authority" does
18 not include the parent or legal guardian of the victim.

19 (39) "Private school" means a school regulated under chapter
20 28A.195 or 28A.205 RCW.

21 (40) "Public school" has the same meaning as in RCW 28A.150.010.

22 (41) "Repetitive domestic violence offense" means any:

23 (a)(i) Domestic violence assault that is not a felony offense under
24 RCW 9A.36.041;

25 (ii) Domestic violence violation of a no-contact order under
26 chapter 10.99 RCW that is not a felony offense;

27 (iii) Domestic violence violation of a protection order under
28 chapter 26.09, 26.10, 26.26, or 26.50 RCW that is not a felony offense;

29 (iv) Domestic violence harassment offense under RCW 9A.46.020 that
30 is not a felony offense; or

31 (v) Domestic violence stalking offense under RCW 9A.46.110 that is
32 not a felony offense; or

33 (b) Any federal, out-of-state, tribal court, military, county, or
34 municipal conviction for an offense that under the laws of this state
35 would be classified as a repetitive domestic violence offense under (a)
36 of this subsection.

37 (42) "Restitution" means a specific sum of money ordered by the

1 sentencing court to be paid by the offender to the court over a
2 specified period of time as payment of damages. The sum may include
3 both public and private costs.

4 (43) "Risk assessment" means the application of the risk instrument
5 recommended to the department by the Washington state institute for
6 public policy as having the highest degree of predictive accuracy for
7 assessing an offender's risk of reoffense.

8 (44) "Serious traffic offense" means:

9 (a) Nonfelony driving while under the influence of intoxicating
10 liquor or any drug (RCW 46.61.502), nonfelony actual physical control
11 while under the influence of intoxicating liquor or any drug (RCW
12 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an
13 attended vehicle (RCW 46.52.020(5)); or

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

17 (45) "Serious violent offense" is a subcategory of violent offense
18 and means:

19 (a)(i) Murder in the first degree;

20 (ii) Homicide by abuse;

21 (iii) Murder in the second degree;

22 (iv) Manslaughter in the first degree;

23 (v) Assault in the first degree;

24 (vi) Kidnapping in the first degree;

25 (vii) Rape in the first degree;

26 (viii) Assault of a child in the first degree; or

27 (ix) An attempt, criminal solicitation, or criminal conspiracy to
28 commit one of these felonies; or

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

32 (46) "Sex offense" means:

33 (a)(i) A felony that is a violation of chapter 9A.44 RCW other than
34 RCW 9A.44.132;

35 (ii) A violation of RCW 9A.64.020;

36 (iii) A felony that is a violation of chapter 9.68A RCW other than
37 RCW 9.68A.080;

1 (iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt,
2 criminal solicitation, or criminal conspiracy to commit such crimes; or

3 (v) A felony violation of RCW 9A.44.132(1) (failure to register) if
4 the person has been convicted of violating RCW 9A.44.132(1) (failure to
5 register) on at least one prior occasion;

6 (b) Any conviction for a felony offense in effect at any time prior
7 to July 1, 1976, that is comparable to a felony classified as a sex
8 offense in (a) of this subsection;

9 (c) A felony with a finding of sexual motivation under RCW
10 9.94A.835 or 13.40.135; or

11 (d) Any federal or out-of-state conviction for an offense that
12 under the laws of this state would be a felony classified as a sex
13 offense under (a) of this subsection.

14 (47) "Sexual motivation" means that one of the purposes for which
15 the defendant committed the crime was for the purpose of his or her
16 sexual gratification.

17 (48) "Standard sentence range" means the sentencing court's
18 discretionary range in imposing a nonappealable sentence.

19 (49) "Statutory maximum sentence" means the maximum length of time
20 for which an offender may be confined as punishment for a crime as
21 prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the
22 crime, or other statute defining the maximum penalty for a crime.

23 (50) "Stranger" means that the victim did not know the offender
24 twenty-four hours before the offense.

25 (51) "Total confinement" means confinement inside the physical
26 boundaries of a facility or institution operated or utilized under
27 contract by the state or any other unit of government for twenty-four
28 hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

29 (52) "Transition training" means written and verbal instructions
30 and assistance provided by the department to the offender during the
31 two weeks prior to the offender's successful completion of the work
32 ethic camp program. The transition training shall include instructions
33 in the offender's requirements and obligations during the offender's
34 period of community custody.

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

38 (54) "Violent offense" means:

1 (a) Any of the following felonies:
2 (i) Any felony defined under any law as a class A felony or an
3 attempt to commit a class A felony;
4 (ii) Criminal solicitation of or criminal conspiracy to commit a
5 class A felony;
6 (iii) Manslaughter in the first degree;
7 (iv) Manslaughter in the second degree;
8 (v) Indecent liberties if committed by forcible compulsion;
9 (vi) Kidnapping in the second degree;
10 (vii) Arson in the second degree;
11 (viii) Assault in the second degree;
12 (ix) Assault of a child in the second degree;
13 (x) Extortion in the first degree;
14 (xi) Robbery in the second degree;
15 (xii) Drive-by shooting;
16 (xiii) Vehicular assault, when caused by the operation or driving
17 of a vehicle by a person while under the influence of intoxicating
18 liquor or any drug or by the operation or driving of a vehicle in a
19 reckless manner; and
20 (xiv) Vehicular homicide, when proximately caused by the driving of
21 any vehicle by any person while under the influence of intoxicating
22 liquor or any drug as defined by RCW 46.61.502, or by the operation of
23 any vehicle in a reckless manner;
24 (b) Any conviction for a felony offense in effect at any time prior
25 to July 1, 1976, that is comparable to a felony classified as a violent
26 offense in (a) of this subsection; and
27 (c) Any federal or out-of-state conviction for an offense that
28 under the laws of this state would be a felony classified as a violent
29 offense under (a) or (b) of this subsection.
30 (55) "Work crew" means a program of partial confinement consisting
31 of civic improvement tasks for the benefit of the community that
32 complies with RCW 9.94A.725.
33 (56) "Work ethic camp" means an alternative incarceration program
34 as provided in RCW 9.94A.690 designed to reduce recidivism and lower
35 the cost of corrections by requiring offenders to complete a
36 comprehensive array of real-world job and vocational experiences,
37 character-building work ethics training, life management skills

1 development, substance abuse rehabilitation, counseling, literacy
2 training, and basic adult education.

3 (57) "Work release" means a program of partial confinement
4 available to offenders who are employed or engaged as a student in a
5 regular course of study at school.

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