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HOUSE BILL 1126

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State of Washington

67th Legislature

2021 Regular Session

By Representatives Goodman, Simmons, Ormsby, and Davis; by request of Department of Corrections

Prefiled 01/08/21. Read first time 01/11/21. Referred to Committee on Public Safety.

1 AN ACT Relating to limiting tolling of community custody terms;  
2 and amending RCW 9.94A.171.

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

4 **Sec. 1.** RCW 9.94A.171 and 2011 1st sp.s. c 40 s 1 are each  
5 amended to read as follows:

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

13 (2) (a) Any term of community custody shall be tolled by the  
14 department for any period of time during which ~~((the offender has~~  
15 ~~absented himself or herself from supervision without prior approval~~  
16 ~~of the entity under whose supervision the offender has been placed))~~  
17 a secretary's warrant has been issued.

18 ~~((3) (a) For offenders other than sex offenders serving a~~  
19 ~~sentence for a sex offense as defined in RCW 9.94A.030, any period of~~  
20 ~~community custody shall be tolled during any period of time the~~  
21 ~~offender is in confinement for any reason unless the offender is~~

1 ~~detained pursuant to RCW 9.94A.740 or 9.94A.631 for the period of~~  
2 ~~time prior to the hearing or for confinement pursuant to sanctions~~  
3 ~~imposed for violation of sentence conditions, in which case, the~~  
4 ~~period of community custody shall not toll. However, sanctions that~~  
5 ~~result in the imposition of the remaining sentence or the original~~  
6 ~~sentence will continue to toll the period of community custody. In~~  
7 ~~addition, inpatient))~~

8 (b) Any term of community custody shall be tolled by the  
9 department for any period of time for which a bench warrant has been  
10 issued as specified by the court.

11 (3) Any term of community custody shall be tolled while the  
12 offender is serving confinement time as a part of his or her original  
13 sentence, including time served on sanctions that result in the  
14 imposition of the remaining sentence.

15 (4) Inpatient treatment and alternatives served in the community  
16 as ordered by the court in lieu of jail time shall not toll the  
17 period of community custody.

18 ~~((b) For sex offenders serving a sentence for a sex offense as~~  
19 ~~defined in RCW 9.94A.030, any period of community custody shall be~~  
20 ~~tolled during any period of time the sex offender is in confinement~~  
21 ~~for any reason.~~

22 ~~(4))~~ (5) For terms of confinement or community custody, the date  
23 for the tolling of the sentence shall be established by the entity  
24 responsible for the confinement or supervision.

25 ~~((5))~~ (6) For the purposes of this section, "tolling" means the  
26 period of time in which community custody or confinement time is  
27 paused and for which the offender does not receive credit towards the  
28 term ordered.

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