
SENATE BILL 5219

State of Washington

69th Legislature

2025 Regular Session

By Senator C. Wilson; by request of Office of the Governor

Prefiled 01/10/25.

1 AN ACT Relating to partial confinement eligibility and alignment;
2 amending RCW 9.94A.030, 9.94A.030, 9.94A.6551, 9.94A.733, and
3 9.94A.728; creating a new section; providing an effective date; and
4 providing an expiration date.

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

6 **Sec. 1.** RCW 9.94A.030 and 2022 c 231 s 11 are each amended to
7 read as follows:

8 Unless the context clearly requires otherwise, the definitions in
9 this section apply throughout this chapter.

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

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

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

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

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

10 (6) "Community protection zone" means the area within 880 feet of
11 the facilities and grounds of a public or private school.

12 (7) "Community restitution" means compulsory service, without
13 compensation, performed for the benefit of the community by the
14 offender.

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

16 (9) "Conviction" means an adjudication of guilt pursuant to Title
17 10 or 13 RCW and includes a verdict of guilty, a finding of guilty,
18 and acceptance of a plea of guilty.

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

27 (11) "Criminal history" means the list of a defendant's prior
28 convictions and juvenile adjudications, whether in this state, in
29 federal court, or elsewhere, and any issued certificates of
30 restoration of opportunity pursuant to RCW 9.97.020.

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

35 (b) A conviction may be removed from a defendant's criminal
36 history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640,
37 9.95.240, or a similar out-of-state statute, or if the conviction has
38 been vacated pursuant to a governor's pardon. However, when a
39 defendant is charged with a recidivist offense, "criminal history"
40 includes a vacated prior conviction for the sole purpose of

1 establishing that such vacated prior conviction constitutes an
2 element of the present recidivist offense as provided in RCW
3 9.94A.640(4)(b) and 9.96.060(~~(7)~~) (8)(c).

4 (c) The determination of a defendant's criminal history is
5 distinct from the determination of an offender score. A prior
6 conviction that was not included in an offender score calculated
7 pursuant to a former version of the sentencing reform act remains
8 part of the defendant's criminal history.

9 (12) "Criminal street gang" means any ongoing organization,
10 association, or group of three or more persons, whether formal or
11 informal, having a common name or common identifying sign or symbol,
12 having as one of its primary activities the commission of criminal
13 acts, and whose members or associates individually or collectively
14 engage in or have engaged in a pattern of criminal street gang
15 activity. This definition does not apply to employees engaged in
16 concerted activities for their mutual aid and protection, or to the
17 activities of labor and bona fide nonprofit organizations or their
18 members or agents.

19 (13) "Criminal street gang associate or member" means any person
20 who actively participates in any criminal street gang and who
21 intentionally promotes, furthers, or assists in any criminal act by
22 the criminal street gang.

23 (14) "Criminal street gang-related offense" means any felony or
24 misdemeanor offense, whether in this state or elsewhere, that is
25 committed for the benefit of, at the direction of, or in association
26 with any criminal street gang, or is committed with the intent to
27 promote, further, or assist in any criminal conduct by the gang, or
28 is committed for one or more of the following reasons:

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

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

32 (c) To exact revenge or retribution for the gang or any member of
33 the gang;

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

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

39 (f) To provide the gang with any advantage in, or any control or
40 dominance over any criminal market sector, including, but not limited

1 to, manufacturing, delivering, or selling any controlled substance
2 (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen
3 property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88
4 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual
5 abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter
6 9.68 RCW).

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

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

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

17 (18) "Determinate sentence" means a sentence that states with
18 exactitude the number of actual years, months, or days of total
19 confinement, of partial confinement, of community custody, the number
20 of actual hours or days of community restitution work, or dollars or
21 terms of a legal financial obligation. The fact that an offender
22 through earned release can reduce the actual period of confinement
23 shall not affect the classification of the sentence as a determinate
24 sentence.

25 (19) "Disposable earnings" means that part of the earnings of an
26 offender remaining after the deduction from those earnings of any
27 amount required by law to be withheld. For the purposes of this
28 definition, "earnings" means compensation paid or payable for
29 personal services, whether denominated as wages, salary, commission,
30 bonuses, or otherwise, and, notwithstanding any other provision of
31 law making the payments exempt from garnishment, attachment, or other
32 process to satisfy a court-ordered legal financial obligation,
33 specifically includes periodic payments pursuant to pension or
34 retirement programs, or insurance policies of any type, but does not
35 include payments made under Title 50 RCW, except as provided in RCW
36 50.40.020 and 50.40.050, or Title 74 RCW.

37 (20)(a) "Domestic violence" has the same meaning as defined in
38 RCW 10.99.020.

39 (b) "Domestic violence" also means: (i) Physical harm, bodily
40 injury, assault, or the infliction of fear of imminent physical harm,

1 bodily injury, or assault, sexual assault, or stalking, as defined in
2 RCW 9A.46.110, of one intimate partner by another intimate partner as
3 defined in RCW 10.99.020; or (ii) physical harm, bodily injury,
4 assault, or the infliction of fear of imminent physical harm, bodily
5 injury, or assault, sexual assault, or stalking, as defined in RCW
6 9A.46.110, of one family or household member by another family or
7 household member as defined in RCW 10.99.020.

8 (21) "Drug offender sentencing alternative" is a sentencing
9 option available to persons convicted of a felony offense who are
10 eligible for the option under RCW 9.94A.660.

11 (22) "Drug offense" means:

12 (a) Any felony violation of chapter 69.50 RCW except possession
13 of a controlled substance (RCW 69.50.4013) or forged prescription for
14 a controlled substance (RCW 69.50.403);

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

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

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

23 (24) "Electronic monitoring" means tracking the location of an
24 individual through the use of technology that is capable of
25 determining or identifying the monitored individual's presence or
26 absence at a particular location including, but not limited to:

27 (a) Radio frequency signaling technology, which detects if the
28 monitored individual is or is not at an approved location and
29 notifies the monitoring agency of the time that the monitored
30 individual either leaves the approved location or tampers with or
31 removes the monitoring device; or

32 (b) Active or passive global positioning system technology, which
33 detects the location of the monitored individual and notifies the
34 monitoring agency of the monitored individual's location and which
35 may also include electronic monitoring with victim notification
36 technology that is capable of notifying a victim or protected party,
37 either directly or through a monitoring agency, if the monitored
38 individual enters within the restricted distance of a victim or
39 protected party, or within the restricted distance of a designated
40 location.

1 (25) "Escape" means:

2 (a) Sexually violent predator escape (RCW 9A.76.115), escape in
3 the 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
6 willful failure to be available for supervision by the department
7 while in 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
10 escape under (a) of this subsection.

11 (26) "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
15 the influence of intoxicating liquor or any drug (RCW 46.61.502(6)),
16 or 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 (27) "Fine" means a specific sum of money ordered by the
22 sentencing court to be paid by the offender to the court over a
23 specific period of time.

24 (28) "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 (29) "Home detention" is a subset of electronic monitoring and
28 means a program of partial confinement available to offenders wherein
29 the offender is confined in a private residence 24 hours a day,
30 unless an absence from the residence is approved, authorized, or
31 otherwise permitted in the order by the court or other supervising
32 agency that ordered home detention, and the offender is subject to
33 electronic monitoring.

34 (30) "Homelessness" or "homeless" means a condition where an
35 individual lacks a fixed, regular, and adequate nighttime residence
36 and who has a primary nighttime residence that is:

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

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

1 (c) A private residence where the individual stays as a transient
2 invitee.

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

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

19 (a) Any felony defined under any law as a class A felony or
20 criminal solicitation of or criminal conspiracy to commit a class A
21 felony;

22 (b) Assault in the second degree;

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

24 (d) Child molestation in the second degree;

25 (e) Controlled substance homicide;

26 (f) Extortion in the first degree;

27 (g) Incest when committed against a child under age 14;

28 (h) Indecent liberties;

29 (i) Kidnapping in the second degree;

30 (j) Leading organized crime;

31 (k) Manslaughter in the first degree;

32 (l) Manslaughter in the second degree;

33 (m) Promoting prostitution in the first degree;

34 (n) Rape in the third degree;

35 (o) Sexual exploitation;

36 (p) Vehicular assault, when caused by the operation or driving of
37 a vehicle by a person while under the influence of intoxicating
38 liquor or any drug or by the operation or driving of a vehicle in a
39 reckless manner;

1 (q) Vehicular homicide, when proximately caused by the driving of
2 any vehicle by any person while under the influence of intoxicating
3 liquor or any drug as defined by RCW 46.61.502, or by the operation
4 of any vehicle in a reckless manner;

5 (r) Any other class B felony offense with a finding of sexual
6 motivation;

7 (s) Any other felony with a deadly weapon verdict under RCW
8 9.94A.825;

9 (t) Any felony offense in effect at any time prior to December 2,
10 1993, that is comparable to a most serious offense under this
11 subsection, or any federal or out-of-state conviction for an offense
12 that under the laws of this state would be a felony classified as a
13 most serious offense under this subsection;

14 (u)(i) A prior conviction for indecent liberties under RCW
15 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex.
16 sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b),
17 and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW
18 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986,
19 until July 1, 1988;

20 (ii) A prior conviction for indecent liberties under RCW
21 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988,
22 if: (A) The crime was committed against a child under the age of 14;
23 or (B) the relationship between the victim and perpetrator is
24 included in the definition of indecent liberties under RCW
25 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27,
26 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25,
27 1993, through July 27, 1997;

28 (v) Any out-of-state conviction for a felony offense with a
29 finding of sexual motivation if the minimum sentence imposed was 10
30 years or more; provided that the out-of-state felony offense must be
31 comparable to a felony offense under this title and Title 9A RCW and
32 the out-of-state definition of sexual motivation must be comparable
33 to the definition of sexual motivation contained in this section.

34 (33) "Nonviolent offense" means an offense which is not a violent
35 offense.

36 (34) "Offender" means a person who has committed a felony
37 established by state law and is 18 years of age or older or is less
38 than 18 years of age but whose case is under superior court
39 jurisdiction under RCW 13.04.030 or has been transferred by the
40 appropriate juvenile court to a criminal court pursuant to RCW

1 13.40.110. In addition, for the purpose of community custody
2 requirements under this chapter, "offender" also means a misdemeanor
3 or gross misdemeanor probationer ordered by a superior court to
4 probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and
5 supervised by the department pursuant to RCW 9.94A.501 and
6 9.94A.5011. Throughout this chapter, the terms "offender" and
7 "defendant" are used interchangeably.

8 (35) "Partial confinement" means confinement (~~(for no more than~~
9 ~~one year)~~) up to 18 months in a facility or institution operated or
10 utilized under contract by the state or any other unit of government,
11 or, if home detention, electronic monitoring, or work crew has been
12 ordered by the court or home detention has been ordered by the
13 department as part of the parenting program or the graduated reentry
14 program, in an approved residence, for a substantial portion of each
15 day with the balance of the day spent in the community. Partial
16 confinement includes work release, home detention, work crew,
17 electronic monitoring, and a combination of work crew, electronic
18 monitoring, and home detention.

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

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

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

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

28 (iii) Deliver or Possession with Intent to Deliver a Controlled
29 Substance (chapter 69.50 RCW);

30 (iv) Any violation of the firearms and dangerous weapon act
31 (chapter 9.41 RCW);

32 (v) Theft of a Firearm (RCW 9A.56.300);

33 (vi) Possession of a Stolen Firearm (RCW 9A.56.310);

34 (vii) Hate Crime (RCW 9A.36.080);

35 (viii) Harassment where a subsequent violation or deadly threat
36 is made (RCW 9A.46.020(2)(b));

37 (ix) Criminal Gang Intimidation (RCW 9A.46.120);

38 (x) Any felony conviction by a person 18 years of age or older
39 with a special finding of involving a juvenile in a felony offense
40 under RCW 9.94A.833;

- 1 (xi) Residential Burglary (RCW 9A.52.025);
2 (xii) Burglary 2 (RCW 9A.52.030);
3 (xiii) Malicious Mischief 1 (RCW 9A.48.070);
4 (xiv) Malicious Mischief 2 (RCW 9A.48.080);
5 (xv) Theft of a Motor Vehicle (RCW 9A.56.065);
6 (xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);
7 (xvii) Taking a Motor Vehicle Without Permission 1 (RCW
8 9A.56.070);
9 (xviii) Taking a Motor Vehicle Without Permission 2 (RCW
10 9A.56.075);
11 (xix) Extortion 1 (RCW 9A.56.120);
12 (xx) Extortion 2 (RCW 9A.56.130);
13 (xxi) Intimidating a Witness (RCW 9A.72.110);
14 (xxii) Tampering with a Witness (RCW 9A.72.120);
15 (xxiii) Reckless Endangerment (RCW 9A.36.050);
16 (xxiv) Coercion (RCW 9A.36.070);
17 (xxv) Harassment (RCW 9A.46.020); or
18 (xxvi) Malicious Mischief 3 (RCW 9A.48.090);
19 (b) That at least one of the offenses listed in (a) of this
20 subsection shall have occurred after July 1, 2008;
21 (c) That the most recent committed offense listed in (a) of this
22 subsection occurred within three years of a prior offense listed in
23 (a) of this subsection; and
24 (d) Of the offenses that were committed in (a) of this
25 subsection, the offenses occurred on separate occasions or were
26 committed by two or more persons.
27 (37) "Persistent offender" is an offender who:
28 (a) (i) Has been convicted in this state of any felony considered
29 a most serious offense; and
30 (ii) Has, before the commission of the offense under (a) of this
31 subsection, been convicted as an offender on at least two separate
32 occasions, whether in this state or elsewhere, of felonies that under
33 the laws of this state would be considered most serious offenses and
34 would be included in the offender score under RCW 9.94A.525; provided
35 that of the two or more previous convictions, at least one conviction
36 must have occurred before the commission of any of the other most
37 serious offenses for which the offender was previously convicted; or
38 (b) (i) Has been convicted of: (A) Rape in the first degree, rape
39 of a child in the first degree, child molestation in the first
40 degree, rape in the second degree, rape of a child in the second

1 degree, or indecent liberties by forcible compulsion; (B) any of the
2 following offenses with a finding of sexual motivation: Murder in the
3 first degree, murder in the second degree, homicide by abuse,
4 kidnapping in the first degree, kidnapping in the second degree,
5 assault in the first degree, assault in the second degree, assault of
6 a child in the first degree, assault of a child in the second degree,
7 or burglary in the first degree; or (C) an attempt to commit any
8 crime listed in this subsection (37)(b)(i); and

9 (ii) Has, before the commission of the offense under (b)(i) of
10 this subsection, been convicted as an offender on at least one
11 occasion, whether in this state or elsewhere, of an offense listed in
12 (b)(i) of this subsection or any federal or out-of-state offense or
13 offense under prior Washington law that is comparable to the offenses
14 listed in (b)(i) of this subsection. A conviction for rape of a child
15 in the first degree constitutes a conviction under (b)(i) of this
16 subsection only when the offender was 16 years of age or older when
17 the offender committed the offense. A conviction for rape of a child
18 in the second degree constitutes a conviction under (b)(i) of this
19 subsection only when the offender was 18 years of age or older when
20 the offender committed the offense.

21 (38) "Predatory" means: (a) The perpetrator of the crime was a
22 stranger to the victim, as defined in this section; (b) the
23 perpetrator established or promoted a relationship with the victim
24 prior to the offense and the victimization of the victim was a
25 significant reason the perpetrator established or promoted the
26 relationship; or (c) the perpetrator was: (i) A teacher, counselor,
27 volunteer, or other person in authority in any public or private
28 school and the victim was a student of the school under his or her
29 authority or supervision. For purposes of this subsection, "school"
30 does not include home-based instruction as defined in RCW
31 28A.225.010; (ii) a coach, trainer, volunteer, or other person in
32 authority in any recreational activity and the victim was a
33 participant in the activity under his or her authority or
34 supervision; (iii) a pastor, elder, volunteer, or other person in
35 authority in any church or religious organization, and the victim was
36 a member or participant of the organization under his or her
37 authority; or (iv) a teacher, counselor, volunteer, or other person
38 in authority providing home-based instruction and the victim was a
39 student receiving home-based instruction while under his or her
40 authority or supervision. For purposes of this subsection: (A) "Home-

1 based instruction" has the same meaning as defined in RCW
2 28A.225.010; and (B) "teacher, counselor, volunteer, or other person
3 in authority" does not include the parent or legal guardian of the
4 victim.

5 (39) "Private school" means a school regulated under chapter
6 28A.195 or 28A.205 RCW.

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

8 (41) "Recidivist offense" means a felony offense where a prior
9 conviction of the same offense or other specified offense is an
10 element of the crime including, but not limited to:

11 (a) Assault in the fourth degree where domestic violence is
12 pleaded and proven, RCW 9A.36.041(3);

13 (b) Cyber harassment, RCW 9A.90.120(2)(b)(i);

14 (c) Harassment, RCW 9A.46.020(2)(b)(i);

15 (d) Indecent exposure, RCW 9A.88.010(2)(c);

16 (e) Stalking, RCW 9A.46.110(5)(b)(i) and (iii);

17 (f) Telephone harassment, RCW 9.61.230(2)(a); and

18 (g) Violation of a no-contact or protection order, RCW 7.105.450
19 or former RCW 26.50.110(5).

20 (42) "Repetitive domestic violence offense" means any:

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

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

25 (iii) Domestic violence violation of a protection order under
26 chapter 26.09, 26.26A, or 26.26B RCW or former chapter 26.50 RCW, or
27 violation of a domestic violence protection order under chapter 7.105
28 RCW, that is not a felony offense;

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

31 (v) Domestic violence stalking offense under RCW 9A.46.110 that
32 is 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
36 (a) of this subsection.

37 (43) "Restitution" means a specific sum of money ordered by the
38 sentencing court to be paid by the offender to the court over a
39 specified period of time as payment of damages. The sum may include
40 both public and private costs.

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

5 (45) "Serious traffic offense" means:

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

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

14 (46) "Serious violent offense" is a subcategory of violent
15 offense and means:

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

17 (ii) Homicide by abuse;

18 (iii) Murder in the second degree;

19 (iv) Manslaughter in the first degree;

20 (v) Assault in the first degree;

21 (vi) Kidnapping in the first degree;

22 (vii) Rape in the first degree;

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

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

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

29 (47) "Sex offense" means:

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

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

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

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

38 (v) A felony violation of RCW 9A.44.132(1) (failure to register
39 as a sex offender) if the person has been convicted of violating RCW

1 9A.44.132(1) (failure to register as a sex offender) or 9A.44.130
2 prior to June 10, 2010, on at least one prior occasion;

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

6 (c) A felony with a finding of sexual motivation under RCW
7 9.94A.835 or 13.40.135; or

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

11 (48) "Sexual motivation" means that one of the purposes for which
12 the defendant committed the crime was for the purpose of his or her
13 sexual gratification.

14 (49) "Standard sentence range" means the sentencing court's
15 discretionary range in imposing a nonappealable sentence.

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

21 (51) "Stranger" means that the victim did not know the offender
22 24 hours before the offense.

23 (52) "Total confinement" means confinement inside the physical
24 boundaries of a facility or institution operated or utilized under
25 contract by the state or any other unit of government for 24 hours a
26 day, or pursuant to RCW 72.64.050 and 72.64.060.

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

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

36 (55) "Victim of domestic violence" means an intimate partner or
37 household member who has been subjected to the infliction of physical
38 harm or sexual and psychological abuse by an intimate partner or
39 household member as part of a pattern of assaultive, coercive, and
40 controlling behaviors directed at achieving compliance from or

1 control over that intimate partner or household member. Domestic
2 violence includes, but is not limited to, the offenses listed in RCW
3 10.99.020 and 26.50.010 committed by an intimate partner or household
4 member against a victim who is an intimate partner or household
5 member.

6 (56) "Victim of sex trafficking, prostitution, or commercial
7 sexual abuse of a minor" means a person who has been forced or
8 coerced to perform a commercial sex act including, but not limited
9 to, being a victim of offenses defined in RCW 9A.40.100, 9A.88.070,
10 9.68A.101, and the trafficking victims protection act of 2000, 22
11 U.S.C. Sec. 7101 et seq.; or a person who was induced to perform a
12 commercial sex act when they were less than 18 years of age including
13 but not limited to the offenses defined in chapter 9.68A RCW.

14 (57) "Victim of sexual assault" means any person who is a victim
15 of a sexual assault offense, nonconsensual sexual conduct, or
16 nonconsensual sexual penetration and as a result suffers physical,
17 emotional, financial, or psychological impacts. Sexual assault
18 offenses include, but are not limited to, the offenses defined in
19 chapter 9A.44 RCW.

20 (58) "Violent offense" means:

21 (a) Any of the following felonies:

22 (i) Any felony defined under any law as a class A felony or an
23 attempt to commit a class A felony;

24 (ii) Criminal solicitation of or criminal conspiracy to commit a
25 class A felony;

26 (iii) Manslaughter in the first degree;

27 (iv) Manslaughter in the second degree;

28 (v) Indecent liberties if committed by forcible compulsion;

29 (vi) Kidnapping in the second degree;

30 (vii) Arson in the second degree;

31 (viii) Assault in the second degree;

32 (ix) Assault of a child in the second degree;

33 (x) Extortion in the first degree;

34 (xi) Robbery in the second degree;

35 (xii) Drive-by shooting;

36 (xiii) Vehicular assault, when caused by the operation or driving
37 of a vehicle by a person while under the influence of intoxicating
38 liquor or any drug or by the operation or driving of a vehicle in a
39 reckless manner; and

1 (xiv) Vehicular homicide, when proximately caused by the driving
2 of any vehicle by any person while under the influence of
3 intoxicating liquor or any drug as defined by RCW 46.61.502, or by
4 the operation of any vehicle in a reckless manner;

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

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

11 (59) "Work crew" means a program of partial confinement
12 consisting of civic improvement tasks for the benefit of the
13 community that complies with RCW 9.94A.725.

14 (60) "Work ethic camp" means an alternative incarceration program
15 as provided in RCW 9.94A.690 designed to reduce recidivism and lower
16 the cost of corrections by requiring offenders to complete a
17 comprehensive array of real-world job and vocational experiences,
18 character-building work ethics training, life management skills
19 development, substance abuse rehabilitation, counseling, literacy
20 training, and basic adult education.

21 (61) "Work release" means a program of partial confinement
22 available to offenders who are employed or engaged as a student in a
23 regular course of study at school.

24 **Sec. 2.** RCW 9.94A.030 and 2024 c 306 s 2 are each amended to
25 read as follows:

26 Unless the context clearly requires otherwise, the definitions in
27 this section apply throughout this chapter.

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

30 (2) "Collect," or any derivative thereof, "collect and remit," or
31 "collect and deliver," when used with reference to the department,
32 means that the department, either directly or through a collection
33 agreement authorized by RCW 9.94A.760, is responsible for monitoring
34 and enforcing the offender's sentence with regard to the legal
35 financial obligation, receiving payment thereof from the offender,
36 and, consistent with current law, delivering daily the entire payment
37 to the superior court clerk without depositing it in a departmental
38 account.

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

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

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

10 (6) "Community protection zone" means the area within 880 feet of
11 the facilities and grounds of a public or private school.

12 (7) "Community restitution" means compulsory service, without
13 compensation, performed for the benefit of the community by the
14 offender.

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

16 (9) "Conviction" means an adjudication of guilt pursuant to Title
17 10 or 13 RCW and includes a verdict of guilty, a finding of guilty,
18 and acceptance of a plea of guilty.

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

27 (11) "Criminal history" means the list of a defendant's prior
28 convictions and juvenile adjudications, whether in this state, in
29 federal court, or elsewhere, and any issued certificates of
30 restoration of opportunity pursuant to RCW 9.97.020.

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

35 (b) A conviction may be removed from a defendant's criminal
36 history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640,
37 9.95.240, or a similar out-of-state statute, or if the conviction has
38 been vacated pursuant to a governor's pardon. However, when a
39 defendant is charged with a recidivist offense, "criminal history"
40 includes a vacated prior conviction for the sole purpose of

1 establishing that such vacated prior conviction constitutes an
2 element of the present recidivist offense as provided in RCW
3 9.94A.640(4)(b) and 9.96.060(~~(7)~~) (8)(c).

4 (c) The determination of a defendant's criminal history is
5 distinct from the determination of an offender score. A prior
6 conviction that was not included in an offender score calculated
7 pursuant to a former version of the sentencing reform act remains
8 part of the defendant's criminal history.

9 (12) "Criminal street gang" means any ongoing organization,
10 association, or group of three or more persons, whether formal or
11 informal, having a common name or common identifying sign or symbol,
12 having as one of its primary activities the commission of criminal
13 acts, and whose members or associates individually or collectively
14 engage in or have engaged in a pattern of criminal street gang
15 activity. This definition does not apply to employees engaged in
16 concerted activities for their mutual aid and protection, or to the
17 activities of labor and bona fide nonprofit organizations or their
18 members or agents.

19 (13) "Criminal street gang associate or member" means any person
20 who actively participates in any criminal street gang and who
21 intentionally promotes, furthers, or assists in any criminal act by
22 the criminal street gang.

23 (14) "Criminal street gang-related offense" means any felony or
24 misdemeanor offense, whether in this state or elsewhere, that is
25 committed for the benefit of, at the direction of, or in association
26 with any criminal street gang, or is committed with the intent to
27 promote, further, or assist in any criminal conduct by the gang, or
28 is committed for one or more of the following reasons:

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

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

32 (c) To exact revenge or retribution for the gang or any member of
33 the gang;

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

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

39 (f) To provide the gang with any advantage in, or any control or
40 dominance over any criminal market sector, including, but not limited

1 to, manufacturing, delivering, or selling any controlled substance
2 (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen
3 property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88
4 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual
5 abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter
6 9.68 RCW).

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

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

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

17 (18) "Determinate sentence" means a sentence that states with
18 exactitude the number of actual years, months, or days of total
19 confinement, of partial confinement, of community custody, the number
20 of actual hours or days of community restitution work, or dollars or
21 terms of a legal financial obligation. The fact that an offender
22 through earned release can reduce the actual period of confinement
23 shall not affect the classification of the sentence as a determinate
24 sentence.

25 (19) "Disposable earnings" means that part of the earnings of an
26 offender remaining after the deduction from those earnings of any
27 amount required by law to be withheld. For the purposes of this
28 definition, "earnings" means compensation paid or payable for
29 personal services, whether denominated as wages, salary, commission,
30 bonuses, or otherwise, and, notwithstanding any other provision of
31 law making the payments exempt from garnishment, attachment, or other
32 process to satisfy a court-ordered legal financial obligation,
33 specifically includes periodic payments pursuant to pension or
34 retirement programs, or insurance policies of any type, but does not
35 include payments made under Title 50 RCW, except as provided in RCW
36 50.40.020 and 50.40.050, or Title 74 RCW.

37 (20)(a) "Domestic violence" has the same meaning as defined in
38 RCW 10.99.020.

39 (b) "Domestic violence" also means: (i) Physical harm, bodily
40 injury, assault, or the infliction of fear of imminent physical harm,

1 bodily injury, or assault, sexual assault, or stalking, as defined in
2 RCW 9A.46.110, of one intimate partner by another intimate partner as
3 defined in RCW 10.99.020; or (ii) physical harm, bodily injury,
4 assault, or the infliction of fear of imminent physical harm, bodily
5 injury, or assault, sexual assault, or stalking, as defined in RCW
6 9A.46.110, of one family or household member by another family or
7 household member as defined in RCW 10.99.020.

8 (21) "Drug offender sentencing alternative" is a sentencing
9 option available to persons convicted of a felony offense who are
10 eligible for the option under RCW 9.94A.660.

11 (22) "Drug offender sentencing alternative for driving under the
12 influence" is a sentencing option available to persons convicted of
13 felony driving while under the influence of intoxicating liquor or
14 any drug under RCW 46.61.502(6), or felony physical control of a
15 vehicle while under the influence of intoxicating liquor or any drug
16 under RCW 46.61.504(6) who are eligible under RCW 9.94A.661.

17 (23) "Drug offense" means:

18 (a) Any felony violation of chapter 69.50 RCW except possession
19 of a controlled substance (RCW 69.50.4013) or forged prescription for
20 a controlled substance (RCW 69.50.403);

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

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

27 (24) "Earned release" means earned release from confinement as
28 provided in RCW 9.94A.728.

29 (25) "Electronic monitoring" means tracking the location of an
30 individual through the use of technology that is capable of
31 determining or identifying the monitored individual's presence or
32 absence at a particular location including, but not limited to:

33 (a) Radio frequency signaling technology, which detects if the
34 monitored individual is or is not at an approved location and
35 notifies the monitoring agency of the time that the monitored
36 individual either leaves the approved location or tampers with or
37 removes the monitoring device; or

38 (b) Active or passive global positioning system technology, which
39 detects the location of the monitored individual and notifies the
40 monitoring agency of the monitored individual's location and which

1 may also include electronic monitoring with victim notification
2 technology that is capable of notifying a victim or protected party,
3 either directly or through a monitoring agency, if the monitored
4 individual enters within the restricted distance of a victim or
5 protected party, or within the restricted distance of a designated
6 location.

7 (26) "Escape" means:

8 (a) Sexually violent predator escape (RCW 9A.76.115), escape in
9 the first degree (RCW 9A.76.110), escape in the second degree (RCW
10 9A.76.120), willful failure to return from furlough (RCW 72.66.060),
11 willful failure to return from work release (RCW 72.65.070), or
12 willful failure to be available for supervision by the department
13 while in community custody (RCW 72.09.310); or

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

17 (27) "Felony traffic offense" means:

18 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW
19 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-
20 run injury-accident (RCW 46.52.020(4)), felony driving while under
21 the influence of intoxicating liquor or any drug (RCW 46.61.502(6)),
22 or felony physical control of a vehicle while under the influence of
23 intoxicating liquor or any drug (RCW 46.61.504(6)); or

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

27 (28) "Fine" means a specific sum of money ordered by the
28 sentencing court to be paid by the offender to the court over a
29 specific period of time.

30 (29) "First-time offender" means any person who has no prior
31 convictions for a felony and is eligible for the first-time offender
32 waiver under RCW 9.94A.650.

33 (30) "Home detention" is a subset of electronic monitoring and
34 means a program of partial confinement available to offenders wherein
35 the offender is confined in a private residence 24 hours a day,
36 unless an absence from the residence is approved, authorized, or
37 otherwise permitted in the order by the court or other supervising
38 agency that ordered home detention, and the offender is subject to
39 electronic monitoring.

1 (31) "Homelessness" or "homeless" means a condition where an
2 individual lacks a fixed, regular, and adequate nighttime residence
3 and 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
7 used as, a regular sleeping accommodation for human beings; or

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

10 (32) "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
15 funds, court-appointed attorneys' fees, and costs of defense, fines,
16 and any other financial obligation that is assessed to the offender
17 as a result of a felony conviction. Upon conviction for vehicular
18 assault while under the influence of intoxicating liquor or any drug,
19 RCW 46.61.522(1)(b), or vehicular homicide while under the influence
20 of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal
21 financial obligations may also include payment to a public agency of
22 the expense of an emergency response to the incident resulting in the
23 conviction, subject to RCW 38.52.430.

24 (33) "Most serious offense" means any of the following felonies
25 or a felony attempt to commit any of the following felonies:

26 (a) Any felony defined under any law as a class A felony or
27 criminal solicitation of or criminal conspiracy to commit a class A
28 felony;

29 (b) Assault in the second degree;

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

31 (d) Child molestation in the second degree;

32 (e) Controlled substance homicide;

33 (f) Extortion in the first degree;

34 (g) Incest when committed against a child under age 14;

35 (h) Indecent liberties;

36 (i) Kidnapping in the second degree;

37 (j) Leading organized crime;

38 (k) Manslaughter in the first degree;

39 (l) Manslaughter in the second degree;

40 (m) Promoting prostitution in the first degree;

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

1 (34) "Nonviolent offense" means an offense which is not a violent
2 offense.

3 (35) "Offender" means a person who has committed a felony
4 established by state law and is 18 years of age or older or is less
5 than 18 years of age but whose case is under superior court
6 jurisdiction under RCW 13.04.030 or has been transferred by the
7 appropriate juvenile court to a criminal court pursuant to RCW
8 13.40.110. In addition, for the purpose of community custody
9 requirements under this chapter, "offender" also means a misdemeanor
10 or gross misdemeanor probationer ordered by a superior court to
11 probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and
12 supervised by the department pursuant to RCW 9.94A.501 and
13 9.94A.5011. Throughout this chapter, the terms "offender" and
14 "defendant" are used interchangeably.

15 (36) "Partial confinement" means confinement (~~for no more than~~
16 ~~one year~~) up to 18 months in a facility or institution operated or
17 utilized under contract by the state or any other unit of government,
18 or, if home detention, electronic monitoring, or work crew has been
19 ordered by the court or home detention has been ordered by the
20 department as part of the parenting program or the graduated reentry
21 program, in an approved residence, for a substantial portion of each
22 day with the balance of the day spent in the community. Partial
23 confinement includes work release, home detention, work crew,
24 electronic monitoring, and a combination of work crew, electronic
25 monitoring, and home detention.

26 (37) "Pattern of criminal street gang activity" means:

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

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

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

35 (iii) Deliver or Possession with Intent to Deliver a Controlled
36 Substance (chapter 69.50 RCW);

37 (iv) Any violation of the firearms and dangerous weapon act
38 (chapter 9.41 RCW);

39 (v) Theft of a Firearm (RCW 9A.56.300);

40 (vi) Possession of a Stolen Firearm (RCW 9A.56.310);

1 (vii) Hate Crime (RCW 9A.36.080);
2 (viii) Harassment where a subsequent violation or deadly threat
3 is made (RCW 9A.46.020(2)(b));
4 (ix) Criminal Gang Intimidation (RCW 9A.46.120);
5 (x) Any felony conviction by a person 18 years of age or older
6 with a special finding of involving a juvenile in a felony offense
7 under RCW 9.94A.833;
8 (xi) Residential Burglary (RCW 9A.52.025);
9 (xii) Burglary 2 (RCW 9A.52.030);
10 (xiii) Malicious Mischief 1 (RCW 9A.48.070);
11 (xiv) Malicious Mischief 2 (RCW 9A.48.080);
12 (xv) Theft of a Motor Vehicle (RCW 9A.56.065);
13 (xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);
14 (xvii) Taking a Motor Vehicle Without Permission 1 (RCW
15 9A.56.070);
16 (xviii) Taking a Motor Vehicle Without Permission 2 (RCW
17 9A.56.075);
18 (xix) Extortion 1 (RCW 9A.56.120);
19 (xx) Extortion 2 (RCW 9A.56.130);
20 (xxi) Intimidating a Witness (RCW 9A.72.110);
21 (xxii) Tampering with a Witness (RCW 9A.72.120);
22 (xxiii) Reckless Endangerment (RCW 9A.36.050);
23 (xxiv) Coercion (RCW 9A.36.070);
24 (xxv) Harassment (RCW 9A.46.020); or
25 (xxvi) Malicious Mischief 3 (RCW 9A.48.090);
26 (b) That at least one of the offenses listed in (a) of this
27 subsection shall have occurred after July 1, 2008;
28 (c) That the most recent committed offense listed in (a) of this
29 subsection occurred within three years of a prior offense listed in
30 (a) of this subsection; and
31 (d) Of the offenses that were committed in (a) of this
32 subsection, the offenses occurred on separate occasions or were
33 committed by two or more persons.
34 (38) "Persistent offender" is an offender who:
35 (a) (i) Has been convicted in this state of any felony considered
36 a most serious offense; and
37 (ii) Has, before the commission of the offense under (a) of this
38 subsection, been convicted as an offender on at least two separate
39 occasions, whether in this state or elsewhere, of felonies that under
40 the laws of this state would be considered most serious offenses and

1 would be included in the offender score under RCW 9.94A.525; provided
2 that of the two or more previous convictions, at least one conviction
3 must have occurred before the commission of any of the other most
4 serious offenses for which the offender was previously convicted; or

5 (b) (i) Has been convicted of: (A) Rape in the first degree, rape
6 of a child in the first degree, child molestation in the first
7 degree, rape in the second degree, rape of a child in the second
8 degree, or indecent liberties by forcible compulsion; (B) any of the
9 following offenses with a finding of sexual motivation: Murder in the
10 first degree, murder in the second degree, homicide by abuse,
11 kidnapping in the first degree, kidnapping in the second degree,
12 assault in the first degree, assault in the second degree, assault of
13 a child in the first degree, assault of a child in the second degree,
14 or burglary in the first degree; or (C) an attempt to commit any
15 crime listed in this subsection (38) (b) (i); and

16 (ii) Has, before the commission of the offense under (b) (i) of
17 this subsection, been convicted as an offender on at least one
18 occasion, whether in this state or elsewhere, of an offense listed in
19 (b) (i) of this subsection or any federal or out-of-state offense or
20 offense under prior Washington law that is comparable to the offenses
21 listed in (b) (i) of this subsection. A conviction for rape of a child
22 in the first degree constitutes a conviction under (b) (i) of this
23 subsection only when the offender was 16 years of age or older when
24 the offender committed the offense. A conviction for rape of a child
25 in the second degree constitutes a conviction under (b) (i) of this
26 subsection only when the offender was 18 years of age or older when
27 the offender committed the offense.

28 (39) "Predatory" means: (a) The perpetrator of the crime was a
29 stranger to the victim, as defined in this section; (b) the
30 perpetrator established or promoted a relationship with the victim
31 prior to the offense and the victimization of the victim was a
32 significant reason the perpetrator established or promoted the
33 relationship; or (c) the perpetrator was: (i) A teacher, counselor,
34 volunteer, or other person in authority in any public or private
35 school and the victim was a student of the school under his or her
36 authority or supervision. For purposes of this subsection, "school"
37 does not include home-based instruction as defined in RCW
38 28A.225.010; (ii) a coach, trainer, volunteer, or other person in
39 authority in any recreational activity and the victim was a
40 participant in the activity under his or her authority or

1 supervision; (iii) a pastor, elder, volunteer, or other person in
2 authority in any church or religious organization, and the victim was
3 a member or participant of the organization under his or her
4 authority; or (iv) a teacher, counselor, volunteer, or other person
5 in authority providing home-based instruction and the victim was a
6 student receiving home-based instruction while under his or her
7 authority or supervision. For purposes of this subsection: (A) "Home-
8 based instruction" has the same meaning as defined in RCW
9 28A.225.010; and (B) "teacher, counselor, volunteer, or other person
10 in authority" does not include the parent or legal guardian of the
11 victim.

12 (40) "Private school" means a school regulated under chapter
13 28A.195 or 28A.205 RCW.

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

15 (42) "Recidivist offense" means a felony offense where a prior
16 conviction of the same offense or other specified offense is an
17 element of the crime including, but not limited to:

18 (a) Assault in the fourth degree where domestic violence is
19 pleaded and proven, RCW 9A.36.041(3);

20 (b) Cyber harassment, RCW 9A.90.120(2)(b)(i);

21 (c) Harassment, RCW 9A.46.020(2)(b)(i);

22 (d) Indecent exposure, RCW 9A.88.010(2)(c);

23 (e) Stalking, RCW 9A.46.110(5)(b)(i) and (iii);

24 (f) Telephone harassment, RCW 9.61.230(2)(a); and

25 (g) Violation of a no-contact or protection order, RCW 7.105.450
26 or former RCW 26.50.110(5).

27 (43) "Repetitive domestic violence offense" means any:

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

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

32 (iii) Domestic violence violation of a protection order under
33 chapter 26.09, 26.26A, or 26.26B RCW or former chapter 26.50 RCW, or
34 violation of a domestic violence protection order under chapter 7.105
35 RCW, that is not a felony offense;

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

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

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

5 (44) "Restitution" means a specific sum of money ordered by the
6 sentencing court to be paid by the offender to the court over a
7 specified period of time as payment of damages. The sum may include
8 both public and private costs.

9 (45) "Risk assessment" means the application of the risk
10 instrument recommended to the department by the Washington state
11 institute for public policy as having the highest degree of
12 predictive accuracy for assessing an offender's risk of reoffense.

13 (46) "Serious traffic offense" means:

14 (a) (i) Nonfelony driving while under the influence of
15 intoxicating liquor or any drug (RCW 46.61.502);

16 (ii) Nonfelony actual physical control while under the influence
17 of intoxicating liquor or any drug (RCW 46.61.504);

18 (iii) Reckless driving (RCW 46.61.500);

19 (iv) Negligent driving if the conviction is the result of a
20 charge that was originally filed as a violation of RCW 46.61.502 or
21 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or
22 46.61.522 while under the influence of intoxicating liquor or any
23 drug (RCW 46.61.5249);

24 (v) Reckless endangerment if the conviction is the result of a
25 charge that was originally filed as a violation of RCW 46.61.502 or
26 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or
27 46.61.522 while under the influence of intoxicating liquor or any
28 drug (RCW 9A.36.050); or

29 (vi) Hit-and-run an attended vehicle (RCW 46.52.020(5)); or

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

33 (c) This definition applies for the purpose of a personal
34 driver's license only and does not apply to violations related to a
35 commercial motor vehicle under RCW 46.25.090.

36 (47) "Serious violent offense" is a subcategory of violent
37 offense and means:

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

39 (ii) Homicide by abuse;

40 (iii) Murder in the second degree;

1 (iv) Manslaughter in the first degree;
2 (v) Assault in the first degree;
3 (vi) Kidnapping in the first degree;
4 (vii) Rape in the first degree;
5 (viii) Assault of a child in the first degree; or
6 (ix) An attempt, criminal solicitation, or criminal conspiracy to
7 commit one of these felonies; 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 a
10 serious violent offense under (a) of this subsection.
11 (48) "Sex offense" means:
12 (a) (i) A felony that is a violation of chapter 9A.44 RCW other
13 than RCW 9A.44.132;
14 (ii) A violation of RCW 9A.64.020;
15 (iii) A felony that is a violation of chapter 9.68A RCW other
16 than RCW 9.68A.080;
17 (iv) A felony that is, under chapter 9A.28 RCW, a criminal
18 attempt, criminal solicitation, or criminal conspiracy to commit such
19 crimes; or
20 (v) A felony violation of RCW 9A.44.132(1) (failure to register
21 as a sex offender) if the person has been convicted of violating RCW
22 9A.44.132(1) (failure to register as a sex offender) or 9A.44.130
23 prior to June 10, 2010, on at least one prior occasion;
24 (b) Any conviction for a felony offense in effect at any time
25 prior to July 1, 1976, that is comparable to a felony classified as a
26 sex offense in (a) of this subsection;
27 (c) A felony with a finding of sexual motivation under RCW
28 9.94A.835 or 13.40.135; or
29 (d) 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 sex
31 offense under (a) of this subsection.
32 (49) "Sexual motivation" means that one of the purposes for which
33 the defendant committed the crime was for the purpose of his or her
34 sexual gratification.
35 (50) "Standard sentence range" means the sentencing court's
36 discretionary range in imposing a nonappealable sentence.
37 (51) "Statutory maximum sentence" means the maximum length of
38 time for which an offender may be confined as punishment for a crime
39 as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute

1 defining the crime, or other statute defining the maximum penalty for
2 a crime.

3 (52) "Stranger" means that the victim did not know the offender
4 24 hours before the offense.

5 (53) "Total confinement" means confinement inside the physical
6 boundaries of a facility or institution operated or utilized under
7 contract by the state or any other unit of government for 24 hours a
8 day, or pursuant to RCW 72.64.050 and 72.64.060.

9 (54) "Transition training" means written and verbal instructions
10 and assistance provided by the department to the offender during the
11 two weeks prior to the offender's successful completion of the work
12 ethic camp program. The transition training shall include
13 instructions in the offender's requirements and obligations during
14 the offender's period of community custody.

15 (55) "Victim" means any person who has sustained emotional,
16 psychological, physical, or financial injury to person or property as
17 a direct result of the crime charged.

18 (56) "Victim of domestic violence" means an intimate partner or
19 household member who has been subjected to the infliction of physical
20 harm or sexual and psychological abuse by an intimate partner or
21 household member as part of a pattern of assaultive, coercive, and
22 controlling behaviors directed at achieving compliance from or
23 control over that intimate partner or household member. Domestic
24 violence includes, but is not limited to, the offenses listed in RCW
25 10.99.020 and 26.50.010 committed by an intimate partner or household
26 member against a victim who is an intimate partner or household
27 member.

28 (57) "Victim of sex trafficking, prostitution, or commercial
29 sexual abuse of a minor" means a person who has been forced or
30 coerced to perform a commercial sex act including, but not limited
31 to, being a victim of offenses defined in RCW 9A.40.100, 9A.88.070,
32 9.68A.101, and the trafficking victims protection act of 2000, 22
33 U.S.C. Sec. 7101 et seq.; or a person who was induced to perform a
34 commercial sex act when they were less than 18 years of age including
35 but not limited to the offenses defined in chapter 9.68A RCW.

36 (58) "Victim of sexual assault" means any person who is a victim
37 of a sexual assault offense, nonconsensual sexual conduct, or
38 nonconsensual sexual penetration and as a result suffers physical,
39 emotional, financial, or psychological impacts. Sexual assault

1 offenses include, but are not limited to, the offenses defined in
2 chapter 9A.44 RCW.

3 (59) "Violent offense" means:

4 (a) Any of the following felonies:

5 (i) Any felony defined under any law as a class A felony or an
6 attempt to commit a class A felony;

7 (ii) Criminal solicitation of or criminal conspiracy to commit a
8 class A felony;

9 (iii) Manslaughter in the first degree;

10 (iv) Manslaughter in the second degree;

11 (v) Indecent liberties if committed by forcible compulsion;

12 (vi) Kidnapping in the second degree;

13 (vii) Arson in the second degree;

14 (viii) Assault in the second degree;

15 (ix) Assault of a child in the second degree;

16 (x) Extortion in the first degree;

17 (xi) Robbery in the second degree;

18 (xii) Drive-by shooting;

19 (xiii) Vehicular assault, when caused by the operation or driving
20 of a vehicle by a person while under the influence of intoxicating
21 liquor or any drug or by the operation or driving of a vehicle in a
22 reckless manner; and

23 (xiv) Vehicular homicide, when proximately caused by the driving
24 of any vehicle by any person while under the influence of
25 intoxicating liquor or any drug as defined by RCW 46.61.502, or by
26 the operation of any vehicle in a reckless manner;

27 (b) Any conviction for a felony offense in effect at any time
28 prior to July 1, 1976, that is comparable to a felony classified as a
29 violent offense in (a) of this subsection; and

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

33 (60) "Work crew" means a program of partial confinement
34 consisting of civic improvement tasks for the benefit of the
35 community that complies with RCW 9.94A.725.

36 (61) "Work ethic camp" means an alternative incarceration program
37 as provided in RCW 9.94A.690 designed to reduce recidivism and lower
38 the cost of corrections by requiring offenders to complete a
39 comprehensive array of real-world job and vocational experiences,
40 character-building work ethics training, life management skills

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

3 (62) "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.

6 **Sec. 3.** RCW 9.94A.6551 and 2024 c 193 s 1 are each amended to
7 read as follows:

8 (1) ~~((a) Except as provided in (b) of this subsection, for))~~ For
9 an incarcerated individual not sentenced under RCW 9.94A.655, but
10 otherwise eligible under this section, no more than the final ~~((12))~~
11 18 months of the incarcerated individual's term of confinement may be
12 served in partial confinement as home detention as part of the
13 parenting program developed by the department.

14 ~~((b) For an incarcerated individual not sentenced under RCW
15 9.94A.655, but otherwise eligible under this section, who is
16 participating in the residential parenting program at the department,
17 no more than the final 18 months of the incarcerated individual's
18 term of confinement may be served in partial confinement as home
19 detention as part of the parenting program developed by the
20 department.))~~

21 (2) The secretary may transfer an incarcerated individual from a
22 correctional facility to home detention in the community if it is
23 determined that the parenting program is an appropriate placement and
24 when all of the following conditions exist:

25 (a) The incarcerated individual is serving a sentence in which
26 the high end of the range is greater than one year;

27 (b) The incarcerated individual has no current conviction for a
28 felony that is classified as a sex offense or a serious violent
29 offense;

30 (c) The incarcerated individual has no current conviction for a
31 violent offense, or where the incarcerated individual has a current
32 conviction for a violent offense, he or she has not been determined
33 to be a high risk to reoffend;

34 (d) The incarcerated individual signs any release of information
35 waivers required to allow information regarding current or prior
36 child welfare cases to be shared with the department and the court;

37 (e) The incarcerated individual is:

38 (i) A parent with guardianship or legal custody of a minor child;

39 (ii) An expectant parent; ~~((e))~~

1 (iii) A biological parent, adoptive parent, custodian, or
2 stepparent with a proven, established, ongoing, and substantial
3 relationship with a minor child (~~(that existed at the time of the~~
4 ~~offense)~~); or

5 (iv) An individual expected to take over the duties of a parent
6 and be responsible for exercising the day-to-day care and control of
7 a minor child; and

8 (f) The department determines that the incarcerated individual's
9 participation in the parenting program is in the best interests of
10 the child. Nothing in this section provides the department with
11 authority to determine placement of a minor child.

12 (3) Except for sex offenses and serious violent offenses, prior
13 juvenile adjudications are not considered offenses when considering
14 eligibility for the parenting program developed by the department.

15 (4) When the department is considering partial confinement as
16 part of the parenting program for an incarcerated individual, the
17 department shall inquire of the individual and the department of
18 children, youth, and families whether the agency has an open child
19 welfare case or prior substantiated referral for abuse or neglect
20 involving the incarcerated individual.

21 (5) If the department of children, youth, and families or a
22 tribal jurisdiction has an open child welfare case, the department
23 will seek input from the department of children, youth, and families
24 or the involved tribal jurisdiction as to: (a) The status of the
25 child welfare case; and (b) recommendations regarding placement of
26 the incarcerated individual, services agreed to by the incarcerated
27 individual working voluntarily with the department, or services
28 ordered by the court within the incarcerated individual's child
29 welfare case. The department and its officers, agents, and employees
30 are not liable for the acts of incarcerated individuals participating
31 in the parenting program unless the department or its officers,
32 agents, and employees acted with willful and wanton disregard.

33 (6) All incarcerated individuals placed on home detention as part
34 of the parenting program shall provide an approved residence and
35 living arrangement prior to transfer to home detention.

36 (7) While in the community on home detention as part of the
37 parenting program, the department shall:

38 (a) Require the individual to be placed on electronic home
39 monitoring;

1 (b) Require the individual to participate in programming and
2 treatment that the department determines is needed after
3 consideration of the individual's stated needs;

4 (c) Assign a community corrections officer who will monitor the
5 individual's compliance with conditions of partial confinement and
6 programming requirements; and

7 (d) If the individual has an open child welfare case with the
8 department of children, youth, and families, collaborate and
9 communicate with the identified social worker in the provision of
10 services.

11 (8) The department has the authority to return any incarcerated
12 individual serving partial confinement in the parenting program to
13 total confinement if the individual is not complying with sentence
14 requirements.

15 (9) If the incarcerated individual's earned release date changes
16 after placement in partial confinement under this section, the
17 department may extend the duration of participation in the
18 alternative program by no more than six months or up to the earned
19 release date, whichever comes first.

20 (10) For the purposes of this section:

21 (a) "Expectant parent" means a pregnant or other parent awaiting
22 the birth of his or her child, or an adoptive parent or person in the
23 process of a final adoption.

24 (b) "Minor child" means a child under the age of ~~((eighteen))~~ 18.

25 ~~((c) "Residential parenting program" means a correctional~~
26 ~~nursery program administered by the department that allows pregnant,~~
27 ~~minimum security incarcerated individuals that meet eligibility~~
28 ~~criteria established by the department to keep their newborn children~~
29 ~~with them after giving birth in a designated unit and receive support~~
30 ~~and education in alliance with skilled early childhood educators.))~~

31 **Sec. 4.** RCW 9.94A.733 and 2023 c 405 s 1 are each amended to
32 read as follows:

33 (1)(a) Except as provided in (b) of this subsection, an
34 ~~((offender))~~ incarcerated individual may not participate in the
35 graduated reentry program under this subsection unless he or she has
36 served at least ~~((six))~~ three months in total confinement in a state
37 correctional facility.

38 (i) An ~~((offender))~~ incarcerated individual subject to (a) of
39 this subsection may serve no more than the final ~~((five))~~ nine months

1 of the (~~offender's~~) incarcerated individual's term of confinement
2 in partial confinement as home detention as part of the graduated
3 reentry program developed by the department.

4 (ii) Home detention under (a) of this subsection may not be
5 imposed for individuals subject to a deportation order, civil
6 commitment, or the interstate compact for adult offender supervision
7 under RCW 9.94A.745.

8 (b) For (~~offenders~~) incarcerated individuals who meet the
9 requirements of (b)(iii) of this subsection, an (~~offender~~)
10 incarcerated individual may not participate in the graduated reentry
11 program unless he or she has served at least (~~four~~) three months in
12 total confinement in a state correctional facility.

13 (i) An (~~offender~~) incarcerated individual under this subsection
14 (1)(b) may serve no more than the final 18 months of the
15 (~~offender's~~) incarcerated individual's term of confinement in
16 partial confinement as home detention as part of the graduated
17 reentry program developed by the department.

18 (ii) Home detention under this subsection (1)(b) may not be
19 imposed for individuals subject to a deportation order or subject to
20 the jurisdiction of the indeterminate sentence review board.

21 (iii) Home detention under this subsection (1)(b) may not be
22 imposed for (~~offenders~~) incarcerated individuals currently serving
23 a term of confinement for the following offenses:

24 (A) Any sex offense;

25 (B) Any violent offense; or

26 (C) Any crime against a person offense in accordance with the
27 categorization of crimes against persons outlined in RCW
28 9.94A.411(2).

29 (2) The secretary of the department may transfer an (~~offender~~)
30 incarcerated individual from a department correctional facility to
31 home detention in the community if it is determined that the
32 graduated reentry program is an appropriate placement and must assist
33 the (~~offender's~~) incarcerated individual's transition from
34 confinement to the community.

35 (3) The department and its officers, agents, and employees are
36 not liable for the acts of (~~offenders~~) incarcerated individuals
37 participating in the graduated reentry program unless the department
38 or its officers, agents, and employees acted with willful and wanton
39 disregard.

1 (4) (a) All ((~~offenders~~)) incarcerated individuals placed on home
2 detention as part of the graduated reentry program must provide an
3 approved residence and living arrangement prior to transfer to home
4 detention.

5 (b) The department may not transfer an ((~~offender~~)) incarcerated
6 individual to participate in the graduated reentry program until the
7 department has ((~~conducted~~)) a ((~~comprehensive—assessment~~))
8 clinically appropriate evaluation for substance use ((~~disorder~~))
9 disorders. If the ((~~offender~~)) incarcerated individual is ((~~assessed~~
10 ~~to have~~)) diagnosed with a substance use disorder, the department
11 shall assist the ((~~offender~~)) incarcerated individual in ((~~enrolling~~
12 ~~in~~)) accessing substance use disorder treatment services ((~~at the~~
13 ~~level deemed appropriate by the assessment. Offenders transferred to~~
14 ~~participate in the graduated reentry program must begin receiving~~
15 ~~substance use disorder treatment services as soon as practicable~~
16 ~~after transfer to avoid any delays in treatment. Substance use~~
17 ~~disorder treatment services shall include, as deemed necessary by the~~
18 ~~assessment, access to medication-assisted treatment and counseling~~
19 ~~programs)), including medication treatment if appropriate, in
20 accordance with recommended treatment for severity of disease
21 determined during evaluation. Upon transfer to the graduated reentry
22 program, when clinically appropriate, individuals must be provided
23 with access to self-administered fentanyl testing supplies and
24 medications designed to reverse the effects of opioid overdose.~~

25 (5) While in the community on home detention as part of the
26 graduated reentry program, the department must:

27 (a) Require the ((~~offender~~)) incarcerated individual to be placed
28 on electronic home monitoring;

29 (b) Require the ((~~offender~~)) incarcerated individual to
30 participate in programming and treatment that the department shall
31 assign based on an ((~~offender's~~)) incarcerated individual's assessed
32 need; and

33 (c) Assign a community corrections officer who will monitor the
34 ((~~offender's~~)) incarcerated individual's compliance with conditions
35 of partial confinement and programming requirements.

36 (6) The department retains the authority to return any
37 ((~~offender~~)) incarcerated individual serving partial confinement in
38 the graduated reentry program to total confinement for any reason
39 including, but not limited to, the ((~~offender's~~)) incarcerated
40 individual's noncompliance with any sentence requirement.

1 (7) The department may issue rental vouchers for a period not to
2 exceed six months for those transferring to partial confinement under
3 this section if an approved address cannot be obtained without the
4 assistance of a voucher.

5 (8) In the selection of (~~offenders~~) incarcerated individuals to
6 participate in the graduated reentry program, and in setting,
7 modifying, and enforcing the requirements of the graduated reentry
8 program, the department is deemed to be performing a quasi-judicial
9 function.

10 (9) The department shall publish a monthly report on its website
11 with the number of (~~offenders~~) incarcerated individuals who were
12 transferred during the month to home detention as part of the
13 graduated reentry program. The department shall submit an annual
14 report by December 1st to the appropriate committees of the
15 legislature with the number of (~~offenders~~) incarcerated individuals
16 who were transferred to home detention as part of the graduated
17 reentry program during the prior year.

18 (10)(a) Beginning July 1, 2023, the following data must be
19 collected and posted to the department's website on a monthly basis:

20 (i) The number of (~~offenders~~) incarcerated individuals who were
21 transferred to the graduated reentry program who were assessed to
22 have a substance use disorder during the prior calendar month; and

23 (ii) The number of (~~offenders~~) incarcerated individuals in the
24 graduated reentry program who received during the prior 12 months:

25 (A) Outpatient substance use disorder treatment;

26 (B) Inpatient substance use disorder treatment; and

27 (C) Both outpatient and inpatient substance use disorder
28 treatment.

29 (b) Beginning July 1, 2023, the health care authority must report
30 monthly to the department on the number of (~~offenders~~) incarcerated
31 individuals in the graduated reentry program who received substance
32 use disorder outpatient treatment, while in the community, during the
33 prior 12 months.

34 (11) The department must share data with the health care
35 authority on (~~offenders~~) incarcerated individuals participating in
36 the graduated reentry program.

37 **Sec. 5.** RCW 9.94A.728 and 2023 c 358 s 1 are each amended to
38 read as follows:

1 (1) No incarcerated individual serving a sentence imposed
2 pursuant to this chapter and committed to the custody of the
3 department shall leave the confines of the correctional facility or
4 be released prior to the expiration of the sentence except as
5 follows:

6 (a) An incarcerated individual may earn early release time as
7 authorized by RCW 9.94A.729;

8 (b) An incarcerated individual may leave a correctional facility
9 pursuant to an authorized furlough or leave of absence. In addition,
10 incarcerated individuals may leave a correctional facility when in
11 the custody of a corrections officer or officers;

12 (c)(i) The secretary may authorize an extraordinary medical
13 placement for an incarcerated individual when all of the following
14 conditions exist:

15 (A) The incarcerated individual has been assessed by two
16 physicians and is determined to be one of the following:

17 (I) Affected by a permanent or degenerative medical condition to
18 such a degree that the individual does not presently, and likely will
19 not in the future, pose a threat to public safety; or

20 (II) In ill health and is expected to die within six months and
21 does not presently, and likely will not in the future, pose a threat
22 to public safety;

23 (B) The incarcerated individual has been assessed as low risk to
24 the community at the time of release; and

25 (C) It is expected that granting the extraordinary medical
26 placement will result in a cost savings to the state.

27 (ii) An incarcerated individual sentenced to death or to life
28 imprisonment without the possibility of release or parole is not
29 eligible for an extraordinary medical placement.

30 (iii) The secretary shall require electronic monitoring for all
31 individuals in extraordinary medical placement unless the electronic
32 monitoring equipment is detrimental to the individual's health,
33 interferes with the function of the individual's medical equipment,
34 or results in the loss of funding for the individual's medical care,
35 in which case, an alternative type of monitoring shall be utilized.
36 The secretary shall specify who shall provide the monitoring services
37 and the terms under which the monitoring shall be performed.

38 (iv) The secretary may revoke an extraordinary medical placement
39 under this subsection (1)(c) at any time.

1 (v) Persistent offenders are not eligible for extraordinary
2 medical placement;

3 (d) The governor, upon recommendation from the clemency and
4 pardons board, may grant an extraordinary release for reasons of
5 serious health problems, senility, advanced age, extraordinary
6 meritorious acts, or other extraordinary circumstances;

7 (e) No more than the final (~~12~~) 18 months of the incarcerated
8 individual's term of confinement may be served in partial confinement
9 for aiding the incarcerated individual with: Finding work as part of
10 the work release program under chapter 72.65 RCW; (~~or~~)
11 reestablishing himself or herself in the community as part of the
12 parenting program in RCW 9.94A.6551; or participating in outpatient
13 behavioral health treatment. This is in addition to that period of
14 earned early release time that may be exchanged for partial
15 confinement pursuant to RCW 9.94A.729(5) (d);

16 (f) (i) No more than the final (~~five~~) nine months of the
17 incarcerated individual's term of confinement may be served in
18 partial confinement as home detention as part of the graduated
19 reentry program developed by the department under RCW
20 9.94A.733(1) (a);

21 (ii) For eligible incarcerated individuals under RCW
22 9.94A.733(1) (b), after serving at least (~~four~~) three months in
23 total confinement in a state correctional facility, an incarcerated
24 individual may serve no more than the final 18 months of the
25 incarcerated individual's term of confinement in partial confinement
26 as home detention as part of the graduated reentry program developed
27 by the department;

28 (g) The governor may pardon any incarcerated individual;

29 (h) The department may release an incarcerated individual from
30 confinement any time within 10 days before a release date calculated
31 under this section;

32 (i) An incarcerated individual may leave a correctional facility
33 prior to completion of his or her sentence if the sentence has been
34 reduced as provided in RCW 9.94A.870;

35 (j) Notwithstanding any other provisions of this section, an
36 incarcerated individual sentenced for a felony crime listed in RCW
37 9.94A.540 as subject to a mandatory minimum sentence of total
38 confinement shall not be released from total confinement before the
39 completion of the listed mandatory minimum sentence for that felony
40 crime of conviction unless allowed under RCW 9.94A.540; and

1 (k) Any individual convicted of one or more crimes committed
2 prior to the individual's 18th birthday may be released from
3 confinement pursuant to RCW 9.94A.730.

4 (2) Notwithstanding any other provision of this section, an
5 incarcerated individual entitled to vacation of a conviction or the
6 recalculation of his or her offender score pursuant to *State v.*
7 *Blake*, No. 96873-0 (Feb. 25, 2021), may be released from confinement
8 pursuant to a court order if the incarcerated individual has already
9 served a period of confinement that exceeds his or her new standard
10 range. This provision does not create an independent right to release
11 from confinement prior to resentencing.

12 (3) Individuals residing in a juvenile correctional facility
13 placement pursuant to RCW 72.01.410(1)(a) are not subject to the
14 limitations in this section.

15 NEW SECTION. **Sec. 6.** The changes to restrictions on the
16 community parenting alternative and partial confinement under
17 sections 1, 2, 3, and 4 of this act apply prospectively and
18 retroactively to persons currently serving a sentence in any facility
19 or institution either operated by the state or utilized under
20 contract.

21 NEW SECTION. **Sec. 7.** Section 1 of this act expires January 1,
22 2026.

23 NEW SECTION. **Sec. 8.** Section 2 of this act takes effect January
24 1, 2026.

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