

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5219

69th Legislature
2025 Regular Session

Passed by the Senate April 18, 2025
Yeas 28 Nays 20

President of the Senate

Passed by the House April 11, 2025
Yeas 54 Nays 42

**Speaker of the House of
Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5219** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5219

AS AMENDED BY THE HOUSE

Passed Legislature - 2025 Regular Session

State of Washington

69th Legislature

2025 Regular Session

By Senate Human Services (originally sponsored by Senators C. Wilson, Frame, Lovick, Nobles, and Wellman; by request of Office of the Governor)

READ FIRST TIME 02/06/25.

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, 9.94A.728,
3 and 72.65.210; creating new sections; providing an effective date;
4 and providing an expiration date.

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

6 NEW SECTION. **Sec. 1.** The legislature recognizes that partial
7 confinement programs play a critical role in rehabilitation and the
8 reduction of recidivism. The legislature finds that different partial
9 confinement programs can meet the rehabilitative needs of different
10 individuals. The legislature finds that aligning participation
11 timelines for programs will allow incarcerated individuals to engage
12 in the program best suited for their individual circumstances.

13 **Sec. 2.** RCW 9.94A.030 and 2022 c 231 s 11 are each amended to
14 read as follows:

15 Unless the context clearly requires otherwise, the definitions in
16 this section apply throughout this chapter.

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

19 (2) "Collect," or any derivative thereof, "collect and remit," or
20 "collect and deliver," when used with reference to the department,

1 means that the department, either directly or through a collection
2 agreement authorized by RCW 9.94A.760, is responsible for monitoring
3 and enforcing the offender's sentence with regard to the legal
4 financial obligation, receiving payment thereof from the offender,
5 and, consistent with current law, delivering daily the entire payment
6 to the superior court clerk without depositing it in a departmental
7 account.

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

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

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

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

20 (7) "Community restitution" means compulsory service, without
21 compensation, performed for the benefit of the community by the
22 offender.

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

24 (9) "Conviction" means an adjudication of guilt pursuant to Title
25 10 or 13 RCW and includes a verdict of guilty, a finding of guilty,
26 and acceptance of a plea of guilty.

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

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

39 (a) The history shall include, where known, for each conviction
40 (i) whether the defendant has been placed on probation and the length

1 and terms thereof; and (ii) whether the defendant has been
2 incarcerated and the length of incarceration.

3 (b) A conviction may be removed from a defendant's criminal
4 history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640,
5 9.95.240, or a similar out-of-state statute, or if the conviction has
6 been vacated pursuant to a governor's pardon. However, when a
7 defendant is charged with a recidivist offense, "criminal history"
8 includes a vacated prior conviction for the sole purpose of
9 establishing that such vacated prior conviction constitutes an
10 element of the present recidivist offense as provided in RCW
11 9.94A.640(4)(b) and 9.96.060(~~((7))~~) (8)(c).

12 (c) The determination of a defendant's criminal history is
13 distinct from the determination of an offender score. A prior
14 conviction that was not included in an offender score calculated
15 pursuant to a former version of the sentencing reform act remains
16 part of the defendant's criminal history.

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

27 (13) "Criminal street gang associate or member" means any person
28 who actively participates in any criminal street gang and who
29 intentionally promotes, furthers, or assists in any criminal act by
30 the criminal street gang.

31 (14) "Criminal street gang-related offense" means any felony or
32 misdemeanor offense, whether in this state or elsewhere, that is
33 committed for the benefit of, at the direction of, or in association
34 with any criminal street gang, or is committed with the intent to
35 promote, further, or assist in any criminal conduct by the gang, or
36 is committed for one or more of the following reasons:

- 37 (a) To gain admission, prestige, or promotion within the gang;
38 (b) To increase or maintain the gang's size, membership,
39 prestige, dominance, or control in any geographical area;

1 (c) To exact revenge or retribution for the gang or any member of
2 the gang;

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

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

8 (f) To provide the gang with any advantage in, or any control or
9 dominance over any criminal market sector, including, but not limited
10 to, manufacturing, delivering, or selling any controlled substance
11 (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen
12 property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88
13 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual
14 abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter
15 9.68 RCW).

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

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

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

26 (18) "Determinate sentence" means a sentence that states with
27 exactitude the number of actual years, months, or days of total
28 confinement, of partial confinement, of community custody, the number
29 of actual hours or days of community restitution work, or dollars or
30 terms of a legal financial obligation. The fact that an offender
31 through earned release can reduce the actual period of confinement
32 shall not affect the classification of the sentence as a determinate
33 sentence.

34 (19) "Disposable earnings" means that part of the earnings of an
35 offender remaining after the deduction from those earnings of any
36 amount required by law to be withheld. For the purposes of this
37 definition, "earnings" means compensation paid or payable for
38 personal services, whether denominated as wages, salary, commission,
39 bonuses, or otherwise, and, notwithstanding any other provision of
40 law making the payments exempt from garnishment, attachment, or other

1 process to satisfy a court-ordered legal financial obligation,
2 specifically includes periodic payments pursuant to pension or
3 retirement programs, or insurance policies of any type, but does not
4 include payments made under Title 50 RCW, except as provided in RCW
5 50.40.020 and 50.40.050, or Title 74 RCW.

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

8 (b) "Domestic violence" also means: (i) Physical harm, bodily
9 injury, assault, or the infliction of fear of imminent physical harm,
10 bodily injury, or assault, sexual assault, or stalking, as defined in
11 RCW 9A.46.110, of one intimate partner by another intimate partner as
12 defined in RCW 10.99.020; or (ii) physical harm, bodily injury,
13 assault, or the infliction of fear of imminent physical harm, bodily
14 injury, or assault, sexual assault, or stalking, as defined in RCW
15 9A.46.110, of one family or household member by another family or
16 household member as defined in RCW 10.99.020.

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

20 (22) "Drug offense" means:

21 (a) Any felony violation of chapter 69.50 RCW except possession
22 of a controlled substance (RCW 69.50.4013) or forged prescription for
23 a controlled substance (RCW 69.50.403);

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

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

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

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

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

1 (b) Active or passive global positioning system technology, which
2 detects the location of the monitored individual and notifies the
3 monitoring agency of the monitored individual's location and which
4 may also include electronic monitoring with victim notification
5 technology that is capable of notifying a victim or protected party,
6 either directly or through a monitoring agency, if the monitored
7 individual enters within the restricted distance of a victim or
8 protected party, or within the restricted distance of a designated
9 location.

10 (25) "Escape" means:

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

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

20 (26) "Felony traffic offense" means:

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

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

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

33 (28) "First-time offender" means any person who has no prior
34 convictions for a felony and is eligible for the first-time offender
35 waiver under RCW 9.94A.650.

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

1 agency that ordered home detention, and the offender is subject to
2 electronic monitoring.

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

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

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

10 (c) A private residence where the individual stays as a transient
11 invitee.

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

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

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

31 (b) Assault in the second degree;

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

33 (d) Child molestation in the second degree;

34 (e) Controlled substance homicide;

35 (f) Extortion in the first degree;

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

37 (h) Indecent liberties;

38 (i) Kidnapping in the second degree;

39 (j) Leading organized crime;

40 (k) Manslaughter in the first degree;

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

1 the out-of-state definition of sexual motivation must be comparable
2 to the definition of sexual motivation contained in this section.

3 (33) "Nonviolent offense" means an offense which is not a violent
4 offense.

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

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

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

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

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

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

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

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

- 1 (v) Theft of a Firearm (RCW 9A.56.300);
- 2 (vi) Possession of a Stolen Firearm (RCW 9A.56.310);
- 3 (vii) Hate Crime (RCW 9A.36.080);
- 4 (viii) Harassment where a subsequent violation or deadly threat
- 5 is made (RCW 9A.46.020(2)(b));
- 6 (ix) Criminal Gang Intimidation (RCW 9A.46.120);
- 7 (x) Any felony conviction by a person 18 years of age or older
- 8 with a special finding of involving a juvenile in a felony offense
- 9 under RCW 9.94A.833;
- 10 (xi) Residential Burglary (RCW 9A.52.025);
- 11 (xii) Burglary 2 (RCW 9A.52.030);
- 12 (xiii) Malicious Mischief 1 (RCW 9A.48.070);
- 13 (xiv) Malicious Mischief 2 (RCW 9A.48.080);
- 14 (xv) Theft of a Motor Vehicle (RCW 9A.56.065);
- 15 (xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);
- 16 (xvii) Taking a Motor Vehicle Without Permission 1 (RCW
- 17 9A.56.070);
- 18 (xviii) Taking a Motor Vehicle Without Permission 2 (RCW
- 19 9A.56.075);
- 20 (xix) Extortion 1 (RCW 9A.56.120);
- 21 (xx) Extortion 2 (RCW 9A.56.130);
- 22 (xxi) Intimidating a Witness (RCW 9A.72.110);
- 23 (xxii) Tampering with a Witness (RCW 9A.72.120);
- 24 (xxiii) Reckless Endangerment (RCW 9A.36.050);
- 25 (xxiv) Coercion (RCW 9A.36.070);
- 26 (xxv) Harassment (RCW 9A.46.020); or
- 27 (xxvi) Malicious Mischief 3 (RCW 9A.48.090);

28 (b) That at least one of the offenses listed in (a) of this
29 subsection shall have occurred after July 1, 2008;

30 (c) That the most recent committed offense listed in (a) of this
31 subsection occurred within three years of a prior offense listed in
32 (a) of this subsection; and

33 (d) Of the offenses that were committed in (a) of this
34 subsection, the offenses occurred on separate occasions or were
35 committed by two or more persons.

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

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

39 (ii) Has, before the commission of the offense under (a) of this
40 subsection, been convicted as an offender on at least two separate

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

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

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

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

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

14 (39) "Private school" means a school regulated under chapter
15 28A.195 or 28A.205 RCW.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (45) "Serious traffic offense" means:

16 (a) Nonfelony driving while under the influence of intoxicating
17 liquor or any drug (RCW 46.61.502), nonfelony actual physical control
18 while under the influence of intoxicating liquor or any drug (RCW
19 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an
20 attended vehicle (RCW 46.52.020(5)); or

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

24 (46) "Serious violent offense" is a subcategory of violent
25 offense and means:

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

27 (ii) Homicide by abuse;

28 (iii) Murder in the second degree;

29 (iv) Manslaughter in the first degree;

30 (v) Assault in the first degree;

31 (vi) Kidnapping in the first degree;

32 (vii) Rape in the first degree;

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

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

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

39 (47) "Sex offense" means:

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

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

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

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

9 (v) A felony violation of RCW 9A.44.132(1) (failure to register
10 as a sex offender) if the person has been convicted of violating RCW
11 9A.44.132(1) (failure to register as a sex offender) or 9A.44.130
12 prior to June 10, 2010, on at least one prior occasion;

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

16 (c) A felony with a finding of sexual motivation under RCW
17 9.94A.835 or 13.40.135; or

18 (d) 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 sex
20 offense under (a) of this subsection.

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

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

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

31 (51) "Stranger" means that the victim did not know the offender
32 24 hours before the offense.

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

37 (53) "Transition training" means written and verbal instructions
38 and assistance provided by the department to the offender during the
39 two weeks prior to the offender's successful completion of the work
40 ethic camp program. The transition training shall include

1 instructions in the offender's requirements and obligations during
2 the offender's period of community custody.

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

6 (55) "Victim of domestic violence" means an intimate partner or
7 household member who has been subjected to the infliction of physical
8 harm or sexual and psychological abuse by an intimate partner or
9 household member as part of a pattern of assaultive, coercive, and
10 controlling behaviors directed at achieving compliance from or
11 control over that intimate partner or household member. Domestic
12 violence includes, but is not limited to, the offenses listed in RCW
13 10.99.020 and 26.50.010 committed by an intimate partner or household
14 member against a victim who is an intimate partner or household
15 member.

16 (56) "Victim of sex trafficking, prostitution, or commercial
17 sexual abuse of a minor" means a person who has been forced or
18 coerced to perform a commercial sex act including, but not limited
19 to, being a victim of offenses defined in RCW 9A.40.100, 9A.88.070,
20 9.68A.101, and the trafficking victims protection act of 2000, 22
21 U.S.C. Sec. 7101 et seq.; or a person who was induced to perform a
22 commercial sex act when they were less than 18 years of age including
23 but not limited to the offenses defined in chapter 9.68A RCW.

24 (57) "Victim of sexual assault" means any person who is a victim
25 of a sexual assault offense, nonconsensual sexual conduct, or
26 nonconsensual sexual penetration and as a result suffers physical,
27 emotional, financial, or psychological impacts. Sexual assault
28 offenses include, but are not limited to, the offenses defined in
29 chapter 9A.44 RCW.

30 (58) "Violent offense" means:

31 (a) Any of the following felonies:

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

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

36 (iii) Manslaughter in the first degree;

37 (iv) Manslaughter in the second degree;

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

39 (vi) Kidnapping in the second degree;

40 (vii) Arson in the second degree;

1 (viii) Assault in the second degree;
2 (ix) Assault of a child in the second degree;
3 (x) Extortion in the first degree;
4 (xi) Robbery in the second degree;
5 (xii) Drive-by shooting;
6 (xiii) Vehicular assault, when caused by the operation or driving
7 of a vehicle by a person while under the influence of intoxicating
8 liquor or any drug or by the operation or driving of a vehicle in a
9 reckless manner; and

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

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

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

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

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

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

33 **Sec. 3.** RCW 9.94A.030 and 2024 c 306 s 2 are each amended to
34 read as follows:

35 Unless the context clearly requires otherwise, the definitions in
36 this section apply throughout this chapter.

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

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

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

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

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

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

22 (7) "Community restitution" means compulsory service, without
23 compensation, performed for the benefit of the community by the
24 offender.

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

26 (9) "Conviction" means an adjudication of guilt pursuant to Title
27 10 or 13 RCW and includes a verdict of guilty, a finding of guilty,
28 and acceptance of a plea of guilty.

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

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

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

5 (b) A conviction may be removed from a defendant's criminal
6 history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640,
7 9.95.240, or a similar out-of-state statute, or if the conviction has
8 been vacated pursuant to a governor's pardon. However, when a
9 defendant is charged with a recidivist offense, "criminal history"
10 includes a vacated prior conviction for the sole purpose of
11 establishing that such vacated prior conviction constitutes an
12 element of the present recidivist offense as provided in RCW
13 9.94A.640(4)(b) and 9.96.060(~~((7))~~) (8)(c).

14 (c) The determination of a defendant's criminal history is
15 distinct from the determination of an offender score. A prior
16 conviction that was not included in an offender score calculated
17 pursuant to a former version of the sentencing reform act remains
18 part of the defendant's criminal history.

19 (12) "Criminal street gang" means any ongoing organization,
20 association, or group of three or more persons, whether formal or
21 informal, having a common name or common identifying sign or symbol,
22 having as one of its primary activities the commission of criminal
23 acts, and whose members or associates individually or collectively
24 engage in or have engaged in a pattern of criminal street gang
25 activity. This definition does not apply to employees engaged in
26 concerted activities for their mutual aid and protection, or to the
27 activities of labor and bona fide nonprofit organizations or their
28 members or agents.

29 (13) "Criminal street gang associate or member" means any person
30 who actively participates in any criminal street gang and who
31 intentionally promotes, furthers, or assists in any criminal act by
32 the criminal street gang.

33 (14) "Criminal street gang-related offense" means any felony or
34 misdemeanor offense, whether in this state or elsewhere, that is
35 committed for the benefit of, at the direction of, or in association
36 with any criminal street gang, or is committed with the intent to
37 promote, further, or assist in any criminal conduct by the gang, or
38 is committed for one or more of the following reasons:

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

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

3 (c) To exact revenge or retribution for the gang or any member of
4 the gang;

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

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

10 (f) To provide the gang with any advantage in, or any control or
11 dominance over any criminal market sector, including, but not limited
12 to, manufacturing, delivering, or selling any controlled substance
13 (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen
14 property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88
15 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual
16 abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter
17 9.68 RCW).

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

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

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

28 (18) "Determinate sentence" means a sentence that states with
29 exactitude the number of actual years, months, or days of total
30 confinement, of partial confinement, of community custody, the number
31 of actual hours or days of community restitution work, or dollars or
32 terms of a legal financial obligation. The fact that an offender
33 through earned release can reduce the actual period of confinement
34 shall not affect the classification of the sentence as a determinate
35 sentence.

36 (19) "Disposable earnings" means that part of the earnings of an
37 offender remaining after the deduction from those earnings of any
38 amount required by law to be withheld. For the purposes of this
39 definition, "earnings" means compensation paid or payable for
40 personal services, whether denominated as wages, salary, commission,

1 bonuses, or otherwise, and, notwithstanding any other provision of
2 law making the payments exempt from garnishment, attachment, or other
3 process to satisfy a court-ordered legal financial obligation,
4 specifically includes periodic payments pursuant to pension or
5 retirement programs, or insurance policies of any type, but does not
6 include payments made under Title 50 RCW, except as provided in RCW
7 50.40.020 and 50.40.050, or Title 74 RCW.

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

10 (b) "Domestic violence" also means: (i) Physical harm, bodily
11 injury, assault, or the infliction of fear of imminent physical harm,
12 bodily injury, or assault, sexual assault, or stalking, as defined in
13 RCW 9A.46.110, of one intimate partner by another intimate partner as
14 defined in RCW 10.99.020; or (ii) physical harm, bodily injury,
15 assault, or the infliction of fear of imminent physical harm, bodily
16 injury, or assault, sexual assault, or stalking, as defined in RCW
17 9A.46.110, of one family or household member by another family or
18 household member as defined in RCW 10.99.020.

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

22 (22) "Drug offender sentencing alternative for driving under the
23 influence" is a sentencing option available to persons convicted of
24 felony driving while under the influence of intoxicating liquor or
25 any drug under RCW 46.61.502(6), or felony physical control of a
26 vehicle while under the influence of intoxicating liquor or any drug
27 under RCW 46.61.504(6) who are eligible under RCW 9.94A.661.

28 (23) "Drug offense" means:

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

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

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

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

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

5 (a) Radio frequency signaling technology, which detects if the
6 monitored individual is or is not at an approved location and
7 notifies the monitoring agency of the time that the monitored
8 individual either leaves the approved location or tampers with or
9 removes the monitoring device; or

10 (b) Active or passive global positioning system technology, which
11 detects the location of the monitored individual and notifies the
12 monitoring agency of the monitored individual's location and which
13 may also include electronic monitoring with victim notification
14 technology that is capable of notifying a victim or protected party,
15 either directly or through a monitoring agency, if the monitored
16 individual enters within the restricted distance of a victim or
17 protected party, or within the restricted distance of a designated
18 location.

19 (26) "Escape" means:

20 (a) Sexually violent predator escape (RCW 9A.76.115), escape in
21 the first degree (RCW 9A.76.110), escape in the second degree (RCW
22 9A.76.120), willful failure to return from furlough (RCW 72.66.060),
23 willful failure to return from work release (RCW 72.65.070), or
24 willful failure to be available for supervision by the department
25 while in community custody (RCW 72.09.310); 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 an
28 escape under (a) of this subsection.

29 (27) "Felony traffic offense" means:

30 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW
31 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-
32 run injury-accident (RCW 46.52.020(4)), felony driving while under
33 the influence of intoxicating liquor or any drug (RCW 46.61.502(6)),
34 or felony physical control of a vehicle while under the influence of
35 intoxicating liquor or any drug (RCW 46.61.504(6)); or

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

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

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

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

14 (31) "Homelessness" or "homeless" means a condition where an
15 individual lacks a fixed, regular, and adequate nighttime residence
16 and who has a primary nighttime residence that is:

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

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

21 (c) A private residence where the individual stays as a transient
22 invitee.

23 (32) "Legal financial obligation" means a sum of money that is
24 ordered by a superior court of the state of Washington for legal
25 financial obligations which may include restitution to the victim,
26 statutorily imposed crime victims' compensation fees as assessed
27 pursuant to RCW 7.68.035, court costs, county or interlocal drug
28 funds, court-appointed attorneys' fees, and costs of defense, fines,
29 and any other financial obligation that is assessed to the offender
30 as a result of a felony conviction. Upon conviction for vehicular
31 assault while under the influence of intoxicating liquor or any drug,
32 RCW 46.61.522(1)(b), or vehicular homicide while under the influence
33 of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal
34 financial obligations may also include payment to a public agency of
35 the expense of an emergency response to the incident resulting in the
36 conviction, subject to RCW 38.52.430.

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

1 (a) Any felony defined under any law as a class A felony or
2 criminal solicitation of or criminal conspiracy to commit a class A
3 felony;

4 (b) Assault in the second degree;

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

6 (d) Child molestation in the second degree;

7 (e) Controlled substance homicide;

8 (f) Extortion in the first degree;

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

10 (h) Indecent liberties;

11 (i) Kidnapping in the second degree;

12 (j) Leading organized crime;

13 (k) Manslaughter in the first degree;

14 (l) Manslaughter in the second degree;

15 (m) Promoting prostitution in the first degree;

16 (n) Rape in the third degree;

17 (o) Sexual exploitation;

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

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

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

28 (s) Any other felony with a deadly weapon verdict under RCW
29 9.94A.825;

30 (t) Any felony offense in effect at any time prior to December 2,
31 1993, that is comparable to a most serious offense under this
32 subsection, or any federal or out-of-state conviction for an offense
33 that under the laws of this state would be a felony classified as a
34 most serious offense under this subsection;

35 (u) (i) A prior conviction for indecent liberties under RCW
36 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex.
37 sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b),
38 and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW
39 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986,
40 until July 1, 1988;

1 (ii) A prior conviction for indecent liberties under RCW
2 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988,
3 if: (A) The crime was committed against a child under the age of 14;
4 or (B) the relationship between the victim and perpetrator is
5 included in the definition of indecent liberties under RCW
6 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27,
7 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25,
8 1993, through July 27, 1997;

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

15 (34) "Nonviolent offense" means an offense which is not a violent
16 offense.

17 (35) "Offender" means a person who has committed a felony
18 established by state law and is 18 years of age or older or is less
19 than 18 years of age but whose case is under superior court
20 jurisdiction under RCW 13.04.030 or has been transferred by the
21 appropriate juvenile court to a criminal court pursuant to RCW
22 13.40.110. In addition, for the purpose of community custody
23 requirements under this chapter, "offender" also means a misdemeanor
24 or gross misdemeanor probationer ordered by a superior court to
25 probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and
26 supervised by the department pursuant to RCW 9.94A.501 and
27 9.94A.5011. Throughout this chapter, the terms "offender" and
28 "defendant" are used interchangeably.

29 (36) "Partial confinement" means confinement (~~for no more than~~
30 ~~one year~~) up to 18 months in a facility or institution operated or
31 utilized under contract by the state or any other unit of government,
32 or, if home detention, electronic monitoring, or work crew has been
33 ordered by the court or home detention has been ordered by the
34 department as part of the parenting program or the graduated reentry
35 program, in an approved residence, for a substantial portion of each
36 day with the balance of the day spent in the community. Partial
37 confinement includes work release, home detention, work crew,
38 electronic monitoring, and a combination of work crew, electronic
39 monitoring, and home detention.

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

1 (a) The commission, attempt, conspiracy, or solicitation of, or
2 any prior juvenile adjudication of or adult conviction of, two or
3 more of the following criminal street gang-related offenses:
4 (i) Any "serious violent" felony offense as defined in this
5 section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a
6 Child 1 (RCW 9A.36.120);
7 (ii) Any "violent" offense as defined by this section, excluding
8 Assault of a Child 2 (RCW 9A.36.130);
9 (iii) Deliver or Possession with Intent to Deliver a Controlled
10 Substance (chapter 69.50 RCW);
11 (iv) Any violation of the firearms and dangerous weapon act
12 (chapter 9.41 RCW);
13 (v) Theft of a Firearm (RCW 9A.56.300);
14 (vi) Possession of a Stolen Firearm (RCW 9A.56.310);
15 (vii) Hate Crime (RCW 9A.36.080);
16 (viii) Harassment where a subsequent violation or deadly threat
17 is made (RCW 9A.46.020(2)(b));
18 (ix) Criminal Gang Intimidation (RCW 9A.46.120);
19 (x) Any felony conviction by a person 18 years of age or older
20 with a special finding of involving a juvenile in a felony offense
21 under RCW 9.94A.833;
22 (xi) Residential Burglary (RCW 9A.52.025);
23 (xii) Burglary 2 (RCW 9A.52.030);
24 (xiii) Malicious Mischief 1 (RCW 9A.48.070);
25 (xiv) Malicious Mischief 2 (RCW 9A.48.080);
26 (xv) Theft of a Motor Vehicle (RCW 9A.56.065);
27 (xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);
28 (xvii) Taking a Motor Vehicle Without Permission 1 (RCW
29 9A.56.070);
30 (xviii) Taking a Motor Vehicle Without Permission 2 (RCW
31 9A.56.075);
32 (xix) Extortion 1 (RCW 9A.56.120);
33 (xx) Extortion 2 (RCW 9A.56.130);
34 (xxi) Intimidating a Witness (RCW 9A.72.110);
35 (xxii) Tampering with a Witness (RCW 9A.72.120);
36 (xxiii) Reckless Endangerment (RCW 9A.36.050);
37 (xxiv) Coercion (RCW 9A.36.070);
38 (xxv) Harassment (RCW 9A.46.020); or
39 (xxvi) Malicious Mischief 3 (RCW 9A.48.090);

1 (b) That at least one of the offenses listed in (a) of this
2 subsection shall have occurred after July 1, 2008;

3 (c) That the most recent committed offense listed in (a) of this
4 subsection occurred within three years of a prior offense listed in
5 (a) of this subsection; and

6 (d) Of the offenses that were committed in (a) of this
7 subsection, the offenses occurred on separate occasions or were
8 committed by two or more persons.

9 (38) "Persistent offender" is an offender who:

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

12 (ii) Has, before the commission of the offense under (a) of this
13 subsection, been convicted as an offender on at least two separate
14 occasions, whether in this state or elsewhere, of felonies that under
15 the laws of this state would be considered most serious offenses and
16 would be included in the offender score under RCW 9.94A.525; provided
17 that of the two or more previous convictions, at least one conviction
18 must have occurred before the commission of any of the other most
19 serious offenses for which the offender was previously convicted; or

20 (b) (i) Has been convicted of: (A) Rape in the first degree, rape
21 of a child in the first degree, child molestation in the first
22 degree, rape in the second degree, rape of a child in the second
23 degree, or indecent liberties by forcible compulsion; (B) any of the
24 following offenses with a finding of sexual motivation: Murder in the
25 first degree, murder in the second degree, homicide by abuse,
26 kidnapping in the first degree, kidnapping in the second degree,
27 assault in the first degree, assault in the second degree, assault of
28 a child in the first degree, assault of a child in the second degree,
29 or burglary in the first degree; or (C) an attempt to commit any
30 crime listed in this subsection (38) (b) (i); and

31 (ii) Has, before the commission of the offense under (b) (i) of
32 this subsection, been convicted as an offender on at least one
33 occasion, whether in this state or elsewhere, of an offense listed in
34 (b) (i) of this subsection or any federal or out-of-state offense or
35 offense under prior Washington law that is comparable to the offenses
36 listed in (b) (i) of this subsection. A conviction for rape of a child
37 in the first degree constitutes a conviction under (b) (i) of this
38 subsection only when the offender was 16 years of age or older when
39 the offender committed the offense. A conviction for rape of a child
40 in the second degree constitutes a conviction under (b) (i) of this

1 subsection only when the offender was 18 years of age or older when
2 the offender committed the offense.

3 (39) "Predatory" means: (a) The perpetrator of the crime was a
4 stranger to the victim, as defined in this section; (b) the
5 perpetrator established or promoted a relationship with the victim
6 prior to the offense and the victimization of the victim was a
7 significant reason the perpetrator established or promoted the
8 relationship; or (c) the perpetrator was: (i) A teacher, counselor,
9 volunteer, or other person in authority in any public or private
10 school and the victim was a student of the school under his or her
11 authority or supervision. For purposes of this subsection, "school"
12 does not include home-based instruction as defined in RCW
13 28A.225.010; (ii) a coach, trainer, volunteer, or other person in
14 authority in any recreational activity and the victim was a
15 participant in the activity under his or her authority or
16 supervision; (iii) a pastor, elder, volunteer, or other person in
17 authority in any church or religious organization, and the victim was
18 a member or participant of the organization under his or her
19 authority; or (iv) a teacher, counselor, volunteer, or other person
20 in authority providing home-based instruction and the victim was a
21 student receiving home-based instruction while under his or her
22 authority or supervision. For purposes of this subsection: (A) "Home-
23 based instruction" has the same meaning as defined in RCW
24 28A.225.010; and (B) "teacher, counselor, volunteer, or other person
25 in authority" does not include the parent or legal guardian of the
26 victim.

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (iii) Domestic violence violation of a protection order under
9 chapter 26.09, 26.26A, or 26.26B RCW or former chapter 26.50 RCW, or
10 violation of a domestic violence protection order under chapter 7.105
11 RCW, that is not a felony offense;

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

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

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

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

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

28 (46) "Serious traffic offense" means:

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

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

33 (iii) Reckless driving (RCW 46.61.500);

34 (iv) Negligent driving if the conviction is the result of a
35 charge that was originally filed as a violation of RCW 46.61.502 or
36 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or
37 46.61.522 while under the influence of intoxicating liquor or any
38 drug (RCW 46.61.5249);

39 (v) Reckless endangerment if the conviction is the result of a
40 charge that was originally filed as a violation of RCW 46.61.502 or

1 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or
2 46.61.522 while under the influence of intoxicating liquor or any
3 drug (RCW 9A.36.050); or

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

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

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

11 (47) "Serious violent offense" is a subcategory of violent
12 offense and means:

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

14 (ii) Homicide by abuse;

15 (iii) Murder in the second degree;

16 (iv) Manslaughter in the first degree;

17 (v) Assault in the first degree;

18 (vi) Kidnapping in the first degree;

19 (vii) Rape in the first degree;

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

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

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

26 (48) "Sex offense" means:

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

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

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

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

35 (v) A felony violation of RCW 9A.44.132(1) (failure to register
36 as a sex offender) if the person has been convicted of violating RCW
37 9A.44.132(1) (failure to register as a sex offender) or 9A.44.130
38 prior to June 10, 2010, on at least one prior occasion;

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

4 (c) A felony with a finding of sexual motivation under RCW
5 9.94A.835 or 13.40.135; or

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

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

12 (50) "Standard sentence range" means the sentencing court's
13 discretionary range in imposing a nonappealable sentence.

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

19 (52) "Stranger" means that the victim did not know the offender
20 24 hours before the offense.

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

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

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

34 (56) "Victim of domestic violence" means an intimate partner or
35 household member who has been subjected to the infliction of physical
36 harm or sexual and psychological abuse by an intimate partner or
37 household member as part of a pattern of assaultive, coercive, and
38 controlling behaviors directed at achieving compliance from or
39 control over that intimate partner or household member. Domestic
40 violence includes, but is not limited to, the offenses listed in RCW

1 10.99.020 and 26.50.010 committed by an intimate partner or household
2 member against a victim who is an intimate partner or household
3 member.

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

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

18 (59) "Violent offense" means:

19 (a) Any of the following felonies:

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

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

24 (iii) Manslaughter in the first degree;

25 (iv) Manslaughter in the second degree;

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

27 (vi) Kidnapping in the second degree;

28 (vii) Arson in the second degree;

29 (viii) Assault in the second degree;

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

31 (x) Extortion in the first degree;

32 (xi) Robbery in the second degree;

33 (xii) Drive-by shooting;

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

38 (xiv) Vehicular homicide, when proximately caused by the driving
39 of any vehicle by any person while under the influence of

1 intoxicating liquor or any drug as defined by RCW 46.61.502, or by
2 the operation of any vehicle in a reckless manner;

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 violent offense in (a) of this subsection; and

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

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

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

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

22 **Sec. 4.** RCW 9.94A.6551 and 2024 c 193 s 1 are each amended to
23 read as follows:

24 (1) ~~((a) Except as provided in (b) of this subsection, for))~~ For
25 an incarcerated individual not sentenced under RCW 9.94A.655, but
26 otherwise eligible under this section, no more than the final ~~((12))~~
27 18 months of the incarcerated individual's term of confinement may be
28 served in partial confinement as home detention as part of the
29 parenting program developed by the department.

30 ~~((b) For an incarcerated individual not sentenced under RCW
31 9.94A.655, but otherwise eligible under this section, who is
32 participating in the residential parenting program at the department,
33 no more than the final 18 months of the incarcerated individual's
34 term of confinement may be served in partial confinement as home
35 detention as part of the parenting program developed by the
36 department.))~~

37 (2) The secretary may transfer an incarcerated individual from a
38 correctional facility to home detention in the community if it is

1 determined that the parenting program is an appropriate placement and
2 when all of the following conditions exist:

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

5 (b) The incarcerated individual has no current conviction for a
6 felony that is classified as a sex offense or a serious violent
7 offense;

8 (c) The incarcerated individual has no current conviction for a
9 violent offense, or where the incarcerated individual has a current
10 conviction for a violent offense, he or she has not been determined
11 to be a high risk to reoffend;

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

15 (e) The incarcerated individual is:

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

17 (ii) An expectant parent; ((~~o~~))

18 (iii) A biological parent, adoptive parent, custodian, caregiver,
19 or stepparent with a proven, established, ongoing, and substantial
20 relationship with a minor child that existed at the time of the
21 offense; or

22 (iv) An individual expected to take over the duties of a
23 caregiver or parent and be responsible for exercising the day-to-day
24 care and control of a minor child, who has a proven, established,
25 ongoing, and substantial relationship with the minor child, and who
26 is not prohibited from contact with a minor child by any law, court
27 order, or any other restriction; and

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

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

35 (4) When the department is considering partial confinement as
36 part of the parenting program for an incarcerated individual, the
37 department shall inquire of the individual and the department of
38 children, youth, and families whether the agency has an open child
39 welfare case or prior substantiated referral for abuse or neglect
40 involving the incarcerated individual.

1 (5) If the department of children, youth, and families or a
2 tribal jurisdiction has an open child welfare case, the department
3 will seek input from the department of children, youth, and families
4 or the involved tribal jurisdiction as to: (a) The status of the
5 child welfare case; and (b) recommendations regarding placement of
6 the incarcerated individual, services agreed to by the incarcerated
7 individual working voluntarily with the department, or services
8 ordered by the court within the incarcerated individual's child
9 welfare case. The department and its officers, agents, and employees
10 are not liable for the acts of incarcerated individuals participating
11 in the parenting program unless the department or its officers,
12 agents, and employees acted with willful and wanton disregard.

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

16 (7) The department may not transfer an incarcerated individual to
17 participate in the parenting program until the department has a
18 clinically appropriate evaluation for substance use disorder. If the
19 incarcerated individual is diagnosed to have a substance use
20 disorder, the department shall assist the incarcerated individual in
21 enrolling in substance use disorder treatment services at the level
22 deemed clinically appropriate. Individuals transferred to participate
23 in the parenting program, and diagnosed with a substance use
24 disorder, must begin receiving substance use disorder treatment
25 services as soon as practicable after transfer to avoid any delays in
26 treatment. Substance use disorder treatment services shall include,
27 as deemed necessary by the evaluation, access to medication-assisted
28 treatment and counseling programs. Upon transfer to the parenting
29 program, when clinically appropriate, individuals must be provided
30 with access to self-administered fentanyl testing supplies and
31 medications designed to reverse the effects of opioid overdose.

32 (8) While in the community on home detention as part of the
33 parenting program, the department shall:

34 (a) Require the individual to be placed on electronic home
35 monitoring;

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

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

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

8 ~~((8))~~ (9) The department has the authority to return any
9 incarcerated individual serving partial confinement in the parenting
10 program to total confinement if the individual is not complying with
11 sentence requirements.

12 ~~((9))~~ (10) If the individual's earned release date changes
13 after placement in partial confinement under this section, the
14 department may extend the duration of participation in the
15 alternative program by no more than six months or up to the earned
16 release date, whichever comes first.

17 (11) For the purposes of this section:

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

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

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

28 **Sec. 5.** RCW 9.94A.733 and 2023 c 405 s 1 are each amended to
29 read as follows:

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

35 (i) An ~~((offender))~~ incarcerated individual subject to (a) of
36 this subsection may serve no more than the final ~~((five))~~ nine months
37 of the ~~((offender's))~~ incarcerated individual's term of confinement
38 in partial confinement as home detention as part of the graduated
39 reentry program developed by the department.

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

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

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

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

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

21 (A) Any sex offense;

22 (B) Any violent offense; or

23 (C) Any crime against a person offense in accordance with the
24 categorization of crimes against persons outlined in RCW
25 9.94A.411(2).

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

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

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

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

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

22 (a) Require the (~~offender~~) individual to be placed on
23 electronic home monitoring;

24 (b) Require the (~~offender~~) individual to participate in
25 programming and treatment that the department shall assign based on
26 an (~~offender's~~) individual's assessed need; and

27 (c) Assign a community corrections officer who will monitor the
28 (~~offender's~~) individual's compliance with conditions of partial
29 confinement and programming requirements.

30 (6) The department retains the authority to return any
31 (~~offender~~) individual serving partial confinement in the graduated
32 reentry program to total confinement for any reason including, but
33 not limited to, the (~~offender's~~) individual's noncompliance with
34 any sentence requirement.

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

39 (8) In the selection of (~~offenders~~) incarcerated individuals to
40 participate in the graduated reentry program, and in setting,

1 modifying, and enforcing the requirements of the graduated reentry
2 program, the department is deemed to be performing a quasi-judicial
3 function.

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

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

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

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

19 (A) Outpatient substance use disorder treatment;

20 (B) Inpatient substance use disorder treatment; and

21 (C) Both outpatient and inpatient substance use disorder
22 treatment.

23 (b) Beginning July 1, 2023, the health care authority must report
24 monthly to the department on the number of (~~offenders~~) individuals
25 in the graduated reentry program who received substance use disorder
26 outpatient treatment, while in the community, during the prior 12
27 months.

28 (11) The department must share data with the health care
29 authority on (~~offenders~~) individuals participating in the graduated
30 reentry program.

31 **Sec. 6.** RCW 9.94A.728 and 2023 c 358 s 1 are each amended to
32 read as follows:

33 (1) No incarcerated individual serving a sentence imposed
34 pursuant to this chapter and committed to the custody of the
35 department shall leave the confines of the correctional facility or
36 be released prior to the expiration of the sentence except as
37 follows:

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

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

5 (c) (i) The secretary may authorize an extraordinary medical
6 placement for an incarcerated individual when all of the following
7 conditions exist:

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

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

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

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

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

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

23 (iii) The secretary shall require electronic monitoring for all
24 individuals in extraordinary medical placement unless the electronic
25 monitoring equipment is detrimental to the individual's health,
26 interferes with the function of the individual's medical equipment,
27 or results in the loss of funding for the individual's medical care,
28 in which case, an alternative type of monitoring shall be utilized.
29 The secretary shall specify who shall provide the monitoring services
30 and the terms under which the monitoring shall be performed.

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

33 (v) Persistent offenders are not eligible for extraordinary
34 medical placement;

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

39 (e) No more than the final (~~12~~) 18 months of the incarcerated
40 individual's term of confinement may be served in partial confinement

1 for aiding the incarcerated individual with: Finding work as part of
2 the work release program under chapter 72.65 RCW; (~~or~~)
3 reestablishing himself or herself in the community as part of the
4 parenting program in RCW 9.94A.6551. This is in addition to that
5 period of earned early release time that may be exchanged for partial
6 confinement pursuant to RCW 9.94A.729(5)(d);

7 (f)(i) No more than the final (~~five~~) nine months of the
8 incarcerated individual's term of confinement may be served in
9 partial confinement as home detention as part of the graduated
10 reentry program developed by the department under RCW
11 9.94A.733(1)(a);

12 (ii) For eligible incarcerated individuals under RCW
13 9.94A.733(1)(b), after serving at least (~~four~~) three months in
14 total confinement in a state correctional facility, an incarcerated
15 individual may serve no more than the final 18 months of the
16 incarcerated individual's term of confinement in partial confinement
17 as home detention as part of the graduated reentry program developed
18 by the department;

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

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

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

26 (j) Notwithstanding any other provisions of this section, an
27 incarcerated individual sentenced for a felony crime listed in RCW
28 9.94A.540 as subject to a mandatory minimum sentence of total
29 confinement shall not be released from total confinement before the
30 completion of the listed mandatory minimum sentence for that felony
31 crime of conviction unless allowed under RCW 9.94A.540; and

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

35 (2) Notwithstanding any other provision of this section, an
36 incarcerated individual entitled to vacation of a conviction or the
37 recalculation of his or her offender score pursuant to *State v.*
38 *Blake*, No. 96873-0 (Feb. 25, 2021), may be released from confinement
39 pursuant to a court order if the incarcerated individual has already
40 served a period of confinement that exceeds his or her new standard

1 range. This provision does not create an independent right to release
2 from confinement prior to resentencing.

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

6 **Sec. 7.** RCW 72.65.210 and 2023 c 470 s 2121 are each amended to
7 read as follows:

8 (1) The department shall establish, by rule, (~~inmate~~)
9 incarcerated individual eligibility standards for participation in
10 the work release program.

11 (2) The department shall:

12 (a) Conduct an annual examination of each work release facility
13 and its security procedures;

14 (b) Investigate and set standards for the (~~inmate~~) individual
15 supervision policies of each work release facility;

16 (c) Establish physical standards for future work release
17 structures to ensure the safety of (~~inmates~~) individuals,
18 employees, and the surrounding communities;

19 (d) Evaluate its recordkeeping of serious infractions to
20 determine if infractions are properly and consistently assessed
21 against (~~inmates~~) individuals eligible for work release;

22 (e) Establish a written treatment plan best suited to the
23 (~~inmate's~~) individual's needs, cost, and the relationship of
24 community placement and community corrections officers to a system of
25 case management;

26 (f) Adopt a policy to encourage businesses employing work release
27 (~~inmates~~) individuals to contact the appropriate work release
28 facility whenever an (~~inmate~~) individual is absent from his or her
29 work schedule. The department of corrections shall provide each
30 employer with written information and instructions on who should be
31 called if a work release employee is absent from work or leaves the
32 jobsite without authorization; and

33 (g) Develop a siting policy, in conjunction with cities,
34 counties, community groups, and the department of commerce for the
35 establishment of additional work release facilities. Such policy
36 shall include at least the following elements: (i) Guidelines for
37 appropriate site selection of work-release facilities; (ii)
38 notification requirements to local government and community groups of

1 intent to site a work release facility; and (iii) guidelines for
2 effective community relations by the work release program operator.

3 The department shall comply with the requirements of this section
4 by July 1, 1990.

5 (3) The department may not transfer an incarcerated individual to
6 participate in a work release program until the department has a
7 clinically appropriate evaluation for substance use disorder. If the
8 incarcerated individual is diagnosed to have a substance use
9 disorder, the department shall assist the incarcerated individual in
10 enrolling in substance use disorder treatment services at the level
11 deemed clinically appropriate. Individuals transferred to participate
12 in a work release program, and diagnosed with a substance use
13 disorder, must begin receiving substance use disorder treatment
14 services as soon as practicable after transfer to avoid any delays in
15 treatment. Substance use disorder treatment services shall include,
16 as deemed necessary by the evaluation, access to medication-assisted
17 treatment and counseling programs. Upon transfer to a work release
18 program, when clinically appropriate, individuals must be provided
19 with access to self-administered fentanyl testing supplies and
20 medications designed to reverse the effects of opioid overdose.

21 NEW SECTION. **Sec. 8.** The changes to restrictions on the
22 community parenting alternative and partial confinement under
23 sections 2 through 7 of this act apply prospectively and
24 retroactively to persons currently serving a sentence in any facility
25 or institution either operated by the state or utilized under
26 contract.

27 NEW SECTION. **Sec. 9.** Section 2 of this act expires January 1,
28 2026.

29 NEW SECTION. **Sec. 10.** Section 3 of this act takes effect
30 January 1, 2026.

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