

**SHB 2543** - H AMD **684**

By Representative Shea

ADOPTED 02/13/2014

1 On page 3, after line 7, insert the following:

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

4 Unless the context clearly requires otherwise, the definitions in  
5 this section apply throughout this chapter.

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

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

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

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

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

27

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

4 (7) "Community restitution" means compulsory service, without  
5 compensation, performed for the benefit of the community by the  
6 offender.

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

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

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

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

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

26 (b) A conviction may be removed from a defendant's criminal  
27 history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640,  
28 9.95.240, or a similar out-of-state statute, or if the conviction has  
29 been vacated pursuant to a governor's pardon.

30 (c) The determination of a defendant's criminal history is  
31 distinct from the determination of an offender score. A prior  
32 conviction that was not included in an offender score calculated  
33 pursuant to a former version of the sentencing reform act remains part  
34 of the defendant's criminal history.

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

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

15 (14) "Criminal street gang-related offense" means any felony or  
16 misdemeanor offense, whether in this state or elsewhere, that is  
17 committed for the benefit of, at the direction of, or in association  
18 with any criminal street gang, or is committed with the intent to  
19 promote, further, or assist in any criminal conduct by the gang, or is  
20 committed for one or more of the following reasons:

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

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

24 (c) To exact revenge or retribution for the gang or any member of  
25 the gang;

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

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

31 (f) To provide the gang with any advantage in, or any control or  
32 dominance over any criminal market sector, including, but not limited  
33 to, manufacturing, delivering, or selling any controlled substance  
34 (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen

1 property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88  
2 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual  
3 abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter  
4 9.68 RCW).

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

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

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

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

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

1 (20) "Domestic violence" has the same meaning as defined in RCW  
2 10.99.020 and 26.50.010.

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

7 (22) "Drug offense" means:

8 (a) Any felony violation of chapter 69.50 RCW except possession of  
9 a controlled substance (RCW 69.50.4013) or forged prescription for a  
10 controlled substance (RCW 69.50.403);

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

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

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

19 (24) "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 escape  
28 under (a) of this subsection.

29 (25) "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 the  
33 influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or  
34

1 felony physical control of a vehicle while under the influence of  
2 intoxicating liquor or any drug (RCW 46.61.504(6)); or

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

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

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

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

17 (a) Signaling, which continuously detects whether the monitored  
18 individual is at the approved location and notifies the monitoring  
19 agency of the time that the monitored individual leaves the approved  
20 location, tampers with, or removes the monitoring device; or

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

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

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

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

31 (c) A private residence where the individual stays as a transient  
32 invitee.

33 (30) "Legal financial obligation" means a sum of money that is  
34 ordered by a superior court of the state of Washington for legal

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

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

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

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

21 (b) Assault in the second degree;

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

23 (d) Child molestation in the second degree;

24 (e) Controlled substance homicide;

25 (f) Extortion in the first degree;

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

27 (h) Indecent liberties;

28 (i) Kidnapping in the second degree;

29 (j) Leading organized crime;

30 (k) Manslaughter in the first degree;

31 (l) Manslaughter in the second degree;

32 (m) Promoting prostitution in the first degree;

33 (n) Rape in the third degree;

34 (o) Robbery in the second degree;

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

1 years or more; provided that the out-of-state felony offense must be  
2 comparable to a felony offense under this title and Title 9A RCW and  
3 the out-of-state definition of sexual motivation must be comparable to  
4 the definition of sexual motivation contained in this section.

5 (33) "Nonviolent offense" means an offense which is not a violent  
6 offense.

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

19 (35) "Partial confinement" means confinement for no more than one  
20 year in a facility or institution operated or utilized under contract  
21 by the state or any other unit of government, or, if home detention or  
22 work crew has been ordered by the court or home detention has been  
23 ordered by the department as part of the parenting program, in an  
24 approved residence, for a substantial portion of each day with the  
25 balance of the day spent in the community. Partial confinement  
26 includes work release, home detention, work crew, and a combination of  
27 work crew 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 more  
31 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);

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

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 subsection,  
7 the offenses occurred on separate occasions or were committed by two  
8 or more persons.

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

10 (a)(i) Has been convicted in this state of any felony considered a  
11 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 degree,  
22 rape in the second degree, rape of a child in the second degree, or  
23 indecent liberties by forcible compulsion; (B) any of the following  
24 offenses with a finding of sexual motivation: Murder in the first  
25 degree, murder in the second degree, homicide by abuse, kidnapping in  
26 the first degree, kidnapping in the second degree, assault in the  
27 first degree, assault in the second degree, assault of a child in the  
28 first degree, assault of a child in the second degree, or burglary in  
29 the first degree; or (C) an attempt to commit any crime listed in this  
30 subsection (37)(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

1 offense under prior Washington law that is comparable to the offenses  
2 listed in (b)(i) of this subsection. A conviction for rape of a child  
3 in the first degree constitutes a conviction under (b)(i) of this  
4 subsection only when the offender was sixteen years of age or older  
5 when the offender committed the offense. A conviction for rape of a  
6 child in the second degree constitutes a conviction under (b)(i) of  
7 this subsection only when the offender was eighteen years of age or  
8 older when the offender committed the offense.

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

32 (39) "Private school" means a school regulated under chapter  
33 28A.195 or 28A.205 RCW.

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

1 (41) "Repetitive domestic violence offense" means any:  
2 (a)(i) Domestic violence assault that is not a felony offense  
3 under RCW 9A.36.041;  
4 (ii) Domestic violence violation of a no-contact order under  
5 chapter 10.99 RCW that is not a felony offense;  
6 (iii) Domestic violence violation of a protection order under  
7 chapter 26.09, 26.10, 26.26, or 26.50 RCW that is not a felony  
8 offense;  
9 (iv) Domestic violence harassment offense under RCW 9A.46.020 that  
10 is not a felony offense; or  
11 (v) Domestic violence stalking offense under RCW 9A.46.110 that is  
12 not a felony offense; or  
13 (b) Any federal, out-of-state, tribal court, military, county, or  
14 municipal conviction for an offense that under the laws of this state  
15 would be classified as a repetitive domestic violence offense under  
16 (a) of this subsection.  
17 (42) "Restitution" means a specific sum of money ordered by the  
18 sentencing court to be paid by the offender to the court over a  
19 specified period of time as payment of damages. The sum may include  
20 both public and private costs.  
21 (43) "Risk assessment" means the application of the risk  
22 instrument recommended to the department by the Washington state  
23 institute for public policy as having the highest degree of predictive  
24 accuracy for assessing an offender's risk of reoffense.  
25 (44) "Serious traffic offense" means:  
26 (a) Nonfelony driving while under the influence of intoxicating  
27 liquor or any drug (RCW 46.61.502), nonfelony actual physical control  
28 while under the influence of intoxicating liquor or any drug (RCW  
29 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an  
30 attended vehicle (RCW 46.52.020(5)); or  
31 (b) Any federal, out-of-state, county, or municipal conviction for  
32 an offense that under the laws of this state would be classified as a  
33 serious traffic offense under (a) of this subsection.  
34

1 (45) "Serious violent offense" is a subcategory of violent offense  
2 and means:

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

4 (ii) Homicide by abuse;

5 (iii) Murder in the second degree;

6 (iv) Manslaughter in the first degree;

7 (v) Assault in the first degree;

8 (vi) Kidnapping in the first degree;

9 (vii) Rape in the first degree;

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

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

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

16 (46) "Sex offense" means:

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

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

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

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

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

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

31 (c) A felony with a finding of sexual motivation under RCW  
32 9.94A.835 or 13.40.135; or

33

34

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

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

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

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

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

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

19 (52) "Transition training" means written and verbal instructions  
20 and assistance provided by the department to the offender during the  
21 two weeks prior to the offender's successful completion of the work  
22 ethic camp program. The transition training shall include  
23 instructions in the offender's requirements and obligations during the  
24 offender's period of community custody.

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

28 (54) "Violent offense" means:

29 (a) Any of the following felonies:

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

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

34 (iii) Manslaughter in the first degree;

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

34

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

4

5 Correct the title.

EFFECT: Changes the definition of "home detention" to specify  
electronic surveillance which uses either signaling or satellite  
monitoring technology.

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