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HOUSE BILL 2834

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State of Washington

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By Representatives Hargrove, Riley, Leonard, Dellwo, Appelwick and Basich

Read first time 01/29/92. Referred to Committee on Human Services.

1 AN ACT Relating to criminal sentencing; amending RCW 9.94A.150,  
2 9.94A.180, 9.94A.205, 9.94A.210, 9.94A.310, 9.94A.370, 9.94A.410,  
3 9.94A.440, 9A.20.021, 72.09.070, and 72.09.080; reenacting and amending  
4 RCW 9.94A.030 and 9.94A.120; adding a new section to chapter 72.09 RCW;  
5 creating new sections; adding a new chapter to Title 9 RCW; repealing  
6 RCW 9.95.001, 9.95.0011, 9.95.003, 9.95.005, 9.95.007, 9.95.009,  
7 9.95.010, 9.95.011, 9.95.013, 9.95.015, 9.95.017, 9.95.020, 9.95.028,  
8 9.95.030, 9.95.031, 9.95.032, 9.95.040, 9.95.052, 9.95.055, 9.95.060,  
9 9.95.062, 9.95.063, 9.95.064, 9.95.070, 9.95.080, 9.95.090, 9.95.100,  
10 9.95.110, 9.95.115, 9.95.116, 9.95.120, 9.95.121, 9.95.122, 9.95.123,  
11 9.95.124, 9.95.125, 9.95.126, 9.95.130, 9.95.140, 9.95.145, 9.95.150,  
12 9.95.160, 9.95.170, 9.95.190, 9.95.200, 9.95.210, 9.95.220, 9.95.230,  
13 9.95.240, 9.95.250, 9.95.260, 9.95.265, 9.95.270, 9.95.280, 9.95.290,  
14 9.95.300, 9.95.310, 9.95.320, 9.95.330, 9.95.340, 9.95.350, 9.95.360,  
15 9.95.370, 9.95.900, 9.96.050, 72.04A.050, 72.04A.070, 72.04A.080,

1 72.04A.090, 72.04A.120, and 72.04A.900; prescribing penalties;  
2 providing an effective date; and declaring an emergency.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that crowded  
5 prisons are clearly one of the most pressing problems facing the  
6 criminal justice system today. Even the most conservative estimates  
7 indicate that despite our aggressive prison construction plan we will  
8 not be able to build enough prison beds to keep pace with expected  
9 growth in the prison population over the next ten years. The huge  
10 increase in our prison population is not only the result of more  
11 individuals committing serious crimes but also because most offenders  
12 released from prison will return again. Our corrections system has  
13 become a high-cost institution that perpetually recycles inmates  
14 without deterring crime. As a result of these conditions, serious  
15 concerns have been raised about our current corrections philosophy.  
16 Attention must be directed towards implementing a long-range  
17 corrections strategy that focuses on inmate responsibility through work  
18 training, the development of mature and marketable job skills, and  
19 requiring inmates to pay for the cost of their incarceration.

20 The combined cost of housing, maintaining, and supervising inmates  
21 in our state corrections facilities is increasing beyond our capability  
22 to pay. The legislature recognizes that the responsibility for  
23 criminal activity must fall squarely on the criminal. Society should  
24 not have to pay the price for crimes twice, once for the criminal act  
25 and then again by feeding, clothing, and housing the offender. The  
26 corrections system must be the first place where criminal offenders are  
27 given the opportunity to be responsible for paying for their criminal  
28 activity, not just through the loss of their freedom, but also by

1 working while in prison and contributing an appropriate portion of  
2 their wages to the cost of their incarceration. Allowing offenders to  
3 become responsible through working in meaningful jobs for real wages  
4 can be a beneficial opportunity for corrections. Everyone profits from  
5 a successful corrections industry program -- the prison system,  
6 taxpayers, the community, families, and the inmate. Most important, an  
7 inmate who is drug-free and has mature job skills is significantly more  
8 likely not to return to prison.

9 It is the purpose and intent of this act to outline a comprehensive  
10 strategy for reducing upwardly spiraling prison costs through an inmate  
11 work responsibility program, preserving scarce prison cell space for  
12 our most dangerous offenders, and providing judges with alternatives to  
13 incarceration, including drug rehabilitation, that must be used without  
14 jeopardizing public safety.

15 **Sec. 2.** RCW 9.94A.030 and 1991 c 348 s 4, 1991 c 290 s 3, and 1991  
16 c 181 s 1 are each reenacted and amended to read as follows:

17 Unless the context clearly requires otherwise, the definitions in  
18 this section apply throughout this chapter.

19 (1) "Collect," or any derivative thereof, "collect and remit," or  
20 "collect and deliver," when used with reference to the department of  
21 corrections, means that the department is responsible for monitoring  
22 and enforcing the offender's sentence with regard to the legal  
23 financial obligation, receiving payment thereof from the offender, and,  
24 consistent with current law, delivering daily the entire payment to the  
25 superior court clerk without depositing it in a departmental account.

26 (2) "Commission" means the sentencing guidelines commission.

27 (3) "Community corrections officer" means an employee of the  
28 department who is responsible for carrying out specific duties in

1 supervision of sentenced offenders and monitoring of sentence  
2 conditions.

3 (4) "Community custody" means that portion of an inmate's sentence  
4 of confinement in lieu of earned early release time, or a sentence  
5 under RCW 9.94A.120 (5) or (9), served in the community subject to  
6 controls placed on the inmate's movement and activities by the  
7 department of corrections.

8 (5) "Community placement" means that period during which the  
9 offender is subject to the conditions of community custody and/or  
10 postrelease supervision, which begins either upon completion of the  
11 term of confinement (postrelease supervision) or at such time as the  
12 offender is transferred to community custody in lieu of earned early  
13 release. Community placement may consist of entirely community  
14 custody, entirely postrelease supervision, or a combination of the two.

15 (6) "Community service" means compulsory service, without  
16 compensation, performed for the benefit of the community by the  
17 offender.

18 (7) "Community supervision" means a period of time during which a  
19 convicted offender is subject to crime-related prohibitions and other  
20 sentence conditions imposed by a court pursuant to this chapter or RCW  
21 46.61.524. For first-time offenders and others sentenced under RCW  
22 9.94A.120(5), the supervision may include crime-related prohibitions  
23 and other conditions imposed pursuant to RCW 9.94A.120(5). For  
24 purposes of the interstate compact for out-of-state supervision of  
25 parolees and probationers, RCW 9.95.270, community supervision is the  
26 functional equivalent of probation and should be considered the same as  
27 probation by other states.

28 (8) "Confinement" means total or partial confinement as defined in  
29 this section.

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

4 (10) "Court-ordered legal financial obligation" means a sum of  
5 money that is ordered by a superior court of the state of Washington  
6 for legal financial obligations which may include restitution to the  
7 victim, statutorily imposed crime victims' compensation fees as  
8 assessed pursuant to RCW 7.68.035, court costs, county or interlocal  
9 drug funds, court-appointed attorneys' fees, and costs of defense,  
10 fines, and any other financial obligation that is assessed to the  
11 offender as a result of a felony conviction.

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

18 (12)(a) "Criminal history" means the list of a defendant's prior  
19 convictions, whether in this state, in federal court, or elsewhere.  
20 The history shall include, where known, for each conviction (i) whether  
21 the defendant has been placed on probation and the length and terms  
22 thereof; and (ii) whether the defendant has been incarcerated and the  
23 length of incarceration.

24 (b) "Criminal history" shall always include juvenile convictions  
25 for sex offenses and shall also include a defendant's other prior  
26 convictions in juvenile court if: (i) The conviction was for an  
27 offense which is a felony or a serious traffic offense and is criminal  
28 history as defined in RCW 13.40.020(6)(a); (ii) the defendant was  
29 fifteen years of age or older at the time the offense was committed;  
30 and (iii) with respect to prior juvenile class B and C felonies or

1 serious traffic offenses, the defendant was less than twenty-three  
2 years of age at the time the offense for which he or she is being  
3 sentenced was committed.

4 (13) "Day supervision" means daily face-to-face contact between a  
5 community corrections officer, or designee, and an offender for  
6 purposes of monitoring and facilitating an offender's compliance with  
7 sentence requirements.

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

9 ((~~14~~)) (15) "Determinate sentence" means a sentence that states  
10 with exactitude the number of actual years, months, or days of total  
11 confinement, of partial confinement, of community supervision, the  
12 number of actual hours or days of community service work or punishment  
13 units, or dollars or terms of a legal financial obligation. The fact  
14 that an offender through "earned early release" can reduce the actual  
15 period of confinement shall not affect the classification of the  
16 sentence as a determinate sentence.

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

29 ((~~16~~)) (17) "Drug offense" means:

1 (a) Any felony violation of chapter 69.50 RCW except possession of  
2 a controlled substance (RCW 69.50.401(d)) or forged prescription for a  
3 controlled substance (RCW 69.50.403);

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

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

10 (~~(17)~~) (18) "Escape" means:

11 (a) Escape in the first degree (RCW 9A.76.110), escape in the  
12 second degree (RCW 9A.76.120), willful failure to return from furlough  
13 (RCW 72.66.060), willful failure to return from work release (RCW  
14 72.65.070), or willful failure to comply with any limitations on the  
15 inmate's movements while in community custody (RCW 72.09.310); or

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

19 (~~(18)~~) (19) "Felony traffic offense" means:

20 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW  
21 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-  
22 and-run injury-accident (RCW 46.52.020(4)); 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 felony  
25 traffic offense under (a) of this subsection.

26 (~~(19)~~) (20) "Fines" means the requirement that the offender pay  
27 a specific sum of money over a specific period of time to the court.

28 (~~(20)~~) (21)(a) "First-time offender" means any person who is  
29 convicted of a felony (i) not classified as a violent offense or a sex  
30 offense under this chapter, or (ii) that is not the manufacture,

1 delivery, or possession with intent to manufacture or deliver a  
2 controlled substance classified in schedule I or II that is a narcotic  
3 drug or the selling for profit (~~(toef)~~) of any controlled substance or  
4 counterfeit substance classified in schedule I, RCW 69.50.204, except  
5 leaves and flowering tops of marihuana, and except as provided in (b)  
6 of this subsection, who previously has never been convicted of a felony  
7 in this state, federal court, or another state, and who has never  
8 participated in a program of deferred prosecution for a felony offense.

9 (b) For purposes of (a) of this subsection, a juvenile adjudication  
10 for an offense committed before the age of fifteen years is not a  
11 previous felony conviction except for adjudications of sex offenses.

12 (~~(21)~~) (22) "Intensive supervision" means three to six face-to-  
13 face contacts per month between a community corrections officer and an  
14 offender for purposes of monitoring an offender's progress and  
15 compliance with sentence conditions.

16 (23) "Nonviolent offense" means an offense which is not a violent  
17 offense.

18 (~~(22)~~) (24) "Offender" means a person who has committed a felony  
19 established by state law and is eighteen years of age or older or is  
20 less than eighteen years of age but whose case has been transferred by  
21 the appropriate juvenile court to a criminal court pursuant to RCW  
22 13.40.110. Throughout this chapter, the terms "offender" and  
23 "defendant" are used interchangeably.

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



1 release, home detention, work crew, and a combination of work crew and  
2 home detention as defined in this section.

3 ~~((24))~~ (26) "Postrelease supervision" is that portion of an  
4 offender's community placement that is not community custody.

5 ~~((25))~~ (27) "Punishment units" means an interchangeable  
6 measurement of severity imposed by the court under RCW 9.94A.120(5).

7 (28) "Restitution" means the requirement that the offender pay a  
8 specific sum of money over a specific period of time to the court as  
9 payment of damages. The sum may include both public and private costs.  
10 The imposition of a restitution order does not preclude civil redress.

11 ~~((26))~~ (29) "Serious traffic offense" means:

12 (a) Driving while under the influence of intoxicating liquor or any  
13 drug (RCW 46.61.502), actual physical control while under the influence  
14 of intoxicating liquor or any drug (RCW 46.61.504), reckless driving  
15 (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5));  
16 or

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

20 ~~((27))~~ (30) "Serious violent offense" is a subcategory of violent  
21 offense and means:

22 (a) Murder in the first degree, homicide by abuse, murder in the  
23 second degree, assault in the first degree, kidnapping in the first  
24 degree, or rape in the first degree, or an attempt, criminal  
25 solicitation, or criminal conspiracy to commit one of these felonies;  
26 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 serious  
29 violent offense under (a) of this subsection.

1       (~~(28)~~) (31) "Sentence range" means the sentencing court's  
2 discretionary range in imposing a nonappealable sentence.

3       (~~(29)~~) (32) "Sex offense" means:

4       (a) A felony that is a violation of chapter 9A.44 RCW or RCW  
5 9A.64.020 or 9.68A.090 or that is, under chapter 9A.28 RCW, a criminal  
6 attempt, criminal solicitation, or criminal conspiracy to commit such  
7 crimes;

8       (b) A felony with a finding of sexual motivation under RCW  
9 9.94A.127; or

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

13       (~~(30)~~) (33) "Sexual motivation" means that one of the purposes  
14 for which the defendant committed the crime was for the purpose of his  
15 or her sexual gratification.

16       (~~(31)~~) (34) "Total confinement" means confinement inside the  
17 physical boundaries of a facility or institution operated or utilized  
18 under contract by the state or any other unit of government for twenty-  
19 four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

20       (~~(32)~~) (35) "Victim" means any person who has sustained  
21 emotional, psychological, physical, or financial injury to person or  
22 property as a direct result of the crime charged.

23       (~~(33)~~) (36) "Violent offense" means:

24       (a) Any of the following felonies, as now existing or hereafter  
25 amended: Any felony defined under any law as a class A felony or an  
26 attempt to commit a class A felony, criminal solicitation of or  
27 criminal conspiracy to commit a class A felony, manslaughter in the  
28 first degree, manslaughter in the second degree, indecent liberties if  
29 committed by forcible compulsion, kidnapping in the second degree,  
30 arson in the second degree, assault in the second degree, extortion in

1 the first degree, robbery in the second degree, vehicular assault, and  
2 vehicular homicide, when proximately caused by the driving of any  
3 vehicle by any person while under the influence of intoxicating liquor  
4 or any drug as defined by RCW 46.61.502, or by the operation of any  
5 vehicle in a reckless manner;

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

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

12 (~~((34))~~) (37) "Work crew" means a program of partial confinement  
13 consisting of civic improvement tasks for the benefit of the community  
14 of not less than thirty-five hours per week that complies with RCW  
15 9.94A.135. The civic improvement tasks shall be performed on public  
16 property or on private property owned or operated by nonprofit  
17 entities, except that, for emergency purposes only, work crews may  
18 perform snow removal on any private property. The civic improvement  
19 tasks shall have minimal negative impact on existing private industries  
20 or the labor force in the county where the service or labor is  
21 performed. The civic improvement tasks shall not affect employment  
22 opportunities for people with developmental disabilities contracted  
23 through sheltered workshops as defined in RCW 82.04.385. Only those  
24 offenders sentenced to a facility operated or utilized under contract  
25 by a county are eligible to participate on a work crew. Offenders  
26 sentenced for a sex offense as defined in subsection (~~((29))~~) (32) of  
27 this section are not eligible for the work crew program.

28 (~~((35))~~) (38) "Work release" means a program of partial confinement  
29 available to offenders who are employed or engaged as a student in a  
30 regular course of study at school. Participation in work release shall

1 be conditioned upon the offender attending work or school at regularly  
2 defined hours and abiding by the rules of the work release facility.

3 ~~((36))~~ (39) "Home detention" means a program of partial  
4 confinement available to offenders wherein the offender is confined in  
5 a private residence subject to electronic surveillance. Home detention  
6 may not be imposed for offenders convicted of a violent offense, any  
7 sex offense, any drug offense, reckless burning in the first or second  
8 degree as defined in RCW 9A.48.040 or 9A.48.050, assault in the third  
9 degree as defined in RCW 9A.36.031, unlawful imprisonment as defined in  
10 RCW 9A.40.040, or harassment as defined in RCW 9A.46.020. Home  
11 detention may be imposed for offenders convicted of possession of a  
12 controlled substance (RCW 69.50.401(d)) or forged prescription for a  
13 controlled substance (RCW 69.50.403) if the offender fulfills the  
14 participation conditions set forth in this subsection and is monitored  
15 for drug use by treatment alternatives to street crime (TASC) or a  
16 comparable court or agency-referred program.

17 (a) Home detention may be imposed for offenders convicted of  
18 burglary in the second degree as defined in RCW 9A.52.030 or  
19 residential burglary conditioned upon the offender: (i) Successfully  
20 completing twenty-one days in a work release program, (ii) having no  
21 convictions for burglary in the second degree or residential burglary  
22 during the preceding two years and not more than two prior convictions  
23 for burglary or residential burglary, (iii) having no convictions for  
24 a violent felony offense during the preceding two years and not more  
25 than two prior convictions for a violent felony offense, (iv) having no  
26 prior charges of escape, and (v) fulfilling the other conditions of the  
27 home detention program.

28 (b) Participation in a home detention program shall be conditioned  
29 upon: (i) The offender obtaining or maintaining current employment or  
30 attending a regular course of school study at regularly defined hours,

1 or the offender performing parental duties to offspring or minors  
2 normally in the custody of the offender, (ii) abiding by the rules of  
3 the home detention program, and (iii) compliance with court-ordered  
4 legal financial obligations. The home detention program may also be  
5 made available to offenders whose charges and convictions do not  
6 otherwise disqualify them if medical or health-related conditions,  
7 concerns or treatment would be better addressed under the home  
8 detention program, or where the health and welfare of the offender,  
9 other inmates, or staff would be jeopardized by the offender's  
10 incarceration. Participation in the home detention program for medical  
11 or health-related reasons is conditioned on the offender abiding by the  
12 rules of the home detention program and complying with court-ordered  
13 restitution.

14 **Sec. 3.** RCW 9.94A.120 and 1991 c 221 s 2, 1991 c 181 s 3, and 1991  
15 c 104 s 3 are each reenacted and amended to read as follows:

16 When a person is convicted of a felony, the court shall impose  
17 punishment as provided in this section.

18 (1) Except as authorized in subsections (2), (4), (5), ~~((and))~~ (7),  
19 (9), and (21) of this section, the court shall impose a sentence within  
20 the sentence range for the offense.

21 (2) The court may impose a sentence outside the standard sentence  
22 range for that offense if it finds, considering the purpose of this  
23 chapter, that there are substantial and compelling reasons justifying  
24 an exceptional sentence.

25 (3) Whenever a sentence outside the standard range is imposed, the  
26 court shall set forth the reasons for its decision in written findings  
27 of fact and conclusions of law. A sentence outside the standard range  
28 shall be a determinate sentence.

1       (4)(a) An offender convicted of the crime of murder in the first  
2 degree shall be sentenced to a term of total confinement not less than  
3 twenty years.

4       (b) An offender convicted of the crime of assault in the first  
5 degree where the offender used force or means likely to result in death  
6 or intended to kill the victim shall be sentenced to a term of total  
7 confinement not less than five years.

8       (c) An offender convicted of the crime of rape in the first degree  
9 shall be sentenced to a term of total confinement not less than five  
10 years, and shall not be eligible for furlough, work release or other  
11 authorized leave of absence from the correctional facility during such  
12 minimum five-year term except for the purpose of commitment to an  
13 inpatient treatment facility.

14       (d) An offender shall be sentenced to a minimum term of confinement  
15 of not less than fifteen years if the offender (i) while committed to  
16 a state correctional facility for murder in the first or second degree,  
17 homicide by abuse, assault in the first or second degree, rape in the  
18 first or second degree, kidnapping in the first degree, robbery in the  
19 first degree, arson in the first degree, or burglary in the first  
20 degree; (ii) commits the crime of murder in the second degree, assault  
21 in the first or second degree, rape in the first or second degree,  
22 arson in the first or second degree, or robbery in the first or second  
23 degree. The sentence shall be served consecutive to any term of  
24 confinement remaining on the offense or offenses for which the offender  
25 was committed to the state institution as provided in RCW 9.94A.400 (2)  
26 and (5). An offender who commits murder in the first degree while  
27 committed to a state institution for the conviction of one of the  
28 offenses listed in (d)(ii) of this subsection shall serve his or her  
29 sentence consecutive to any term of confinement remaining on the  
30 offense or offenses for which the offender was committed to the state

1 institution. RCW 9A.20.021(1)(b), which provides that the statutory  
2 maximum for class B felonies is ten years, does not apply to the crimes  
3 identified in (d)(ii) of this subsection when committed in a state  
4 correctional facility by an offender who is committed to the state  
5 institution for a crime listed in (d)(i) of this subsection. The  
6 statutory maximum is a term of life imprisonment.

7 The foregoing minimum terms of total confinement, specified in (a),  
8 (b), (c), and (d) of this subsection, are mandatory and shall not be  
9 varied or modified as provided in subsection (2) of this section.

10 (5) ~~In sentencing a first-time offender ((the court may waive the~~  
11 ~~imposition of a sentence within the sentence range and impose a~~  
12 ~~sentence which may include up to ninety days of confinement in a~~  
13 ~~facility operated or utilized under contract by the county and a~~  
14 ~~requirement that the offender refrain from committing new offenses.~~  
15 ~~The sentence may also include up to two years of community supervision,~~  
16 ~~which, in addition to crime-related prohibitions, may include~~  
17 ~~requirements that the offender perform any one or more of the~~  
18 ~~following:~~

19 ~~(a) Devote time to a specific employment or occupation;~~

20 ~~(b) Undergo available outpatient treatment for up to two years, or~~  
21 ~~inpatient treatment not to exceed the standard range of confinement for~~  
22 ~~that offense;~~

23 ~~(c) Pursue a prescribed, secular course of study or vocational~~  
24 ~~training;~~

25 ~~(d) Remain within prescribed geographical boundaries and notify the~~  
26 ~~court or the community corrections officer prior to any change in the~~  
27 ~~offender's address or employment;~~

28 ~~(e) Report as directed to the court and a community corrections~~  
29 ~~officer; or~~

1       ~~(f) Pay all court ordered legal financial obligations as provided~~  
2 ~~in RCW 9.94A.030 and/or perform community service work.))~~ or an  
3 offender with a current nonviolent offense conviction, excluding sex  
4 offenses, and no prior convictions for a violent offense or serious  
5 violent offense, if the current offense has a sentence range of zero to  
6 twelve months and the court finds that the community and the offender  
7 would benefit from community-based punishment, the court may waive the  
8 imposition of a sentence within the standard range and impose a  
9 determinate sentence under this subsection.

10       Sentences under this subsection shall be imposed in the form of  
11 punishment units in some combination of total confinement, work  
12 release, home detention, work crew, community service, treatment,  
13 training and rehabilitative programs, intensive supervision, and day  
14 supervision. Punishment units shall be credited as follows:

15       (a) One punishment unit equals one day of total confinement, one  
16 day of work release, one day of home detention, eight hours of  
17 community service, or seven hours of work crew.

18       (b) Fifteen punishment units equal one month of day supervision or  
19 two months of intensive supervision.

20       (c) Thirty punishment units equal one completed in-patient or out-  
21 patient treatment program for medical, emotional, or substance abuse  
22 problems or one completed educational, vocational, or employment-  
23 related program.

24       (d) Sixty punishment units equal one completed residential  
25 treatment program, including aftercare requirements.

26       Except during total or partial confinement, persons sentenced under  
27 this subsection shall be in community custody under procedures and  
28 sanctions developed by the department under RCW 9.94A.205.

29       (6) If a sentence range has not been established for the  
30 defendant's crime, the court shall impose a determinate sentence which



1 may include not more than one year of confinement, community service  
2 work, a term of community supervision not to exceed one year, and/or  
3 other legal financial obligations. For offenders sentenced under  
4 subsection (5) of this section and who meet the definition of first-  
5 time offender under RCW 9.94A.030, the maximum sentence is sixty  
6 punishment units. The maximum sentence for those who are not first-  
7 time offenders is one hundred twenty punishment units. The court may  
8 impose a sentence which provides more than one year of confinement if  
9 the court finds, considering the purpose of this chapter, that there  
10 are substantial and compelling reasons justifying an exceptional  
11 sentence.

12 (7)(a)(i) When an offender is convicted of a sex offense other than  
13 a violation of RCW 9A.44.050 or a sex offense that is also a serious  
14 violent offense and has no prior convictions for a sex offense or any  
15 other felony sex offenses in this or any other state, the sentencing  
16 court, on its own motion or the motion of the state or the defendant,  
17 may order an examination to determine whether the defendant is amenable  
18 to treatment.

19 The report of the examination shall include at a minimum the  
20 following: The defendant's version of the facts and the official  
21 version of the facts, the defendant's offense history, an assessment of  
22 problems in addition to alleged deviant behaviors, the offender's  
23 social and employment situation, and other evaluation measures used.  
24 The report shall set forth the sources of the evaluator's information.

25 The examiner shall assess and report regarding the defendant's  
26 amenability to treatment and relative risk to the community. A  
27 proposed treatment plan shall be provided and shall include, at a  
28 minimum:

29 (A) Frequency and type of contact between offender and therapist;

1 (B) Specific issues to be addressed in the treatment and  
2 description of planned treatment modalities;

3 (C) Monitoring plans, including any requirements regarding living  
4 conditions, lifestyle requirements, and monitoring by family members  
5 and others;

6 (D) Anticipated length of treatment; and

7 (E) Recommended crime-related prohibitions.

8 The court on its own motion may order, or on a motion by the state  
9 shall order, a second examination regarding the offender's amenability  
10 to treatment. The evaluator shall be selected by the party making the  
11 motion. The defendant shall pay the cost of any second examination  
12 ordered unless the court finds the defendant to be indigent in which  
13 case the state shall pay the cost.

14 (ii) After receipt of the reports, the court shall consider whether  
15 the offender and the community will benefit from use of this special  
16 sexual offender sentencing alternative and consider the victim's  
17 opinion whether the offender should receive a treatment disposition  
18 under this subsection. If the court determines that this special sex  
19 offender sentencing alternative is appropriate, the court shall then  
20 impose a sentence within the sentence range. If this sentence is less  
21 than eight years of confinement, the court may suspend the execution of  
22 the sentence and impose the following conditions of suspension:

23 (A) The court shall place the defendant on community supervision  
24 for the length of the suspended sentence or three years, whichever is  
25 greater; and

26 (B) The court shall order treatment for any period up to three  
27 years in duration. The court in its discretion shall order outpatient  
28 sex offender treatment or inpatient sex offender treatment, if  
29 available. A community mental health center may not be used for such  
30 treatment unless it has an appropriate program designed for sex

1 offender treatment. The offender shall not change sex offender  
2 treatment providers or treatment conditions without first notifying the  
3 prosecutor, the community corrections officer, and the court, and shall  
4 not change providers without court approval after a hearing if the  
5 prosecutor or community corrections officer object to the change. In  
6 addition, as conditions of the suspended sentence, the court may impose  
7 other sentence conditions including up to six months of confinement,  
8 not to exceed the sentence range of confinement for that offense,  
9 crime-related prohibitions, and requirements that the offender perform  
10 any one or more of the following:

11 (I) Devote time to a specific employment or occupation;

12 (II) Remain within prescribed geographical boundaries and notify  
13 the court or the community corrections officer prior to any change in  
14 the offender's address or employment;

15 (III) Report as directed to the court and a community corrections  
16 officer;

17 (IV) Pay all court-ordered legal financial obligations as provided  
18 in RCW 9.94A.030, perform community service work, or any combination  
19 thereof; or

20 (V) Make recoupment to the victim for the cost of any counseling  
21 required as a result of the offender's crime.

22 (iii) The sex offender therapist shall submit quarterly reports on  
23 the defendant's progress in treatment to the court and the parties.  
24 The report shall reference the treatment plan and include at a minimum  
25 the following: Dates of attendance, defendant's compliance with  
26 requirements, treatment activities, the defendant's relative progress  
27 in treatment, and any other material as specified by the court at  
28 sentencing.

29 (iv) At the time of sentencing, the court shall set a treatment  
30 termination hearing for three months prior to the anticipated date for

1 completion of treatment. Prior to the treatment termination hearing,  
2 the treatment professional and community corrections officer shall  
3 submit written reports to the court and parties regarding the  
4 defendant's compliance with treatment and monitoring requirements, and  
5 recommendations regarding termination from treatment, including  
6 proposed community supervision conditions. Either party may request  
7 and the court may order another evaluation regarding the advisability  
8 of termination from treatment. The defendant shall pay the cost of any  
9 additional evaluation ordered unless the court finds the defendant to  
10 be indigent in which case the state shall pay the cost. At the  
11 treatment termination hearing the court may: (A) Modify conditions of  
12 community supervision, and either (B) terminate treatment, or (C)  
13 extend treatment for up to the remaining period of community  
14 supervision.

15 (v) The court may revoke the suspended sentence at any time during  
16 the period of community supervision and order execution of the sentence  
17 if: (A) The defendant violates the conditions of the suspended  
18 sentence, or (B) the court finds that the defendant is failing to make  
19 satisfactory progress in treatment. All confinement time served during  
20 the period of community supervision shall be credited to the offender  
21 if the suspended sentence is revoked.

22 (vi) After July 1, 1991, examinations and treatment ordered  
23 pursuant to this subsection shall only be conducted by sex offender  
24 treatment providers certified by the department of health pursuant to  
25 chapter 18.155 RCW.

26 For purposes of this subsection, "victim" means any person who has  
27 sustained emotional, psychological, physical, or financial injury to  
28 person or property as a result of the crime charged. "Victim" also  
29 means a parent or guardian of a victim who is a minor child unless the  
30 parent or guardian is the perpetrator of the offense.

1 (b) When an offender is convicted of any felony sex offense  
2 committed before July 1, 1987, and is sentenced to a term of  
3 confinement of more than one year but less than six years, the  
4 sentencing court may, on its own motion or on the motion of the  
5 offender or the state, order the offender committed for up to thirty  
6 days to the custody of the secretary of social and health services for  
7 evaluation and report to the court on the offender's amenability to  
8 treatment at these facilities. If the secretary of social and health  
9 services cannot begin the evaluation within thirty days of the court's  
10 order of commitment, the offender shall be transferred to the state for  
11 confinement pending an opportunity to be evaluated at the appropriate  
12 facility. The court shall review the reports and may order that the  
13 term of confinement imposed be served in the sexual offender treatment  
14 program at the location determined by the secretary of social and  
15 health services or the secretary's designee, only if the report  
16 indicates that the offender is amenable to the treatment program  
17 provided at these facilities. The offender shall be transferred to the  
18 state pending placement in the treatment program. Any offender who has  
19 escaped from the treatment program shall be referred back to the  
20 sentencing court.

21 If the offender does not comply with the conditions of the  
22 treatment program, the secretary of social and health services may  
23 refer the matter to the sentencing court. The sentencing court shall  
24 commit the offender to the department of corrections to serve the  
25 balance of the term of confinement.

26 If the offender successfully completes the treatment program before  
27 the expiration of the term of confinement, the court may convert the  
28 balance of confinement to community supervision and may place  
29 conditions on the offender including crime-related prohibitions and

1 requirements that the offender perform any one or more of the  
2 following:

3 (i) Devote time to a specific employment or occupation;

4 (ii) Remain within prescribed geographical boundaries and notify  
5 the court or the community corrections officer prior to any change in  
6 the offender's address or employment;

7 (iii) Report as directed to the court and a community corrections  
8 officer;

9 (iv) Undergo available outpatient treatment.

10 If the offender violates any of the terms of community supervision,  
11 the court may order the offender to serve out the balance of the  
12 community supervision term in confinement in the custody of the  
13 department of corrections.

14 After June 30, 1993, this subsection (b) shall cease to have  
15 effect.

16 (c) When an offender commits any felony sex offense on or after  
17 July 1, 1987, and is sentenced to a term of confinement of more than  
18 one year but less than six years, the sentencing court may, on its own  
19 motion or on the motion of the offender or the state, request the  
20 department of corrections to evaluate whether the offender is amenable  
21 to treatment and the department may place the offender in a treatment  
22 program within a correctional facility operated by the department.

23 Except for an offender who has been convicted of a violation of RCW  
24 9A.44.040 or 9A.44.050, if the offender completes the treatment program  
25 before the expiration of his or her term of confinement, the department  
26 of corrections may request the court to convert the balance of  
27 confinement to community supervision and to place conditions on the  
28 offender including crime-related prohibitions and requirements that the  
29 offender perform any one or more of the following:

30 (i) Devote time to a specific employment or occupation;

1 (ii) Remain within prescribed geographical boundaries and notify  
2 the court or the community corrections officer prior to any change in  
3 the offender's address or employment;

4 (iii) Report as directed to the court and a community corrections  
5 officer;

6 (iv) Undergo available outpatient treatment.

7 If the offender violates any of the terms of his or her community  
8 supervision, the court may order the offender to serve out the balance  
9 of his community supervision term in confinement in the custody of the  
10 department of corrections.

11 Nothing in (c) of this subsection shall confer eligibility for such  
12 programs for offenders convicted and sentenced for a sex offense  
13 committed prior to July 1, 1987. This subsection (c) does not apply to  
14 any crime committed after July 1, 1990.

15 (d) Offenders convicted and sentenced for a sex offense committed  
16 prior to July 1, 1987, may, subject to available funds, request an  
17 evaluation by the department of corrections to determine whether they  
18 are amenable to treatment. If the offender is determined to be  
19 amenable to treatment, the offender may request placement in a  
20 treatment program within a correctional facility operated by the  
21 department. Placement in such treatment program is subject to  
22 available funds.

23 (8)(a) When a court sentences a person to a term of total  
24 confinement to the custody of the department of corrections for an  
25 offense categorized as a sex offense or a serious violent offense  
26 committed after July 1, 1988, but before July 1, 1990, assault in the  
27 second degree, any crime against a person where it is determined in  
28 accordance with RCW 9.94A.125 that the defendant or an accomplice was  
29 armed with a deadly weapon at the time of commission, or any felony  
30 offense under chapter 69.50 or 69.52 RCW, committed on or after July 1,

1 1988, when such sentence is not imposed under subsection (9)(a)(ii) of  
2 this section, the court shall in addition to the other terms of the  
3 sentence, sentence the offender to a one-year term of community  
4 placement beginning either upon completion of the term of confinement  
5 or at such time as the offender is transferred to community custody in  
6 lieu of earned early release in accordance with RCW 9.94A.150 (1) and  
7 (2). When the court sentences an offender under this subsection to the  
8 statutory maximum period of confinement then the community placement  
9 portion of the sentence shall consist entirely of such community  
10 custody to which the offender may become eligible, in accordance with  
11 RCW 9.94A.150 (1) and (2). Any period of community custody actually  
12 served shall be credited against the community placement portion of the  
13 sentence.

14 (b) When a court sentences a person to a term of total confinement  
15 to the custody of the department of corrections for an offense  
16 categorized as a sex offense or serious violent offense committed on or  
17 after July 1, 1990, the court shall in addition to other terms of the  
18 sentence, sentence the offender to community placement for two years or  
19 up to the period of earned early release awarded pursuant to RCW  
20 9.94A.150 (1) and (2), whichever is longer. The community placement  
21 shall begin either upon completion of the term of confinement or at  
22 such time as the offender is transferred to community custody in lieu  
23 of earned early release in accordance with RCW 9.94A.150 (1) and (2).  
24 When the court sentences an offender under this subsection to the  
25 statutory maximum period of confinement then the community placement  
26 portion of the sentence shall consist entirely of the community custody  
27 to which the offender may become eligible, in accordance with RCW  
28 9.94A.150 (1) and (2). Any period of community custody actually served  
29 shall be credited against the community placement portion of the  
30 sentence. Unless a condition is waived by the court, the terms of



1 community placement for offenders sentenced pursuant to this section  
2 shall include the following conditions:

3 (i) The offender shall report to and be available for contact with  
4 the assigned community corrections officer as directed;

5 (ii) The offender shall work at department of corrections-approved  
6 education, employment, and/or community service;

7 (iii) The offender shall not consume controlled substances except  
8 pursuant to lawfully issued prescriptions;

9 (iv) An offender in community custody shall not unlawfully possess  
10 controlled substances; and

11 (v) The offender shall pay supervision fees as determined by the  
12 department of corrections.

13 (c) The court may also order any of the following special  
14 conditions:

15 (i) The offender shall remain within, or outside of, a specified  
16 geographical boundary;

17 (ii) The offender shall not have direct or indirect contact with  
18 the victim of the crime or a specified class of individuals;

19 (iii) The offender shall participate in crime-related treatment or  
20 counseling services;

21 (iv) The offender shall not consume alcohol;

22 (v) The residence location and living arrangements of a sex  
23 offender shall be subject to the prior approval of the department of  
24 corrections; or

25 (vi) The offender shall comply with any crime-related prohibitions.

26 (d) Prior to transfer to, or during, community placement, any  
27 conditions of community placement may be removed or modified so as not  
28 to be more restrictive by the sentencing court, upon recommendation of  
29 the department of corrections.

1       (9)(a)(i) When (A) a person is convicted of a violation of RCW  
2 69.50.401(a)(1)(i) through (iv) that is not the manufacture of  
3 methamphetamine, RCW 69.50.401(b) through (d), 69.50.403, or  
4 69.52.030(1) and the violation does not involve a sentence enhancement  
5 under RCW 9.94A.310 (3) or (5); (B) the person has no previous or other  
6 current convictions of (I) a violent offense, (II) a sex offense, or  
7 (III) an offense involving the manufacture, delivery, or possession  
8 with intent to manufacture or deliver a controlled substance classified  
9 in schedule I or II that is a narcotic drug or the selling for profit  
10 of any controlled substance or counterfeit substance classified in  
11 schedule I, RCW 69.50.204, except leaves and flowering tops of  
12 marijuana; and (C) the applicable sentence range is more than twelve  
13 months and not more than sixty months, the court may order a  
14 presentence investigation and special evaluation to determine whether  
15 the offender was a user of illegal controlled substances at the time  
16 the crime occurred and is in need of treatment for the use of illegal  
17 controlled substances.

18       The report of the special evaluation shall include at a minimum the  
19 following: The defendant's offense history, a qualified chemical  
20 dependency assessment, including current and historical involvement  
21 with alcohol and other drugs, substance use-related physiological and  
22 behavioral problems, any prior alcohol or drug treatment or education,  
23 employment history, and social support system, noting any additional  
24 evaluation instruments or tools used. The evaluation report shall note  
25 sources of information.

26       The evaluator shall assess and report regarding the defendant's  
27 amenability to treatment and relative risk to the community. A  
28 proposed treatment plan shall be provided and shall include, at a  
29 minimum:

30       (I) Recommended treatment modality or modalities;

1        (II) Frequency of treatment contacts;

2        (III) Specific problems or issues to be addressed in treatment and  
3 method or description of treatment interventions;

4        (IV) Specific plan for monitoring compliance, including urinalysis  
5 testing and confirmation of positives via alternate testing  
6 methodology, breath analysis, any requirements regarding living  
7 conditions, lifestyle requirements, and monitoring by family members  
8 and others;

9        (V) Anticipated length of treatment;

10       (VI) Recommended crime-related prohibitions;

11       (VII) Offender's ability to self-pay postrelease treatment service  
12 costs; and

13       (VIII) Vocational rehabilitation issues.

14       The court on its own motion may order, or on a motion by the state  
15 shall order, a second examination regarding the offender's amenability  
16 to treatment. The party making the motion shall select the evaluator.  
17 The defendant shall pay the cost of any second examination ordered  
18 unless the court finds the defendant to be indigent, in which case the  
19 state shall pay the cost.

20       (ii) After receipt of the report, the court shall consider whether  
21 the offender and the community will benefit from the use of the  
22 sentencing option for drug offender treatment. If the court determines  
23 that this sentencing option is appropriate, the court shall impose a  
24 sentence within the applicable sentence range plus one additional year  
25 of confinement to be served on community custody and shall direct that:

26       (A) If the sentence is not more than thirty-six months that the  
27 offender shall serve at least six months in total confinement, with at  
28 least three months of total confinement served in a facility operated  
29 by the department; or

1       (B) If the sentence is more than thirty-six months but not more  
2 than sixty months that the offender shall serve at least twelve months  
3 of total confinement, with at least six months of total confinement  
4 served in a facility operated by the department.

5       The balance of the sentence shall be served in total confinement,  
6 partial confinement, or community custody at the direction of the  
7 department.

8       (b) The department shall provide a program of drug treatment to all  
9 persons sentenced under this subsection and shall adopt rules governing  
10 (i) the nature of the treatment program to be provided during total  
11 confinement, partial confinement, and community custody, (ii) the  
12 decision as to whether, after the initial six or twelve month period of  
13 total confinement the balance of the sentence shall be served in total  
14 confinement, partial confinement, or community custody, (iii) the  
15 conditions to be imposed upon offenders sentenced under this  
16 subsection, and (iv) the procedures to be employed and the sanctions to  
17 be imposed in the event of violation of the conditions.

18       (c) If the offender does not comply with the conditions of the  
19 treatment program, the department shall refer the matter to the  
20 sentencing court for revocation of the sentence imposed under this  
21 subsection (9). The sentencing court shall set a hearing date. If the  
22 court finds that the offender has failed to comply with the conditions  
23 imposed, the court may resentence the offender according to the  
24 standard range with credit for total confinement time served.

25       (10) If the court imposes a sentence requiring confinement of  
26 thirty days or less, the court may, in its discretion, specify that the  
27 sentence be served on consecutive or intermittent days. A sentence  
28 requiring more than thirty days of confinement shall be served on  
29 consecutive days. Local jail administrators may schedule court-ordered  
30 intermittent sentences as space permits.

1       (~~(10)~~) (11) If a sentence imposed includes payment of a legal  
2 financial obligation, the sentence shall specify the total amount of  
3 the legal financial obligation owed, and shall require the offender to  
4 pay a specified monthly sum toward that legal financial obligation.  
5 Restitution to victims shall be paid prior to any other payments of  
6 monetary obligations. Any legal financial obligation that is imposed  
7 by the court may be collected by the department, which shall deliver  
8 the amount paid to the county clerk for credit. The offender's  
9 compliance with payment of legal financial obligations shall be  
10 supervised by the department. All monetary payments ordered shall be  
11 paid no later than ten years after the last date of release from  
12 confinement pursuant to a felony conviction or the date the sentence  
13 was entered. Independent of the department, the party or entity to  
14 whom the legal financial obligation is owed shall have the authority to  
15 utilize any other remedies available to the party or entity to collect  
16 the legal financial obligation. Nothing in this section makes the  
17 department, the state, or any of its employees, agents, or other  
18 persons acting on their behalf liable under any circumstances for the  
19 payment of these legal financial obligations. If an order includes  
20 restitution as one of the monetary assessments, the county clerk shall  
21 make disbursements to victims named in the order.

22       (~~(11)~~) (12) Except as provided under RCW 9.94A.140(1) and  
23 9.94A.142(1), a court may not impose a sentence providing for a term of  
24 confinement or community supervision or community placement which  
25 exceeds the statutory maximum for the crime as provided in chapter  
26 9A.20 RCW.

27       (~~(12)~~) (13) All offenders sentenced to terms involving community  
28 supervision, community service, community placement, or legal financial  
29 obligation shall be under the supervision of the secretary of the  
30 department of corrections or such person as the secretary may designate

1 and shall follow explicitly the instructions of the secretary including  
2 reporting as directed to a community corrections officer, remaining  
3 within prescribed geographical boundaries, notifying the community  
4 corrections officer of any change in the offender's address or  
5 employment, and paying the supervision fee assessment.

6 ~~((13))~~ (14) All offenders sentenced to terms involving community  
7 supervision, community service, or community placement under the  
8 supervision of the department of corrections shall not own, use, or  
9 possess firearms or ammunition. Offenders who own, use, or are found  
10 to be in actual or constructive possession of firearms or ammunition  
11 shall be subject to the appropriate violation process and sanctions.  
12 "Constructive possession" as used in this subsection means the power  
13 and intent to control the firearm or ammunition. "Firearm" as used in  
14 this subsection means a weapon or device from which a projectile may be  
15 fired by an explosive such as gunpowder.

16 ~~((14))~~ (15) The sentencing court shall give the offender credit  
17 for all confinement time served before the sentencing if that  
18 confinement was solely in regard to the offense for which the offender  
19 is being sentenced.

20 ~~((15))~~ (16) A departure from the standards in RCW 9.94A.400 (1)  
21 and (2) governing whether sentences are to be served consecutively or  
22 concurrently is an exceptional sentence subject to the limitations in  
23 subsections (2) and (3) of this section, and may be appealed by the  
24 defendant or the state as set forth in RCW 9.94A.210 (2) through (6).

25 ~~((16))~~ (17) The court shall order restitution whenever the  
26 offender is convicted of a felony that results in injury to any person  
27 or damage to or loss of property, whether the offender is sentenced to  
28 confinement or placed under community supervision, unless extraordinary  
29 circumstances exist that make restitution inappropriate in the court's

1 judgment. The court shall set forth the extraordinary circumstances in  
2 the record if it does not order restitution.

3 ~~((17))~~ (18) As a part of any sentence, the court may impose and  
4 enforce an order that relates directly to the circumstances of the  
5 crime for which the offender has been convicted, prohibiting the  
6 offender from having any contact with other specified individuals or a  
7 specific class of individuals for a period not to exceed the maximum  
8 allowable sentence for the crime, regardless of the expiration of the  
9 offender's term of community supervision or community placement.

10 ~~((18))~~ (19) In any sentence of partial confinement, the court may  
11 require the defendant to serve the partial confinement in work release,  
12 in a program of home detention, on work crew, or in a combined program  
13 of work crew and home detention.

14 ~~((19))~~ (20) All court-ordered legal financial obligations  
15 collected by the department and remitted to the county clerk shall be  
16 credited and paid where restitution is ordered. Restitution shall be  
17 paid prior to any other payments of monetary obligations.

18 (21) An offender shall be sentenced to a minimum term of  
19 confinement of not less than fifteen years or a determinate term within  
20 the standard range, whichever is greater, if the offender (a) while  
21 committed to a state correctional facility for murder in the first or  
22 second degree, homicide by abuse, assault in the first or second  
23 degree, rape in the first or second degree, kidnapping in the first  
24 degree, robbery in the first degree, arson in the first degree, or  
25 burglary in the first degree; (b) commits the crime of murder in the  
26 second degree, assault in the first or second degree, rape in the first  
27 or second degree, arson in the first or second degree, or robbery in  
28 the first or second degree. The court may impose an exceptional  
29 sentence above the mandatory minimum term or the standard range for the  
30 offense based on the existence of aggravating factors as provided in

1 RCW 9.94A.390, but may not impose an exceptional sentence below the  
2 mandatory minimum or standard range. The term imposed shall be served  
3 consecutive to any term of confinement remaining on the offense or  
4 offenses for which the offender was committed to the state institution  
5 as provided in RCW 9.94A.400 (2) and (5). An offender who commits  
6 murder in the first degree while committed to a state institution for  
7 the conviction of one of the offenses listed in (b) of this subsection  
8 shall serve his or her sentence consecutive to any term of confinement  
9 remaining on the offense or offenses for which the offender was  
10 committed to the state institution. RCW 9A.20.021(1)(b), which  
11 provides that the statutory maximum for class B felonies is ten years,  
12 does not apply to the crimes identified in (b) of this subsection when  
13 committed in a state correctional facility by an offender who is  
14 committed to the state institution for a crime listed in (a) of this  
15 subsection. The statutory maximum is a term of life imprisonment.

16 **Sec. 4.** RCW 9.94A.150 and 1990 c 3 s 202 are each amended to read  
17 as follows:

18 No person serving a sentence imposed pursuant to this chapter and  
19 committed to the custody of the department shall leave the confines of  
20 the correctional facility or be released prior to the expiration of the  
21 sentence except as follows:

22 (1) Except as otherwise provided for in subsection (2) of this  
23 section, the term of the sentence of an offender committed to a  
24 correctional facility operated by the department, may be reduced by  
25 earned early release time in accordance with procedures that shall be  
26 developed and promulgated by the correctional agency having  
27 jurisdiction in which the offender is confined. The earned early  
28 release time shall be for good behavior and good performance during  
29 total or partial confinement, as determined by the correctional agency



1 having jurisdiction. The correctional agency shall not credit the  
2 offender with earned early release credits in advance of the offender  
3 actually earning the credits. Any program established pursuant to this  
4 section shall allow an offender to earn early release credits for  
5 presentence incarceration. If an offender is transferred from a county  
6 jail to the department of corrections, the county jail facility shall  
7 certify to the department the amount of time spent in custody at the  
8 facility and the amount of earned early release time. In the case of  
9 an offender convicted of a serious violent offense or a sex offense  
10 that is a class A felony committed on or after July 1, 1990, the  
11 aggregate earned early release time may not exceed fifteen percent of  
12 the sentence. In no other case shall the aggregate earned early  
13 release time exceed one-third of the total sentence;

14 (2) A person convicted of a sex offense or an offense categorized  
15 as a serious violent offense, assault in the second degree, any crime  
16 against a person where it is determined in accordance with RCW  
17 9.94A.125 that the defendant or an accomplice was armed with a deadly  
18 weapon at the time of commission, or any felony offense under chapter  
19 69.50 or 69.52 RCW may become eligible, in accordance with a program  
20 developed by the department, for transfer to community custody status  
21 in lieu of earned early release time pursuant to subsection (1) of this  
22 section;

23 (3) An offender may leave a correctional facility pursuant to an  
24 authorized furlough or leave of absence. In addition, offenders may  
25 leave a correctional facility when in the custody of a corrections  
26 officer or officers;

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

1 (5) No more than the final six months of the sentence may be served  
2 in partial confinement designed to aid the offender in finding work and  
3 reestablishing him or herself in the community, but this subsection  
4 shall not apply to a sentence imposed under RCW 9.94A.120(9);

5 (6) The governor may pardon any offender;

6 (7) The department of corrections may release an offender from  
7 confinement any time within ten days before a release date calculated  
8 under this section; and

9 (8) An offender may leave a correctional facility prior to  
10 completion of his or her sentence if the sentence has been reduced as  
11 provided in RCW 9.94A.160.

12 **Sec. 5.** RCW 9.94A.180 and 1991 c 181 s 4 are each amended to read  
13 as follows:

14 (1) An offender sentenced to a term of partial confinement shall be  
15 confined in the facility for at least eight hours per day or, if  
16 serving a work crew sentence shall comply with the conditions of that  
17 sentence as set forth in RCW 9.94A.030(23) and 9.94A.135. The offender  
18 shall be required as a condition of partial confinement to report to  
19 the facility at designated times. An offender may be required to  
20 comply with crime-related prohibitions during the period of partial  
21 confinement.

22 (2) An offender in a county jail ordered to serve all or part of a  
23 term of less than one year in work release, work crew, or a program of  
24 home detention who violates the rules of the work release facility,  
25 work crew, or program of home detention or fails to remain employed or  
26 enrolled in school may be transferred to the appropriate county  
27 detention facility without further court order but shall, upon request,  
28 be notified of the right to request an administrative hearing on the  
29 issue of whether or not the offender failed to comply with the order

1 and relevant conditions. Pending such hearing, or in the absence of a  
2 request for the hearing, the offender shall serve the remainder of the  
3 term of confinement as total confinement. This subsection shall not  
4 affect transfer or placement of offenders committed to the state  
5 department of corrections or offenders sentenced under RCW  
6 9.94A.120(5).

7 **Sec. 6.** RCW 9.94A.205 and 1988 c 153 s 4 are each amended to read  
8 as follows:

9 If an inmate violates any condition or requirement of community  
10 custody, the department may transfer the inmate to a more restrictive  
11 confinement status to serve the remaining portion of the sentence, less  
12 credit for any period actually spent in community custody or in  
13 detention awaiting disposition of an alleged violation. If an inmate  
14 is accused of violating any condition or requirement of community  
15 custody, he or she is entitled to a hearing before the department prior  
16 to the imposition of sanctions. The hearing shall be considered as  
17 inmate disciplinary proceedings and shall not be subject to chapter  
18 34.05 RCW. The department shall develop hearing procedures and  
19 sanctions.

20 For offenders sentenced under RCW 9.94A.120(5), sanctions imposed  
21 by the department may not exceed the difference between the punishment  
22 units completed by the offender and the number of punishment units  
23 imposed by the court. Sanctions beyond the punishment units ordered by  
24 the court, not to exceed the upper limit of the sentence range, must be  
25 imposed by the court.

26 **Sec. 7.** RCW 9.94A.210 and 1989 c 214 s 1 are each amended to read  
27 as follows:

1 (1) A sentence within the standard range for the offense shall not  
2 be appealed. For purposes of this section, a sentence imposed (~~on a~~  
3 ~~first offender~~) under RCW 9.94A.120(5) or (9) shall also be deemed to  
4 be within the standard range for the offense and shall not be appealed.

5 (2) A sentence outside the sentence range for the offense is  
6 subject to appeal by the defendant or the state. The appeal shall be  
7 to the court of appeals in accordance with rules adopted by the supreme  
8 court.

9 (3) Pending review of the sentence, the sentencing court or the  
10 court of appeals may order the defendant confined or placed on  
11 conditional release, including bond.

12 (4) To reverse a sentence which is outside the sentence range, the  
13 reviewing court must find: (a) Either that the reasons supplied by the  
14 sentencing judge are not supported by the record which was before the  
15 judge or that those reasons do not justify a sentence outside the  
16 standard range for that offense; or (b) that the sentence imposed was  
17 clearly excessive or clearly too lenient.

18 (5) A review under this section shall be made solely upon the  
19 record that was before the sentencing court. Written briefs shall not  
20 be required and the review and decision shall be made in an expedited  
21 manner according to rules adopted by the supreme court.

22 (6) The court of appeals shall issue a written opinion in support  
23 of its decision whenever the judgment of the sentencing court is  
24 reversed and may issue written opinions in any other case where the  
25 court believes that a written opinion would provide guidance to  
26 sentencing judges and others in implementing this chapter and in  
27 developing a common law of sentencing within the state.

28 (7) The department may petition for a review of a sentence  
29 committing an offender to the custody or jurisdiction of the  
30 department. The review shall be limited to errors of law. Such

1 petition shall be filed with the court of appeals no later than ninety  
 2 days after the department has actual knowledge of terms of the  
 3 sentence. The petition shall include a certification by the department  
 4 that all reasonable efforts to resolve the dispute at the superior  
 5 court level have been exhausted.

6 **Sec. 8.** RCW 9.94A.310 and 1991 c 32 s 2 are each amended to read  
 7 as follows:

8 (1) TABLE 1

9

10 Sentencing Grid

11 SERIOUSNESS

12 SCORE

OFFENDER SCORE

13 9 or

14 0 1 2 3 4 5 6 7 8 more

15 .....

16 XV Life Sentence without Parole/Death Penalty

17 .....

18 XIV 23y4m 24y4m 25y4m 26y4m 27y4m 28y4m 30y4m 32y10m 36y 40y

19 240- 250- 261- 271- 281- 291- 312- 338- 370- 411-

20 320 333 347 361 374 388 416 450 493 548

21 .....

1	XIII	12y	13y	14y	15y	16y	17y	19y	21y	25y	29y
2		123-	134-	144-	154-	165-	175-	195-	216-	257-	298-
3		164	178	192	205	219	233	260	288	342	397
4	.....										
5	XII	9y	9y11m	10y9m	11y8m	12y6m	13y5m	15y9m	17y3m	20y3m	23y3m
6		93-	102-	111-	120-	129-	138-	162-	178-	209-	240-
7		123	136	147	160	171	184	216	236	277	318
8	.....										
9	XI	7y6m	8y4m	9y2m	9y11m	10y9m	11y7m	14y2m	15y5m	17y11m	20y5m
10		78-	86-	95-	102-	111-	120-	146-	159-	185-	210-
11		102	114	125	136	147	158	194	211	245	280
12	.....										
13	X	5y	5y6m	6y	6y6m	7y	7y6m	9y6m	10y6m	12y6m	14y6m
14		51-	57-	62-	67-	72-	77-	98-	108-	129-	149-
15		68	75	82	89	96	102	130	144	171	198
16	.....										
17	IX	3y	3y6m	4y	4y6m	5y	5y6m	7y6m	8y6m	10y6m	12y6m
18		31-	36-	41-	46-	51-	57-	77-	87-	108-	129-
19		41	48	54	61	68	75	102	116	144	171
20	.....										
21	VIII	2y	2y6m	3y	3y6m	4y	4y6m	6y6m	7y6m	8y6m	10y6m
22		21-	26-	31-	36-	41-	46-	67-	77-	87-	108-
23		27	34	41	48	54	61	89	102	116	144
24	.....										
25	VII	18m	2y	2y6m	3y	3y6m	4y	5y6m	6y6m	7y6m	8y6m
26		15-	21-	26-	31-	36-	41-	57-	67-	77-	87-
27		20	27	34	41	48	54	75	89	102	116
28	.....										

1	VI	13m	18m	2y	2y6m	3y	3y6m	4y6m	5y6m	6y6m	7y6m
2		12+-	15-	21-	26-	31-	36-	46-	57-	67-	77-
3		14	20	27	34	41	48	61	75	89	102
4	.....										
5	V	9m	13m	15m	18m	2y2m	3y2m	4y	5y	6y	7y
6		6-	12+-	13-	15-	22-	33-	41-	51-	62-	72-
7		12	14	17	20	29	43	54	68	82	96
8		<u>180-</u>									
9		<u>360</u>									
10	.....										
11	IV	6m	9m	13m	15m	18m	2y2m	3y2m	4y2m	5y2m	6y2m
12		3-	6-	12+-	13-	15-	22-	33-	43-	53-	63-
13		9	12	14	17	20	29	43	57	70	84
14		<u>90-</u>	<u>180-</u>								
15		<u>270</u>	<u>360</u>								
16	.....										
17	III	2m	5m	8m	11m	14m	20m	2y2m	3y2m	4y2m	5y
18		1-	3-	4-	9-	12+-	17-	22-	33-	43-	51-
19		3	8	12	12	16	22	29	43	57	68
20		<u>30-</u>	<u>90-</u>	<u>120-</u>	<u>270-</u>						
21		<u>90</u>	<u>240</u>	<u>360</u>	<u>360</u>						
22	.....										
23	II		4m	6m	8m	13m	16m	20m	2y2m	3y2m	4y2m
24		0-90	2-	3-	4-	12+-	14-	17-	22-	33-	43-
25		Days	6	9	12	14	18	22	29	43	57
26		<u>0-90</u>	<u>60-</u>	<u>90-</u>	<u>120-</u>						
27			<u>180</u>	<u>270</u>	<u>360</u>						
28	.....										
29	I			3m	4m	5m	8m	13m	16m	20m	2y2m
30		0-60	0-90	2-	2-	3-	4-	12+-	14-	17-	22-

1	Days	Days	5	6	8	12	14	18	22	29
2	<u>0-60</u>	<u>0-90</u>	<u>60-</u>	<u>60-</u>	<u>90-</u>	<u>120-</u>				
3			<u>150</u>	<u>180</u>	<u>240</u>	<u>360</u>				
4	.....									

5 NOTE: Numbers in the first horizontal row of each seriousness category  
6 represent sentencing midpoints in years(y) and months(m). Numbers in  
7 the second and third rows represent presumptive sentencing ranges in  
8 months, or in days if so designated. 12+ equals one year and one day.  
9 Numbers in the fourth and fifth rows indicate the presumptive ranges of  
10 punishment units under RCW 9.94A.120(5).

11 (2) For persons convicted of the anticipatory offenses of criminal  
12 attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the  
13 presumptive sentence is determined by locating the sentencing grid  
14 sentence range defined by the appropriate offender score and the  
15 seriousness level of the completed crime, and multiplying the range by  
16 75 percent. For persons sentenced under RCW 9.94A.120(5), the  
17 presumptive sentence is determined by multiplying the punishment units  
18 in the sentence range by 75 percent.

19 (3) The following additional times shall be added to the  
20 presumptive sentence if the offender or an accomplice was armed with a  
21 deadly weapon as defined in this chapter and the offender is being  
22 sentenced for one of the crimes listed in this subsection. If the  
23 offender or an accomplice was armed with a deadly weapon and the  
24 offender is being sentenced for an anticipatory offense under chapter  
25 9A.28 RCW to commit one of the crimes listed in this subsection, the  
26 following times shall be added to the presumptive range determined  
27 under subsection (2) of this section:



1 (a) 24 months for Rape 1 (RCW 9A.44.040), Robbery 1 (RCW  
2 9A.56.200), or Kidnapping 1 (RCW 9A.40.020)

3 (b) 18 months for Burglary 1 (RCW 9A.52.020)

4 (c) 12 months for Assault 2 (RCW 9A.36.020 or 9A.36.021), Escape 1  
5 (RCW 9A.76.110), Kidnapping 2 (RCW 9A.40.030), Burglary 2 of a building  
6 other than a dwelling (RCW 9A.52.030), Theft of Livestock 1 or 2 (RCW  
7 9A.56.080), or any drug offense.

8 (4) The following additional times shall be added to the  
9 presumptive sentence if the offender or an accomplice committed the  
10 offense while in a county jail or state correctional facility as that  
11 term is defined in this chapter and the offender is being sentenced for  
12 one of the crimes listed in this subsection. If the offender or an  
13 accomplice committed one of the crimes listed in this subsection while  
14 in a county jail or state correctional facility as that term is defined  
15 in this chapter, and the offender is being sentenced for an  
16 anticipatory offense under chapter 9A.28 RCW to commit one of the  
17 crimes listed in this subsection, the following times shall be added to  
18 the presumptive sentence range determined under subsection (2) of this  
19 section:

20 (a) Eighteen months for offenses committed under RCW  
21 69.50.401(a)(1)(i) or 69.50.410;

22 (b) Fifteen months for offenses committed under RCW  
23 69.50.401(a)(1)(ii), (iii), and (iv);

24 (c) Twelve months for offenses committed under RCW 69.50.401(d).

25 For the purposes of this subsection, all of the real property of a  
26 state correctional facility or county jail shall be deemed to be part  
27 of that facility or county jail.

28 (5) An additional twenty-four months shall be added to the  
29 presumptive sentence for any ranked offense involving a violation of  
30 chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435.

1        (6) For persons who are first-time offenders and who are sentenced  
2 under RCW 9.94A.120(5), 180 punishment units is the maximum sentence.

3        **Sec. 9.** RCW 9.94A.370 and 1989 c 124 s 2 are each amended to read  
4 as follows:

5        (1) The intersection of the column defined by the offender score  
6 and the row defined by the offense seriousness score determines the  
7 presumptive sentencing range (see RCW 9.94A.310, (Table 1)). The  
8 additional time for deadly weapon findings or for those offenses  
9 enumerated in RCW (~~(9.94A.310(4))~~) 9.94A.310(5) that were committed in  
10 a state correctional facility or county jail shall be added to the  
11 entire presumptive sentence range. The court may impose any sentence  
12 within the range that it deems appropriate. All presumptive sentence  
13 ranges are expressed in terms of total confinement or punishment units.

14        (2) In determining any sentence, the trial court may rely on no  
15 more information than is admitted by the plea agreement, or admitted,  
16 acknowledged, or proved in a trial or at the time of sentencing.  
17 Acknowledgement includes not objecting to information stated in the  
18 presentence reports. Where the defendant disputes material facts, the  
19 court must either not consider the fact or grant an evidentiary hearing  
20 on the point. The facts shall be deemed proved at the hearing by a  
21 preponderance of the evidence. Facts that establish the elements of a  
22 more serious crime or additional crimes may not be used to go outside  
23 the presumptive sentence range except upon stipulation or when  
24 specifically provided for in RCW 9.94A.390(2) (c), (d), and (~~(e)~~)  
25 (f).

26        **Sec. 10.** RCW 9.94A.410 and 1986 c 257 s 29 are each amended to  
27 read as follows:

1 For persons convicted of the anticipatory offenses of criminal  
2 attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the  
3 presumptive sentence is determined by locating the sentencing grid  
4 sentence range defined by the appropriate offender score and the  
5 seriousness level of the crime, and multiplying the range by 75  
6 percent. For persons sentenced under RCW 9.94A.120(5), the presumptive  
7 sentence is determined by multiplying the punishment units in the  
8 sentence range by 75 percent.

9 In calculating an offender score, count each prior conviction as if  
10 the present conviction were for the completed offense. When these  
11 convictions are used as criminal history, score them the same as a  
12 completed crime.

13 **Sec. 11.** RCW 9.94A.440 and 1989 c 332 s 2 are each amended to read  
14 as follows:

15 (1) Decision not to prosecute.

16 STANDARD: A prosecuting attorney may decline to prosecute, even  
17 though technically sufficient evidence to prosecute exists, in  
18 situations where prosecution would serve no public purpose, would  
19 defeat the underlying purpose of the law in question or would result in  
20 decreased respect for the law.

21 GUIDELINE/COMMENTARY:

22 Examples

23 The following are examples of reasons not to prosecute which could  
24 satisfy the standard.

25 (a) Contrary to Legislative Intent - It may be proper to decline to  
26 charge where the application of criminal sanctions would be clearly  
27 contrary to the intent of the legislature in enacting the particular  
28 statute.

1 (b) Antiquated Statute - It may be proper to decline to charge  
2 where the statute in question is antiquated in that:

3 (i) It has not been enforced for many years; and

4 (ii) Most members of society act as if it were no longer in  
5 existence; and

6 (iii) It serves no deterrent or protective purpose in today's  
7 society; and

8 (iv) The statute has not been recently reconsidered by the  
9 legislature.

10 This reason is not to be construed as the basis for declining cases  
11 because the law in question is unpopular or because it is difficult to  
12 enforce.

13 (c) De Minimus Violation - It may be proper to decline to charge  
14 where the violation of law is only technical or insubstantial and where  
15 no public interest or deterrent purpose would be served by prosecution.

16 (d) Confinement on Other Charges - Except for crimes committed by  
17 prisoners in state correctional facilities as provided in RCW  
18 9.94A.120(21), it may be proper to decline to charge because the  
19 accused has been sentenced on another charge to a lengthy period of  
20 confinement; and

21 (i) Conviction of the new offense would not merit any additional  
22 direct or collateral punishment;

23 (ii) The new offense is either a misdemeanor or a felony which is  
24 not particularly aggravated; and

25 (iii) Conviction of the new offense would not serve any significant  
26 deterrent purpose.

27 (e) Pending Conviction on Another Charge - It may be proper to  
28 decline to charge because the accused is facing a pending prosecution  
29 in the same or another county; and

1 (i) Conviction of the new offense would not merit any additional  
2 direct or collateral punishment;

3 (ii) Conviction in the pending prosecution is imminent;

4 (iii) The new offense is either a misdemeanor or a felony which is  
5 not particularly aggravated; and

6 (iv) Conviction of the new offense would not serve any significant  
7 deterrent purpose.

8 (f) High Disproportionate Cost of Prosecution - It may be proper to  
9 decline to charge where the cost of locating or transporting, or the  
10 burden on, prosecution witnesses is highly disproportionate to the  
11 importance of prosecuting the offense in question. This reason should  
12 be limited to minor cases and should not be relied upon in serious  
13 cases.

14 (g) Improper Motives of Complainant - It may be proper to decline  
15 charges because the motives of the complainant are improper and  
16 prosecution would serve no public purpose, would defeat the underlying  
17 purpose of the law in question or would result in decreased respect for  
18 the law.

19 (h) Immunity - It may be proper to decline to charge where immunity  
20 is to be given to an accused in order to prosecute another where the  
21 accused's information or testimony will reasonably lead to the  
22 conviction of others who are responsible for more serious criminal  
23 conduct or who represent a greater danger to the public interest.

24 (i) Victim Request - It may be proper to decline to charge because  
25 the victim requests that no criminal charges be filed and the case  
26 involves the following crimes or situations:

27 (i) Assault cases where the victim has suffered little or no  
28 injury;

29 (ii) Crimes against property, not involving violence, where no  
30 major loss was suffered;

1 (iii) Where doing so would not jeopardize the safety of society.

2 Care should be taken to insure that the victim's request is freely  
3 made and is not the product of threats or pressure by the accused.

4 The presence of these factors may also justify the decision to  
5 dismiss a prosecution which has been commenced.

6 Notification

7 The prosecutor is encouraged to notify the victim, when practical,  
8 and the law enforcement personnel, of the decision not to prosecute.

9 (2) Decision to prosecute.

10 STANDARD:

11 Crimes against persons will be filed if sufficient admissible  
12 evidence exists, which, when considered with the most plausible,  
13 reasonably foreseeable defense that could be raised under the evidence,  
14 would justify conviction by a reasonable and objective fact-finder.  
15 With regard to offenses prohibited by RCW 9A.44.040, 9A.44.050,  
16 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, 9A.44.089, and  
17 9A.64.020 the prosecutor should avoid prefiling agreements or  
18 diversions intended to place the accused in a program of treatment or  
19 counseling, so that treatment, if determined to be beneficial, can be  
20 provided pursuant to RCW 9.94A.120(7).

21 Crimes against property/other crimes will be filed if the  
22 admissible evidence is of such convincing force as to make it probable  
23 that a reasonable and objective fact-finder would convict after hearing  
24 all the admissible evidence and the most plausible defense that could  
25 be raised.

26 See table below for the crimes within these categories.

27 CATEGORIZATION OF CRIMES FOR PROSECUTING STANDARDS

28 CRIMES AGAINST PERSONS

1 Aggravated Murder  
2 1st Degree Murder  
3 2nd Degree Murder  
4 1st Degree Kidnaping  
5 1st Degree Assault  
6 1st Degree Rape  
7 1st Degree Robbery  
8 1st Degree Rape of a Child  
9 1st Degree Arson  
10 2nd Degree Kidnaping  
11 2nd Degree Assault  
12 2nd Degree Rape  
13 2nd Degree Robbery  
14 1st Degree Burglary  
15 1st Degree Manslaughter  
16 2nd Degree Manslaughter  
17 1st Degree Extortion  
18 Indecent Liberties  
19 Incest  
20 2nd Degree Rape of a Child  
21 Vehicular Homicide  
22 Vehicular Assault  
23 3rd Degree Rape  
24 3rd Degree Rape of a Child  
25 1st Degree Child Molestation  
26 2nd Degree Child Molestation  
27 3rd Degree Child Molestation  
28 2nd Degree Extortion  
29 1st Degree Promoting Prostitution  
30 Intimidating a Juror

1           Communication with a Minor  
2           Intimidating a Witness  
3           Intimidating a Public Servant  
4           Bomb Threat (if against person)  
5           3rd Degree Assault  
6           Unlawful Imprisonment  
7           Promoting a Suicide Attempt  
8           Riot (if against person)

9           CRIMES AGAINST PROPERTY/OTHER CRIMES

10          2nd Degree Arson  
11          1st Degree Escape  
12          2nd Degree Burglary  
13          1st Degree Theft  
14          1st Degree Perjury  
15          1st Degree Introducing Contraband  
16          1st Degree Possession of Stolen Property  
17          Bribery  
18          Bribing a Witness  
19          Bribe received by a Witness  
20          Bomb Threat (if against property)  
21          1st Degree Malicious Mischief  
22          2nd Degree Theft  
23          2nd Degree Escape  
24          2nd Degree Introducing Contraband  
25          2nd Degree Possession of Stolen Property  
26          2nd Degree Malicious Mischief  
27          1st Degree Reckless Burning  
28          Taking a Motor Vehicle without Authorization



1       Forgery  
2       2nd Degree Perjury  
3       2nd Degree Promoting Prostitution  
4       Tampering with a Witness  
5       Trading in Public Office  
6       Trading in Special Influence  
7       Receiving/Granting Unlawful Compensation  
8       Bigamy  
9       Eluding a Pursuing Police Vehicle  
10      Willful Failure to Return from Furlough  
11      Riot (if against property)  
12      Thefts of Livestock

13      ALL OTHER UNCLASSIFIED FELONIES

14      Selection of Charges/Degree of Charge

15      (1) The prosecutor should file charges which adequately describe  
16 the nature of defendant's conduct. Other offenses may be charged only  
17 if they are necessary to ensure that the charges:

18      (a) Will significantly enhance the strength of the state's case at  
19 trial; or

20      (b) Will result in restitution to all victims.

21      (2) The prosecutor should not overcharge to obtain a guilty plea.

22      Overcharging includes:

23      (a) Charging a higher degree;

24      (b) Charging additional counts.

25      This standard is intended to direct prosecutors to charge those  
26 crimes which demonstrate the nature and seriousness of a defendant's  
27 criminal conduct, but to decline to charge crimes which are not  
28 necessary to such an indication. Crimes which do not merge as a matter

1 of law, but which arise from the same course of conduct, do not all  
2 have to be charged.

3 GUIDELINES/COMMENTARY:

4 Police Investigation

5 A prosecuting attorney is dependent upon law enforcement agencies  
6 to conduct the necessary factual investigation which must precede the  
7 decision to prosecute. The prosecuting attorney shall ensure that a  
8 thorough factual investigation has been conducted before a decision to  
9 prosecute is made. In ordinary circumstances the investigation should  
10 include the following:

11 (1) The interviewing of all material witnesses, together with the  
12 obtaining of written statements whenever possible;

13 (2) The completion of necessary laboratory tests; and

14 (3) The obtaining, in accordance with constitutional requirements,  
15 of the suspect's version of the events.

16 If the initial investigation is incomplete, a prosecuting attorney  
17 should insist upon further investigation before a decision to prosecute  
18 is made, and specify what the investigation needs to include.

19 Exceptions

20 In certain situations, a prosecuting attorney may authorize filing  
21 of a criminal complaint before the investigation is complete if:

22 (1) Probable cause exists to believe the suspect is guilty; and

23 (2) The suspect presents a danger to the community or is likely to  
24 flee if not apprehended; or

25 (3) The arrest of the suspect is necessary to complete the  
26 investigation of the crime.

27 In the event that the exception to the standard is applied, the  
28 prosecuting attorney shall obtain a commitment from the law enforcement  
29 agency involved to complete the investigation in a timely manner. If

1 the subsequent investigation does not produce sufficient evidence to  
2 meet the normal charging standard, the complaint should be dismissed.

3 Investigation Techniques

4 The prosecutor should be fully advised of the investigatory  
5 techniques that were used in the case investigation including:

- 6 (1) Polygraph testing;
- 7 (2) Hypnosis;
- 8 (3) Electronic surveillance;
- 9 (4) Use of informants.

10 Pre-Filing Discussions with Defendant

11 Discussions with the defendant or (~~his/her~~) his or her  
12 representative regarding the selection or disposition of charges may  
13 occur prior to the filing of charges, and potential agreements can be  
14 reached.

15 NEW SECTION. **Sec. 12.** If specific funding to the department of  
16 corrections for the purposes of providing drug treatment and  
17 supervision for offenders sentenced under RCW 9.94A.120(9), as amended  
18 by this act, is not provided by June 30, 1992, in the supplemental  
19 omnibus appropriations act, sections 2 and 4 through 10 of this act,  
20 and the amendments to RCW 9.94A.120 (5), (6), and (9) by section 3 of  
21 this act are null and void.

22 NEW SECTION. **Sec. 13.** The indeterminate sentence review board  
23 shall cease to exist on June 30, 1992. Persons convicted of crimes  
24 committed before July 1, 1984, who are under the supervision of the  
25 indeterminate sentence review board on the effective date of this  
26 section shall have their sentences reviewed and adjusted as provided in  
27 this chapter.

1        NEW SECTION.    **Sec. 14.**        On June 30, 1992, parolees who are in  
2 the community on parole are discharged from parole and all obligations  
3 and requirements of supervision are terminated. The parolee may apply  
4 to the superior court of the county of conviction for a certificate of  
5 final discharge from parole. The superior court shall issue a  
6 certificate of discharge after the termination of the parolee's parole  
7 upon motion of the parolee for final discharge. The final discharge  
8 shall restore all civil rights lost by operation of law upon  
9 conviction. The certificate of discharge shall provide that the civil  
10 rights of the parolee are restored. The discharge provided for in this  
11 section shall be considered part of the convicted person's sentence and  
12 shall not be construed as affecting the powers of the governor to  
13 pardon the person under chapter 9.96 RCW.

14        NEW SECTION.    **Sec. 15.**        (1) On June 30, 1992, all of the  
15 indeterminate sentence review board's powers, duties, and functions  
16 shall be transferred to the superior courts of the state of Washington  
17 as provided in this chapter regarding persons in the custody of the  
18 department of corrections for a conviction of a crime that has a  
19 mandatory life sentence, murder in the first or second degree, rape in  
20 the first degree, assault in the first degree, or kidnapping in the  
21 first degree, that was committed before July 1, 1984.

22        (2)(a) Before June 30, 1992, the board shall review each inmate  
23 described in subsection (1) of this section and prepare a report for  
24 the superior courts that will assume jurisdiction over those inmates.

25        (b) If the board has not set a minimum term for an inmate, the  
26 board shall set the minimum parole eligibility date before transfer of  
27 the cases to the superior courts. The board shall set the minimum term  
28 release dates according to chapter 9.95 RCW.

1 (c) The report must include a recommendation regarding the  
2 offender's suitability for parole, appropriate parole conditions, and,  
3 for those committed under a mandatory life sentence, duration of  
4 confinement. The board shall advise the court whether the minimum term  
5 set is consistent with the purposes, standards, and sentencing ranges  
6 adopted under chapter 9.94A RCW and if not, the board shall specify why  
7 the term is different.

8 (d) The board shall send a report concerning an offender to the  
9 sentencing court of the county of the offender's conviction. The  
10 sentencing judge or his or her successor in the county of conviction  
11 thereafter has full jurisdiction and authority over the offender. If  
12 the offender is convicted of more than one crime committed before July  
13 1, 1984, and more than one superior court has jurisdiction over the  
14 offender, each superior court has jurisdiction over the offender for  
15 the crime committed in its county, unless the superior courts transfer  
16 that jurisdiction to one of the courts by agreement and after hearing  
17 in which the offender is entitled to appear and be represented by  
18 counsel.

19 NEW SECTION. **Sec. 16.** (1) Before June 30, 1992, the board  
20 shall convert to determinate sentences the sentences of offenders who  
21 are under the jurisdiction of the indeterminate sentence review board  
22 for crimes committed before July 1, 1984, but have not been convicted  
23 of a crime that carries a mandatory life sentence, murder in the first  
24 or second degree, rape in the first degree, assault in the first  
25 degree, or kidnapping in the first degree.

26 (2) If on the effective date of this section, the board has not set  
27 the minimum term of confinement for an offender, the board shall first  
28 establish the minimum term according to chapter 9.95 RCW. The board  
29 shall convert the offender's minimum term to the offender's determinate

1 term of confinement. The board may convert the minimum terms to  
2 determinate terms notwithstanding RCW 9.95.115 or any other statute  
3 that restricts the board's power to set determinate terms of  
4 confinement.

5 (3) The board shall also set periods of postrelease supervision for  
6 those offenders who could receive a sentence of postrelease supervision  
7 under chapter 9.94A RCW. The term of postrelease supervision set by  
8 the board must be reasonably consistent with the period of postrelease  
9 supervision set for offenders sentenced under chapter 9.94A RCW.

10 (4) Before June 30, 1992, the indeterminate sentence review board  
11 shall prepare a report to the superior court of the county where the  
12 offender was convicted. The report shall advise the court of the  
13 conversion of the offender's sentence, the period of postrelease  
14 supervision imposed, and the date the determinate sentence expires  
15 minus any earned early release credit the offender may earn while in  
16 custody.

17 (5) The offender shall be released from total or partial  
18 confinement in a facility operated by or under a contract with the  
19 department of corrections upon expiration of his or her determinate  
20 sentence minus any earned early release credits. The offender shall  
21 remain in the custody of the department of corrections in the community  
22 in lieu of the earned early release time. The department of  
23 corrections has full responsibility for supervising the offender during  
24 that period and may conduct violation proceedings and impose sanctions  
25 for violations of supervision imposed according to the department's  
26 administrative rules for offenders who are in community custody under  
27 chapter 9.94A RCW.

28 (6) In addition, after release from the custody of the department  
29 of corrections upon expiration of the time spent in the community in  
30 lieu of earned early release time, the offender shall remain under the

1 supervision of the department of corrections for the period of  
2 postrelease supervision. However, the sentencing court of the county  
3 where the offender committed the crime has jurisdiction over the  
4 offender for determining whether violations of supervision have  
5 occurred and for imposing sanctions. The state supreme court shall  
6 adopt procedures for conducting violation hearings and imposing  
7 sanctions that are consistent with the policies and procedures  
8 established in chapter 9.94A RCW.

9 (7) Three months before the offender's release from the period of  
10 custody spent in the community in lieu of earned early release, the  
11 department of corrections shall notify the sentencing court that the  
12 offender will be transferred to postrelease supervision status.

13 (8) When an offender is on postrelease supervision status, the  
14 sentencing judge shall conduct periodic reviews of the offender's  
15 progress on supervision, may grant conditional and final discharges  
16 from supervision, and shall hear all requests for restoration of civil  
17 rights.

18 (9) After the board establishes the determinate sentence under this  
19 section, the offender may request the sentencing court to conduct a  
20 full review of the person's prospects for a reduction in the  
21 determinate sentence and for early release. The court may order the  
22 department of corrections to provide information about the offender's  
23 prospects for rehabilitation, early release, and to report to the court  
24 the facts of the review and the department's findings. Upon the basis  
25 of those findings and any other information and results from  
26 investigation the court considers appropriate, the court may  
27 redetermine and reset the convicted person's determinate term of  
28 confinement. The court shall not reduce the person's determinate term  
29 of confinement unless the court has received from the department of  
30 corrections all institutional conduct reports relating to the person.

1 (10) A determinate sentence imposed under this section is subject  
2 to appeal if the determinate sentence imposed exceeds a standard range  
3 sentence for the crime under chapter 9.94A RCW.

4 (11) The department of corrections shall establish by rule the  
5 method of determining the earned early release credit of offenders  
6 whose sentences are converted to a determinate sentence under this  
7 chapter.

8 NEW SECTION. **Sec. 17.** If, after the effective date of this  
9 section, a person is convicted of a crime committed before July 1,  
10 1984, the sentencing court shall establish a determinate term of  
11 confinement for that offender. The court shall attempt to set the  
12 determinate sentence reasonably consistent with the purposes,  
13 standards, and sentencing ranges adopted under chapter 9.94A RCW. The  
14 court's determinate term decision is subject to appellate review if the  
15 determinate term established exceeds the standard range for the offense  
16 under chapter 9.94A RCW.

17 The offender shall be released from total or partial confinement in  
18 a facility operated by or under a contract with the department of  
19 corrections upon expiration of his or her determinate sentence minus  
20 any earned early release credits. The offender shall remain in the  
21 custody of the department of corrections in the community in lieu of  
22 the earned early release time. The department of corrections has full  
23 responsibility for supervising the offender during that period and may  
24 conduct violation proceedings and impose sanctions for violations of  
25 supervision imposed according to the department's administrative rules  
26 for offenders who are in community custody under chapter 9.94A RCW.

27 In addition to the determinate period of total confinement imposed,  
28 the court shall sentence the offender to a term of postrelease  
29 supervision for a period that is reasonably consistent with the



1 purposes and periods of time imposed for postrelease supervision under  
2 chapter 9.94A RCW. The department of corrections has full  
3 responsibility for supervising the offenders on postrelease  
4 supervision. However, the sentencing court has jurisdiction over the  
5 offender for determining whether violations of supervision have  
6 occurred and for imposing sanctions. The state supreme court shall  
7 adopt rules for conducting violation hearings and imposing sanctions  
8 that are consistent with the policies and procedures established in  
9 chapter 9.94A RCW.

10 NEW SECTION. **Sec. 18.** The department of corrections shall  
11 assist the judiciary in fulfilling its responsibilities under this  
12 chapter, including the preparation of written recommendations.

13 NEW SECTION. **Sec. 19.** Nothing in this chapter may be construed  
14 to create any eligibility for persons sentenced to mandatory life  
15 without parole or sentenced to the death penalty for a crime committed  
16 before July 1, 1984, to be released from confinement under this  
17 chapter.

18 NEW SECTION. **Sec. 20.** All references to the indeterminate  
19 sentence review board in the Revised Code of Washington shall be  
20 construed to mean the superior courts of the state of Washington or the  
21 department of corrections, as appropriate.

22 NEW SECTION. **Sec. 21.** All reports, documents, surveys, books,  
23 records, files, papers, or written material in the possession of the  
24 indeterminate sentence review board shall be delivered to the custody  
25 of the department of corrections. All cabinets, furniture, office  
26 equipment, motor vehicles, and other tangible property employed by the

1 indeterminate sentence review board shall be made available to the  
2 department of corrections. All funds, credits, or other assets held by  
3 the indeterminate sentence review board shall be assigned to the  
4 department of corrections.

5 Whenever any question arises as to the transfer of any personnel,  
6 funds, books, documents, records, papers, files, equipment, or other  
7 tangible property used or held in the exercise of the powers and the  
8 performance of the duties and functions transferred, the director of  
9 financial management shall make a determination as to the proper  
10 allocation and certify the same to the state agencies concerned.

11 The transfer of the powers, duties, functions, and personnel of the  
12 indeterminate sentence review board does not affect the validity of any  
13 act performed before the effective date of this section.

14 **Sec. 22.** RCW 9A.20.021 and 1982 c 192 s 10 are each amended to  
15 read as follows:

16 (1) Felony. No person convicted of a classified felony shall be  
17 punished by confinement or fine exceeding the following:

18 (a) For a class A felony, by confinement in a state correctional  
19 institution for a term of life imprisonment, or by a fine in an amount  
20 fixed by the court of fifty thousand dollars, or by both such  
21 confinement and fine;

22 (b) Except as provided in RCW 9.94A.120(4)(d) and (21) for a class  
23 B felony, by confinement in a state correctional institution for a term  
24 of ten years, or by a fine in an amount fixed by the court of twenty  
25 thousand dollars, or by both such confinement and fine;

26 (c) For a class C felony, by confinement in a state correctional  
27 institution for five years, or by a fine in an amount fixed by the  
28 court of ten thousand dollars, or by both such confinement and fine.

1 (2) Gross Misdemeanor. Every person convicted of a gross  
2 misdemeanor defined in Title 9A RCW shall be punished by imprisonment  
3 in the county jail for a maximum term fixed by the court of not more  
4 than one year, or by a fine in an amount fixed by the court of not more  
5 than five thousand dollars, or by both such imprisonment and fine.

6 (3) Misdemeanor. Every person convicted of a misdemeanor defined  
7 in Title 9A RCW shall be punished by imprisonment in the county jail  
8 for a maximum term fixed by the court of not more than ninety days, or  
9 by a fine in an amount fixed by the court of not more than one thousand  
10 dollars, or by both such imprisonment and fine.

11 (4) This section applies to only those crimes committed on or after  
12 July 1, 1984.

13 **Sec. 23.** RCW 72.09.070 and 1989 c 185 s 4 are each amended to read  
14 as follows:

15 (1) There is created (~~(a correctional industries)~~) an inmate work  
16 and responsibility board of directors, which shall have the composition  
17 provided in RCW 72.09.080.

18 (~~(Consistent with general department of corrections policies~~  
19 ~~and procedures pertaining to the general administration of correctional~~  
20 ~~facilities,~~) The board shall establish and implement policy for  
21 correctional industries programs designed to:

22 (a) Offer inmates employment, work experience, and training in  
23 vocations which may provide opportunities for legitimate means of  
24 livelihood upon their release from custody;

25 (b) Provide industries which will reduce the tax burden of  
26 corrections through production of goods and services for sale and use;

27 (c) Operate correctional work programs in an effective and  
28 efficient manner which are as similar as possible to those provided by  
29 the private sector;

1 (d) Provide for selection of, contracting for, and supervision of  
2 work programs with participating private enterprise firms;

3 (e) Develop and design correctional industries work programs;

4 (f) Invest available funds in correctional industries enterprises  
5 and work programs;

6 (g) Review sentencing alternatives options and implement new  
7 options and pilot sentencing alternative options consistent with the  
8 goals of the inmate responsibility corrections program;

9 (h) Survey and map all existing prison industries work space and  
10 identify how existing work space can accommodate the additional class  
11 I and class II work programs needed to meet the combined fifty percent  
12 employment target established in section 25 of this act;

13 (i) Review all program milestones and progress needed to meet the  
14 class I and class II work program goals established in section 25 of  
15 this act;

16 (j) Identify legal and policy barriers that must be altered or  
17 eliminated in order to implement an inmate responsibility-based  
18 corrections system;

19 (k) Identify what offender educational and work maturity skill  
20 development programs are available throughout the prison system and  
21 develop an implementation plan that will effectively allow all inmate  
22 work and educational programs to articulate throughout the corrections  
23 system. In addition, the board shall work with the department and  
24 other state agencies, labor unions, and businesses to introduce needed  
25 inmate education programs;

26 (l) Review the ongoing progress of all drug treatment programs and  
27 develop criteria that will insure that all state correctional  
28 facilities are drug free;

29 (m) Work with the department to develop inmate responsibility work  
30 and education program criteria that take into consideration the non-

1 English speaking and physically and mentally challenged inmate  
2 populations;

3 (n) Provide the legislature with innovative and necessary policy  
4 recommendations that will allow the program to maintain its guiding  
5 philosophy of inmate responsibility and insure continued program  
6 growth.

7 (3) The board of directors shall at least annually review the work  
8 performance of the director of correctional industries division with  
9 the secretary.

10 (4) The director of correctional industries division shall review  
11 and evaluate the productivity, funding, and appropriateness of all  
12 correctional work programs and report on their effectiveness to the  
13 board and to the secretary.

14 (5) The board of directors shall have the authority to identify and  
15 establish trade advisory or apprenticeship committees to advise them on  
16 correctional industries work programs. The secretary shall appoint the  
17 members of the committees.

18 Where a labor management trade advisory and apprenticeship  
19 committee has already been established by the department pursuant to  
20 RCW 72.62.050 the existing committee shall also advise the board of  
21 directors.

22 **Sec. 24.** RCW 72.09.080 and 1989 c 185 s 5 are each amended to read  
23 as follows:

24 (1) The ((correctional industries)) inmate work and responsibility  
25 board of directors shall consist of nine voting members((7)) appointed  
26 by the governor ((upon recommendation by the secretary)). Each member  
27 shall serve a three-year staggered term. Initially, the governor shall  
28 appoint three members to one-year terms, three members to two-year  
29 terms, and three members to three-year terms. The speaker of the house

1 of representatives and the president of the senate shall each appoint  
2 one member from each of the two largest caucuses in their respective  
3 houses. The legislators so appointed shall be nonvoting members and  
4 shall serve two-year terms, or until they cease to be members of the  
5 house from which they were appointed, whichever occurs first. The nine  
6 members appointed by the governor shall include an equal number of  
7 representatives from both labor and industry, as well as a prosecuting  
8 attorney, a defense attorney, a specialist in adult education, a  
9 corrections officer, a judge, a social worker specializing in drug  
10 rehabilitation, and a marketing specialist.

11 (2) The board of directors shall elect a chair and such other  
12 officers as it deems appropriate from among the voting members.

13 (3) The voting members of the board of directors shall serve with  
14 compensation pursuant to RCW 43.03.240 and shall be reimbursed by the  
15 department for travel expenses and per diem under RCW 43.03.050 and  
16 43.03.060(~~(, as now or hereafter amended)~~). Legislative members shall  
17 be reimbursed under RCW 44.04.120(~~(, as now or hereafter amended)~~).

18 (4) The secretary shall provide such staff services, facilities,  
19 and equipment as the board shall require to carry out its duties.

20 NEW SECTION. Sec. 25. A new section is added to chapter 72.09 RCW  
21 to read as follows:

22 The secretary shall increase inmate participation in class I and  
23 class II correctional industries work programs incrementally until a  
24 combined total of fifty percent of all able and eligible inmates are  
25 employed in class I and class II programs by December 30, 1996. All  
26 inmates working in class I, class II, class III, and class IV  
27 correctional industries programs shall pay fifty percent of their gross  
28 wages toward the cost of incarceration. The department shall explore  
29 other methods of recovering a portion of the share of inmate wages

1 dedicated to the payment of the cost of incarceration, on incentive  
2 programs that offer inmates benefits and amenities paid for only from  
3 wages earned while working in a correctional industries program. The  
4 department shall develop the necessary administrative structure to  
5 recover inmates' wages and keep records of the amount inmates pay for  
6 the costs of incarceration and amenities. All funds gained from this  
7 section shall be deposited in the general fund.

8 NEW SECTION. **Sec. 26.** The following acts or parts of acts are  
9 each repealed:

10 (1) RCW 9.95.001 and 1986 c 224 s 2;

11 (2) RCW 9.95.0011 and 1989 c 259 s 4 & 1986 c 224 s 12;

12 (3) RCW 9.95.003 and 1986 c 224 s 3, 1975-'76 2nd ex.s. c 34 s 8,  
13 1969 c 98 s 9, 1959 c 32 s 1, & 1955 c 340 s 9;

14 (4) RCW 9.95.005 and 1986 c 224 s 4, 1959 c 32 s 2, & 1955 c 340 s  
15 10;

16 (5) RCW 9.95.007 and 1986 c 224 s 5, 1975-'76 2nd ex.s. c 63 s 1,  
17 & 1959 c 32 s 3;

18 (6) RCW 9.95.009 and 1990 c 3 s 707, 1989 c 259 s 1, 1986 c 224 s  
19 6, 1985 c 279 s 1, 1982 c 192 s 8, & 1981 c 137 s 24;

20 (7) RCW 9.95.010 and 1955 c 133 s 2;

21 (8) RCW 9.95.011 and 1986 c 224 s 7;

22 (9) RCW 9.95.013 and 1989 c 259 s 5;

23 (10) RCW 9.95.015 and 1986 c 224 s 8 & 1961 c 138 s 1;

24 (11) RCW 9.95.017 and 1986 c 224 s 11;

25 (12) RCW 9.95.020 and 1955 c 133 s 3;

26 (13) RCW 9.95.028 and 1984 c 114 s 1;

27 (14) RCW 9.95.030 and 1984 c 114 s 2 & 1955 c 133 s 4;

28 (15) RCW 9.95.031 and 1929 c 158 s 1;

29 (16) RCW 9.95.032 and 1984 c 114 s 3 & 1929 c 158 s 2;

1 (17) RCW 9.95.040 and 1986 c 224 s 9, 1975-'76 ex.s. c 63 s 2, 1961  
2 c 138 s 2, & 1955 c 133 s 5;  
3 (18) RCW 9.95.052 and 1986 c 224 s 10, 1983 c 196 s 1, & 1972 ex.s.  
4 c 67 s 1;  
5 (19) RCW 9.95.055 and 1951 c 239 s 1;  
6 (20) RCW 9.95.060 and 1988 c 202 s 15, 1981 c 136 s 36, 1979 c 141  
7 s 1, 1971 c 81 s 46, 1967 c 200 s 10, & 1955 c 133 s 7;  
8 (21) RCW 9.95.062 and 1989 c 276 s 1, 1969 ex.s. c 4 s 1, 1969 c  
9 103 s 1, & 1955 c 42 s 2;  
10 (22) RCW 9.95.063 and 1971 ex.s. c 86 s 1, 1971 c 81 s 47, & 1955  
11 c 42 s 4;  
12 (23) RCW 9.95.064 and 1989 c 276 s 4;  
13 (24) RCW 9.95.070 and 1955 c 133 s 8;  
14 (25) RCW 9.95.080 and 1972 ex.s. c 68 s 1, 1961 c 106 s 1, & 1955  
15 c 133 s 9;  
16 (26) RCW 9.95.090 and 1955 c 133 s 10;  
17 (27) RCW 9.95.100 and 1955 c 133 s 11;  
18 (28) RCW 9.95.110 and 1955 c 133 s 12;  
19 (29) RCW 9.95.115 and 1989 c 259 s 3 & 1951 c 238 s 1;  
20 (30) RCW 9.95.116 and 1989 c 259 s 2;  
21 (31) RCW 9.95.120 and 1981 c 136 s 37, 1979 c 141 s 2, 1969 c 98 s  
22 2, 1961 c 106 s 2, & 1955 c 133 s 13;  
23 (32) RCW 9.95.121 and 1981 c 136 s 38, 1979 c 141 s 3, & 1969 c 98  
24 s 6;  
25 (33) RCW 9.95.122 and 1969 c 98 s 4;  
26 (34) RCW 9.95.123 and 1969 c 98 s 5;  
27 (35) RCW 9.95.124 and 1983 c 196 s 2, 1981 c 136 s 39, 1979 c 141  
28 s 4, & 1969 c 98 s 6;  
29 (36) RCW 9.95.125 and 1969 c 98 s 7;  
30 (37) RCW 9.95.126 and 1969 c 98 s 8;



1 (38) RCW 9.95.130 and 1955 c 133 s 14;  
2 (39) RCW 9.95.140 and 1990 c 3 s 126 & 1955 c 133 s 15;  
3 (40) RCW 9.95.145 and 1990 c 3 s 127;  
4 (41) RCW 9.95.150 and 1955 c 133 s 16;  
5 (42) RCW 9.95.160 and 1955 c 133 s 17;  
6 (43) RCW 9.95.170 and 1981 c 136 s 40, 1979 c 141 s 5, 1967 c 134  
7 s 13, & 1935 c 114 s 3;  
8 (44) RCW 9.95.190 and 1983 c 3 s 10 & 1955 c 133 s 18;  
9 (45) RCW 9.95.200 and 1981 c 136 s 41, 1979 c 141 s 6, 1967 c 134  
10 s 15, & 1957 c 227 s 3;  
11 (46) RCW 9.95.210 and 1987 c 202 s 146, 1984 c 46 s 1, 1983 c 156  
12 s 4, 1982 1st ex.s. c 47 s 10, 1982 1st ex.s. c 8 s 5, 1981 c 136 s 42,  
13 & 1980 c 19 s 1;  
14 (47) RCW 9.95.220 and 1957 c 227 s 5;  
15 (48) RCW 9.95.230 and 1982 1st ex.s. c 47 s 11 & 1957 c 227 s 6;  
16 (49) RCW 9.95.240 and 1957 c 227 s 7;  
17 (50) RCW 9.95.250 and 1981 c 136 s 43, 1979 c 141 s 8, 1967 c 134  
18 s 17, & 1957 c 227 s 8;  
19 (51) RCW 9.95.260 and 1981 c 136 s 44, 1979 c 141 s 9, 1967 c 134  
20 s 14, & 1935 c 114 s 7;  
21 (52) RCW 9.95.265 and 1977 c 75 s 5 & 1955 c 340 s 11;  
22 (53) RCW 9.95.270 and 1937 c 92 s 1;  
23 (54) RCW 9.95.280 and 1955 c 183 s 1;  
24 (55) RCW 9.95.290 and 1955 c 183 s 2;  
25 (56) RCW 9.95.300 and 1955 c 183 s 3;  
26 (57) RCW 9.95.310 and 1986 c 125 s 1, 1971 ex.s. c 31 s 1, & 1961  
27 c 217 s 2;  
28 (58) RCW 9.95.320 and 1986 c 125 s 2, 1981 c 136 s 45, 1971 ex.s.  
29 c 31 s 2, & 1961 c 217 s 3;

1 (59) RCW 9.95.330 and 1981 c 136 s 46, 1971 ex.s. c 31 s 3, & 1961  
2 c 217 s 4;

3 (60) RCW 9.95.340 and 1986 c 125 s 3, 1981 c 136 s 47, 1971 ex.s.  
4 c 31 s 4, & 1961 c 217 s 5;

5 (61) RCW 9.95.350 and 1986 c 125 s 4, 1981 c 136 s 48, 1971 ex.s.  
6 c 31 s 5, & 1961 c 217 s 6;

7 (62) RCW 9.95.360 and 1986 c 125 s 5, 1981 c 136 s 49, 1971 ex.s.  
8 c 31 s 6, and 1961 c 217 s 7;

9 (63) RCW 9.95.370 and 1981 c 136 s 50, 1971 ex.s. c 31 s 7, & 1961  
10 c 217 s 8;

11 (64) RCW 9.95.900 and 1981 c 137 s 32;

12 (65) RCW 9.96.050 and 1980 c 75 s 1 & 1961 c 187 s 1;

13 (66) RCW 72.04A.050 and 1981 c 136 s 81, 1979 c 141 s 173, & 1967  
14 c 134 s 7;

15 (67) RCW 72.04A.070 and 1981 c 136 s 82, 1979 c 141 s 174, & 1967  
16 c 134 s 9;

17 (68) RCW 72.04A.080 and 1981 c 136 s 83, 1979 c 141 s 175, & 1967  
18 c 134 s 10;

19 (69) RCW 72.04A.090 and 1981 c 136 s 84, 1979 c 141 s 176, 1969 c  
20 98 s 1, & 1967 c 134 s 11;

21 (70) RCW 72.04A.120 and 1991 c 104 s 2, 1989 c 252 s 20, & 1982 c  
22 207 s 1; and

23 (71) RCW 72.04A.900 and 1981 c 137 s 34.

24 NEW SECTION. **Sec. 27.** Sections 13 through 20 of this act shall  
25 constitute a new chapter in Title 9 RCW.

26 NEW SECTION. **Sec. 28.** (1) Sections 13 through 19 of this act  
27 are necessary for the immediate preservation of the public peace,

1 health, or safety, or support of the state government and its existing  
2 public institutions, and shall take effect immediately.

3 (2) Sections 1 through 12 and 20 through 26 of this act shall take  
4 effect June 30, 1992.

5 NEW SECTION. **Sec. 29.** If any provision of this act or its  
6 application to any person or circumstance is held invalid, the  
7 remainder of the act or the application of the provision to other  
8 persons or circumstances is not affected.