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HOUSE BILL 2498

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State of Washington

53rd Legislature

1994 Regular Session

By Representatives Morris, Ogden, G. Cole and Springer; by request of Department of Corrections

Read first time 01/17/94. Referred to Committee on Corrections.

1 AN ACT Relating to supervision of misdemeanants; and amending RCW  
2 9.95.200, 9.95.210, 9.95.220, 9.95.250, and 9.92.060.

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

4 **Sec. 1.** RCW 9.95.200 and 1981 c 136 s 41 are each amended to read  
5 as follows:

6 After conviction by plea or verdict of guilty of ~~((any crime))~~ a  
7 felony committed on or before June 30, 1984, or any misdemeanor  
8 offense, the court upon application or its own motion, may summarily  
9 grant or deny probation, or at a subsequent time fixed may hear and  
10 determine, in the presence of the defendant, the matter of probation of  
11 the defendant, and the conditions of such probation, if granted. The  
12 court may, in its discretion, prior to the hearing on the granting of  
13 probation for any felony committed on or before June 30, 1984, refer  
14 the matter to the secretary of corrections or such officers as the  
15 secretary may designate for investigation and report to the court at a  
16 specified time, upon the circumstances surrounding the crime and  
17 concerning the defendant, ~~((his))~~ the defendant's prior record, and his  
18 or her family surroundings and environment.

1       **Sec. 2.** RCW 9.95.210 and 1993 c 251 s 3 are each amended to read  
2 as follows:

3       In granting probation, the court may suspend the imposition or the  
4 execution of the sentence and may direct that the suspension may  
5 continue upon such conditions and for such time as it shall designate,  
6 not exceeding the maximum term of sentence or two years, whichever is  
7 longer.

8       In the order granting probation and as a condition thereof, the  
9 court may in its discretion imprison the defendant in the county jail  
10 for a period not exceeding one year and may fine the defendant any sum  
11 not exceeding the statutory limit for the offense committed, and court  
12 costs. As a condition of probation, the court shall require the  
13 payment of the penalty assessment required by RCW 7.68.035. The court  
14 may also require the defendant to make such monetary payments, on such  
15 terms as it deems appropriate under the circumstances, as are necessary  
16 (1) to comply with any order of the court for the payment of family  
17 support, (2) to make restitution to any person or persons who may have  
18 suffered loss or damage by reason of the commission of the crime in  
19 question or when the offender pleads guilty to a lesser offense or  
20 fewer offenses and agrees with the prosecutor's recommendation that the  
21 offender be required to pay restitution to a victim of an offense or  
22 offenses which are not prosecuted pursuant to a plea agreement, (3) to  
23 pay such fine as may be imposed and court costs, including  
24 reimbursement of the state for costs of extradition if return to this  
25 state by extradition was required, (4) following consideration of the  
26 financial condition of the person subject to possible electronic  
27 monitoring, to pay for the costs of electronic monitoring if that  
28 monitoring was required by the court as a condition of release from  
29 custody or as a condition of probation, (5) to contribute to a county  
30 or interlocal drug fund, and (6) to make restitution to a public agency  
31 for the costs of an emergency response under RCW 38.52.430, and may  
32 require bonds for the faithful observance of any and all conditions  
33 imposed in the probation. For felony offenses committed on or before  
34 June 30, 1984, the court shall order the probationer to report to the  
35 secretary of corrections or such officer as the secretary may designate  
36 and as a condition of the probation to follow implicitly the  
37 instructions of the secretary. If the probationer has been ordered to  
38 make restitution, the community corrections officer supervising the  
39 probationer shall make a reasonable effort to ascertain whether

1 restitution has been made. If restitution has not been made as  
2 ordered, the community corrections officer shall inform the prosecutor  
3 of that violation of the terms of probation not less than three months  
4 prior to the termination of the probation period. The secretary of  
5 corrections (~~((will promulgate))~~) shall adopt rules (~~((and regulations))~~)  
6 for the conduct of the person during the term of probation. For  
7 defendants found guilty of a misdemeanor or gross misdemeanor in  
8 district or superior court, like functions as the secretary of  
9 corrections performs in regard to probation may be performed by  
10 probation officers employed for that purpose by the county legislative  
11 authority of the county wherein the court is located.

12 Nothing in this section requires the secretary of corrections to  
13 provide supervision for offenders convicted of a misdemeanor or gross  
14 misdemeanor and sentenced to probation.

15 **Sec. 3.** RCW 9.95.220 and 1957 c 227 s 5 are each amended to read  
16 as follows:

17 Whenever the (~~((state parole))~~) community corrections officer or  
18 other officer under whose supervision the probationer has been placed  
19 shall have reason to believe such probationer is violating the terms of  
20 his or her probation, or engaging in criminal practices, or is  
21 abandoned to improper associates, or living a vicious life, he or she  
22 shall cause the probationer to be brought before the court wherein the  
23 probation was granted. For this purpose any peace officer or (~~((state~~  
24 ~~parole))~~) community corrections officer may rearrest any such person  
25 without warrant or other process. The court may thereupon in its  
26 discretion without notice revoke and terminate such probation. In the  
27 event the judgment has been pronounced by the court and the execution  
28 thereof suspended, the court may revoke such suspension, whereupon the  
29 judgment shall be in full force and effect, and the defendant shall be  
30 delivered to the sheriff to be transported to the (~~((penitentiary or~~  
31 ~~reformatory as the case may be))~~) custody of the department of  
32 corrections. If the judgment has not been pronounced, the court shall  
33 pronounce judgment after such revocation of probation and the defendant  
34 shall be delivered to the sheriff to be transported to the  
35 (~~((penitentiary or reformatory, in accordance with the sentence~~  
36 ~~imposed))~~) custody of the department of corrections.

1       **Sec. 4.** RCW 9.95.250 and 1981 c 136 s 43 are each amended to read  
2 as follows:

3       In order to carry out the provisions of this chapter 9.95 RCW the  
4 (~~parole~~) community corrections officers working under the supervision  
5 of the secretary of corrections shall be known as probation and parole  
6 officers.

7       **Sec. 5.** RCW 9.92.060 and 1987 c 202 s 142 are each amended to read  
8 as follows:

9       Whenever any person shall be convicted of any crime except murder,  
10 burglary in the first degree, arson in the first degree, robbery,  
11 carnal knowledge of a female child under the age of ten years, or rape,  
12 the court may in its discretion, at the time of imposing sentence upon  
13 such person, direct that such sentence be stayed and suspended until  
14 otherwise ordered by such court, and that the sentenced person be  
15 placed under the charge of a parole or peace officer during the term of  
16 such suspension, upon such terms as the court may determine: PROVIDED,  
17 That as a condition to suspension of sentence, the court shall require  
18 the payment of the penalty assessment required by RCW 7.68.035:  
19 PROVIDED FURTHER, That as a condition to suspension of sentence, the  
20 court may require the convicted person to make such monetary payments,  
21 on such terms as the court deems appropriate under the circumstances,  
22 as are necessary (1) to comply with any order of the court for the  
23 payment of family support, (2) to make restitution to any person or  
24 persons who may have suffered loss or damage by reason of the  
25 commission of the crime in question or when the offender pleads guilty  
26 to a lesser offense or fewer offenses and agrees with the prosecutor's  
27 recommendation that the offender be required to pay restitution to a  
28 victim of an offense or offenses which are not prosecuted pursuant to  
29 a plea agreement, (3) to pay any fine imposed and not suspended and the  
30 court or other costs incurred in the prosecution of the case, including  
31 reimbursement of the state for costs of extradition if return to this  
32 state by extradition was required, and (4) to contribute to a county or  
33 interlocal drug fund. (~~In no case shall a sentence be suspended under  
34 the provisions of this section unless the person if sentenced to  
35 confinement in a penal institution be placed under the charge of a  
36 parole officer, who is a duly appointed and acting officer of the  
37 institution to which the person is sentenced: PROVIDED, That~~)  
38 Offenders who commit a felony offense on or before June 30, 1984, shall

1 be placed under the supervision of a community corrections officer, and  
2 persons convicted of a misdemeanor or gross misdemeanor in district or  
3 superior court may be placed under supervision of a county probation  
4 officer employed for that purpose. Nothing in this section requires  
5 the secretary of corrections to provide supervision for offenders  
6 convicted of a misdemeanor or gross misdemeanor and sentenced to  
7 probation. If restitution to the victim has been ordered under  
8 subsection (2) of this section, the officer supervising the probationer  
9 shall make a reasonable effort to ascertain whether restitution has  
10 been made as ordered. If restitution has not been made, the officer  
11 shall inform the prosecutor of that violation of the terms of the  
12 suspended sentence not less than three months prior to the termination  
13 of the suspended sentence.

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