
SENATE BILL 5134

State of Washington

55th Legislature

1997 Regular Session

By Senators Zarelli and Stevens

Read first time 01/16/97. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to sanctions for sex offenders who violate
2 community custody conditions; amending RCW 9.94A.205 and 9.94A.207; and
3 prescribing penalties.

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

5 **Sec. 1.** RCW 9.94A.205 and 1996 c 275 s 3 are each amended to read
6 as follows:

7 (1) If an inmate violates any condition or requirement of community
8 custody, the department may transfer the inmate to a more restrictive
9 confinement status to serve up to the remaining portion of the
10 sentence, less credit for any period actually spent in community
11 custody or in detention awaiting disposition of an alleged violation
12 and subject to the limitations of subsection (2) of this section.

13 (2)(a) For a sex offender sentenced to a term of community custody
14 under RCW 9.94A.120(8) who violates any condition of community custody,
15 the department may impose a sanction of up to sixty days' confinement
16 in a state or local correctional facility for each violation. If the
17 department imposes a sanction, the department shall submit within
18 seventy-two hours a report to the court and the prosecuting attorney
19 outlining the violation or violations and the sanctions imposed.

1 (b) For a sex offender sentenced to a term of community custody
2 under RCW 9.94A.120(10) who violates any condition of community custody
3 after having completed his or her maximum term of total confinement,
4 including time served on community custody in lieu of earned early
5 release, the department may impose a sanction of up to sixty days in a
6 state or local correctional facility for each violation.

7 (3) If an inmate is accused of violating any condition or
8 requirement of community custody, he or she is entitled to a hearing
9 before the department prior to the imposition of sanctions. The
10 hearing shall be considered as inmate disciplinary proceedings and
11 shall not be subject to chapter 34.05 RCW. The department shall
12 develop hearing procedures and sanctions.

13 **Sec. 2.** RCW 9.94A.207 and 1996 c 275 s 4 are each amended to read
14 as follows:

15 (1) The secretary may issue warrants for the arrest of any offender
16 who violates a condition of community placement. The arrest warrants
17 shall authorize any law enforcement or peace officer or community
18 corrections officer of this state or any other state where such
19 offender may be located, to arrest the offender and place him or her in
20 total confinement pending disposition of the alleged violation. The
21 department shall compensate the local jurisdiction at the office of
22 financial management's adjudicated rate, in accordance with RCW
23 70.48.440. A community corrections officer, if he or she has
24 reasonable cause to believe an offender in community placement has
25 violated a condition of community placement, may suspend the person's
26 community placement status and arrest or cause the arrest and detention
27 in total confinement of the offender, pending the determination of the
28 secretary as to whether the violation has occurred. The community
29 corrections officer shall report to the secretary all facts and
30 circumstances and the reasons for the action of suspending community
31 placement status. A violation of a condition of community placement
32 shall be deemed a violation of the sentence for purposes of RCW
33 9.94A.195. The authority granted to community corrections officers
34 under this section shall be in addition to that set forth in RCW
35 9.94A.195.

36 (2) Inmates, as defined in RCW 72.09.015, who have been transferred
37 to community custody and who are detained in a local correctional
38 facility are the financial responsibility of the department of

1 corrections, except as provided in subsection (3) of this section. The
2 community custody inmate shall be removed from the local correctional
3 facility, except as provided in subsection (3) of this section, not
4 later than eight days, excluding weekends and holidays, following
5 admittance to the local correctional facility and notification that the
6 inmate is available for movement to a state correctional institution.

7 (3) The department may negotiate with local correctional
8 authorities for an additional period of detention; however, sex
9 offenders sanctioned for community custody violations under RCW
10 9.94A.205(2) to a term of confinement shall remain in ~~((the))~~ a state
11 or local correctional facility for the complete term of the sanction.
12 For confinement sanctions imposed under RCW 9.94A.205(2)~~((a), the~~
13 ~~local correctional facility shall be financially responsible. For~~
14 ~~confinement sanctions imposed under RCW 9.94A.205(2)(b))~~, the
15 department of corrections shall be financially responsible ~~((for that~~
16 ~~portion of the sanction served during the time in which the sex~~
17 ~~offender is on community custody in lieu of earned early release, and~~
18 ~~the local correctional facility shall be financially responsible for~~
19 ~~that portion of the sanction served by the sex offender after the time~~
20 ~~in which the sex offender is on community custody in lieu of earned~~
21 ~~early release))~~.

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