

2 **SSB 6336 - H COMM AMD ADOPTED 2-29-00**

3 By Committee on Criminal Justice & Corrections

4

5 Strike everything after the enacting clause and insert the  
6 following:

7 "Sec. 1. RCW 9.94A.120 and 1999 c 324 s 2, 1999 c 197 s 4, 1999 c  
8 196 s 5, and 1999 c 147 s 3 are each reenacted and amended to read as  
9 follows:

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

12 (1) Except as authorized in subsections (2), (4), (5), (6), and (8)  
13 of this section, the court shall impose a sentence within the sentence  
14 range for the offense.

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

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

23 (4) A persistent offender shall be sentenced to a term of total  
24 confinement for life without the possibility of parole or, when  
25 authorized by RCW 10.95.030 for the crime of aggravated murder in the  
26 first degree, sentenced to death, notwithstanding the maximum sentence  
27 under any other law. An offender convicted of the crime of murder in  
28 the first degree shall be sentenced to a term of total confinement not  
29 less than twenty years. An offender convicted of the crime of assault  
30 in the first degree or assault of a child in the first degree where the  
31 offender used force or means likely to result in death or intended to  
32 kill the victim shall be sentenced to a term of total confinement not  
33 less than five years. An offender convicted of the crime of rape in  
34 the first degree shall be sentenced to a term of total confinement not  
35 less than five years. The foregoing minimum terms of total confinement  
36 are mandatory and shall not be varied or modified as provided in

1 subsection (2) of this section. In addition, all offenders subject to  
2 the provisions of this subsection shall not be eligible for community  
3 custody, earned release time, furlough, home detention, partial  
4 confinement, work crew, work release, or any other form of early  
5 release as defined under RCW 9.94A.150 (1), (2), (3), (~~(5), (7), or~~)  
6 (6), (8), or (9), or any other form of authorized leave of absence from  
7 the correctional facility while not in the direct custody of a  
8 corrections officer or officers during such minimum terms of total  
9 confinement except: (a) In the case of an offender in need of  
10 emergency medical treatment; (b) for the purpose of commitment to an  
11 inpatient treatment facility in the case of an offender convicted of  
12 the crime of rape in the first degree; or (c) for an extraordinary  
13 medical placement when authorized under RCW 9.94A.150(4).

14 (5)(a) In sentencing a first-time offender the court may waive the  
15 imposition of a sentence within the sentence range and impose a  
16 sentence which may include up to ninety days of confinement in a  
17 facility operated or utilized under contract by the county and a  
18 requirement that the offender refrain from committing new offenses.  
19 The sentence may also include a term of community supervision or  
20 community custody as specified in (b) of this subsection, which, in  
21 addition to crime-related prohibitions, may include requirements that  
22 the offender perform any one or more of the following:

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

24 (ii) Undergo available outpatient treatment for up to the period  
25 specified in (b) of this subsection, or inpatient treatment not to  
26 exceed the standard range of confinement for that offense;

27 (iii) Pursue a prescribed, secular course of study or vocational  
28 training;

29 (iv) Remain within prescribed geographical boundaries and notify  
30 the community corrections officer prior to any change in the offender's  
31 address or employment;

32 (v) Report as directed to a community corrections officer; or

33 (vi) Pay all court-ordered legal financial obligations as provided  
34 in RCW 9.94A.030 and/or perform community service work.

35 (b) The terms and statuses applicable to sentences under (a) of  
36 this subsection are:

37 (i) For sentences imposed on or after July 25, 1999, for crimes  
38 committed before July 1, 2000, up to one year of community supervision.  
39 If treatment is ordered, the period of community supervision may

1 include up to the period of treatment, but shall not exceed two years;  
2 and

3 (ii) For crimes committed on or after July 1, 2000, up to one year  
4 of community custody unless treatment is ordered, in which case the  
5 period of community custody may include up to the period of treatment,  
6 but shall not exceed two years. Any term of community custody imposed  
7 under this subsection (5) is subject to conditions and sanctions as  
8 authorized in this subsection (5) and in subsection (11)(b) and (c) of  
9 this section.

10 (c) The department shall discharge from community supervision any  
11 offender sentenced under this subsection (5) before July 25, 1999, who  
12 has served at least one year of community supervision and has completed  
13 any treatment ordered by the court.

14 (6)(a) An offender is eligible for the special drug offender  
15 sentencing alternative if:

16 (i) The offender is convicted of a felony that is not a violent  
17 offense or sex offense and the violation does not involve a sentence  
18 enhancement under RCW 9.94A.310 (3) or (4);

19 (ii) The offender has no current or prior convictions for a sex  
20 offense or violent offense in this state, another state, or the United  
21 States;

22 (iii) For a violation of the uniform controlled substances act  
23 under chapter 69.50 RCW or a criminal solicitation to commit such a  
24 violation under chapter 9A.28 RCW, the offense involved only a small  
25 quantity of the particular controlled substance as determined by the  
26 judge upon consideration of such factors as the weight, purity,  
27 packaging, sale price, and street value of the controlled substance;  
28 and

29 (iv) The offender has not been found by the United States attorney  
30 general to be subject to a deportation detainer or order.

31 (b) If the standard range is greater than one year and the  
32 sentencing judge determines that the offender is eligible for this  
33 option and that the offender and the community will benefit from the  
34 use of the special drug offender sentencing alternative, the judge may  
35 waive imposition of a sentence within the standard range and impose a  
36 sentence that must include a period of total confinement in a state  
37 facility for one-half of the midpoint of the standard range. During  
38 incarceration in the state facility, offenders sentenced under this  
39 subsection shall undergo a comprehensive substance abuse assessment and

1 receive, within available resources, treatment services appropriate for  
2 the offender. The treatment services shall be designed by the division  
3 of alcohol and substance abuse of the department of social and health  
4 services, in cooperation with the department of corrections.

5 The court shall also impose:

6 (i) The remainder of the midpoint of the standard range as a term  
7 of community custody which must include appropriate substance abuse  
8 treatment in a program that has been approved by the division of  
9 alcohol and substance abuse of the department of social and health  
10 services;

11 (ii) Crime-related prohibitions including a condition not to use  
12 illegal controlled substances; and

13 (iii) A requirement to submit to urinalysis or other testing to  
14 monitor that status.

15 The court may prohibit the offender from using alcohol or  
16 controlled substances and may require that the monitoring for  
17 controlled substances be conducted by the department or by a treatment  
18 alternatives to street crime program or a comparable court or agency-  
19 referred program. The offender may be required to pay thirty dollars  
20 per month while on community custody to offset the cost of monitoring.  
21 In addition, the court shall impose three or more of the following  
22 conditions:

23 (A) Devote time to a specific employment or training;

24 (B) Remain within prescribed geographical boundaries and notify the  
25 court or the community corrections officer before any change in the  
26 offender's address or employment;

27 (C) Report as directed to a community corrections officer;

28 (D) Pay all court-ordered legal financial obligations;

29 (E) Perform community service work;

30 (F) Stay out of areas designated by the sentencing judge;

31 (G) Such other conditions as the court may require such as  
32 affirmative conditions.

33 (c) If the offender violates any of the sentence conditions in (b)  
34 of this subsection, a violation hearing shall be held by the department  
35 unless waived by the offender. If the department finds that conditions  
36 have been willfully violated, the offender may be reclassified to serve  
37 the remaining balance of the original sentence.

38 (d) The department shall determine the rules for calculating the  
39 value of a day fine based on the offender's income and reasonable

1 obligations which the offender has for the support of the offender and  
2 any dependents. These rules shall be developed in consultation with  
3 the administrator for the courts, the office of financial management,  
4 and the commission.

5 (e) An offender who fails to complete the special drug offender  
6 sentencing alternative program or who is administratively terminated  
7 from the program shall be reclassified to serve the unexpired term of  
8 his or her sentence as ordered by the sentencing judge and shall be  
9 subject to all rules relating to earned early release time. An  
10 offender who violates any conditions of supervision as defined by the  
11 department shall be sanctioned. Sanctions may include, but are not  
12 limited to, reclassifying the offender to serve the unexpired term of  
13 his or her sentence as ordered by the sentencing judge. If an offender  
14 is reclassified to serve the unexpired term of his or her sentence, the  
15 offender shall be subject to all rules relating to earned early release  
16 time.

17 (7) If a sentence range has not been established for the  
18 defendant's crime, the court shall impose a determinate sentence which  
19 may include not more than one year of confinement; community service  
20 work; until July 1, 2000, a term of community supervision not to exceed  
21 one year and on and after July 1, 2000, a term of community custody not  
22 to exceed one year, subject to conditions and sanctions as authorized  
23 in subsection (11)(b) and (c) of this section; and/or other legal  
24 financial obligations. The court may impose a sentence which provides  
25 more than one year of confinement if the court finds, considering the  
26 purpose of this chapter, that there are substantial and compelling  
27 reasons justifying an exceptional sentence.

28 (8)(a)(i) When an offender is convicted of a sex offense other than  
29 a violation of RCW 9A.44.050 or a sex offense that is also a serious  
30 violent offense and has no prior convictions for a sex offense or any  
31 other felony sex offenses in this or any other state, the sentencing  
32 court, on its own motion or the motion of the state or the defendant,  
33 may order an examination to determine whether the defendant is amenable  
34 to treatment.

35 The report of the examination shall include at a minimum the  
36 following: The defendant's version of the facts and the official  
37 version of the facts, the defendant's offense history, an assessment of  
38 problems in addition to alleged deviant behaviors, the offender's

1 social and employment situation, and other evaluation measures used.  
2 The report shall set forth the sources of the evaluator's information.

3 The examiner shall assess and report regarding the defendant's  
4 amenability to treatment and relative risk to the community. A  
5 proposed treatment plan shall be provided and shall include, at a  
6 minimum:

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

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

10 (C) Monitoring plans, including any requirements regarding living  
11 conditions, lifestyle requirements, and monitoring by family members  
12 and others;

13 (D) Anticipated length of treatment; and

14 (E) Recommended crime-related prohibitions.

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

21 (ii) After receipt of the reports, the court shall consider whether  
22 the offender and the community will benefit from use of this special  
23 sex offender sentencing alternative and consider the victim's opinion  
24 whether the offender should receive a treatment disposition under this  
25 subsection. If the court determines that this special sex offender  
26 sentencing alternative is appropriate, the court shall then impose a  
27 sentence within the sentence range. If this sentence is less than  
28 eleven years of confinement, the court may suspend the execution of the  
29 sentence and impose the following conditions of suspension:

30 (A) The court shall place the defendant on community custody for  
31 the length of the suspended sentence or three years, whichever is  
32 greater, and require the offender to comply with any conditions imposed  
33 by the department of corrections under subsection (15) of this section;

34 (B) The court shall order treatment for any period up to three  
35 years in duration. The court in its discretion shall order outpatient  
36 sex offender treatment or inpatient sex offender treatment, if  
37 available. A community mental health center may not be used for such  
38 treatment unless it has an appropriate program designed for sex  
39 offender treatment. The offender shall not change sex offender

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

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

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

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

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

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

21 (C) Sex offenders sentenced under this special sex offender  
22 sentencing alternative are not eligible to accrue any earned release  
23 time while serving a suspended sentence.

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

31 (iv) At the time of sentencing, the court shall set a treatment  
32 termination hearing for three months prior to the anticipated date for  
33 completion of treatment. Prior to the treatment termination hearing,  
34 the treatment professional and community corrections officer shall  
35 submit written reports to the court and parties regarding the  
36 defendant's compliance with treatment and monitoring requirements, and  
37 recommendations regarding termination from treatment, including  
38 proposed community supervision conditions. Either party may request  
39 and the court may order another evaluation regarding the advisability

1 of termination from treatment. The defendant shall pay the cost of any  
2 additional evaluation ordered unless the court finds the defendant to  
3 be indigent in which case the state shall pay the cost. At the  
4 treatment termination hearing the court may: (A) Modify conditions of  
5 community custody, and either (B) terminate treatment, or (C) extend  
6 treatment for up to the remaining period of community custody.

7 (v) If a violation of conditions occurs during community custody,  
8 the department shall either impose sanctions as provided for in RCW  
9 9.94A.205(2)(a) or refer the violation to the court and recommend  
10 revocation of the suspended sentence as provided for in (a)(vi) of this  
11 subsection.

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

19 (vii) Except as provided in (a)(viii) of this subsection, after  
20 July 1, 1991, examinations and treatment ordered pursuant to this  
21 subsection shall only be conducted by sex offender treatment providers  
22 certified by the department of health pursuant to chapter 18.155 RCW.

23 (viii) A sex offender therapist who examines or treats a sex  
24 offender pursuant to this subsection (8) does not have to be certified  
25 by the department of health pursuant to chapter 18.155 RCW if the court  
26 finds that: (A) The offender has already moved to another state or  
27 plans to move to another state for reasons other than circumventing the  
28 certification requirements; (B) no certified providers are available  
29 for treatment within a reasonable geographical distance of the  
30 offender's home; and (C) the evaluation and treatment plan comply with  
31 this subsection (8) and the rules adopted by the department of health.

32 (ix) For purposes of this subsection (8), "victim" means any person  
33 who has sustained emotional, psychological, physical, or financial  
34 injury to person or property as a result of the crime charged.  
35 "Victim" also means a parent or guardian of a victim who is a minor  
36 child unless the parent or guardian is the perpetrator of the offense.

37 (x) If the defendant was less than eighteen years of age when the  
38 charge was filed, the state shall pay for the cost of initial  
39 evaluation and treatment.



1 (b) When an offender commits any felony sex offense on or after  
2 July 1, 1987, and is sentenced to a term of confinement of more than  
3 one year but less than six years, the sentencing court may, on its own  
4 motion or on the motion of the offender or the state, request the  
5 department of corrections to evaluate whether the offender is amenable  
6 to treatment and the department may place the offender in a treatment  
7 program within a correctional facility operated by the department.

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

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

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

19 (iii) Report as directed to the court and a community corrections  
20 officer;

21 (iv) Undergo available outpatient treatment.

22 If the offender violates any of the terms of his or her community  
23 supervision, the court may order the offender to serve out the balance  
24 of his or her community supervision term in confinement in the custody  
25 of the department of corrections.

26 Nothing in this subsection (8)(b) shall confer eligibility for such  
27 programs for offenders convicted and sentenced for a sex offense  
28 committed prior to July 1, 1987. This subsection (8)(b) does not apply  
29 to any crime committed after July 1, 1990.

30 (c) Offenders convicted and sentenced for a sex offense committed  
31 prior to July 1, 1987, may, subject to available funds, request an  
32 evaluation by the department of corrections to determine whether they  
33 are amenable to treatment. If the offender is determined to be  
34 amenable to treatment, the offender may request placement in a  
35 treatment program within a correctional facility operated by the  
36 department. Placement in such treatment program is subject to  
37 available funds.

38 (d) Within the funds available for this purpose, the department  
39 shall develop and monitor transition and relapse prevention strategies,

1 including risk assessment and release plans, to reduce risk to the  
2 community after sex offenders' terms of confinement in the custody of  
3 the department.

4 (9)(a)(i) When a court sentences a person to a term of total  
5 confinement to the custody of the department of corrections for an  
6 offense categorized as a sex offense or a serious violent offense  
7 committed after July 1, 1988, but before July 1, 1990, assault in the  
8 second degree, assault of a child in the second degree, any crime  
9 against a person where it is determined in accordance with RCW  
10 9.94A.125 that the defendant or an accomplice was armed with a deadly  
11 weapon at the time of commission, or any felony offense under chapter  
12 69.50 or 69.52 RCW not sentenced under subsection (6) of this section,  
13 committed on or after July 1, 1988, but before July 25, 1999, the court  
14 shall in addition to the other terms of the sentence, sentence the  
15 offender to a one-year term of community placement beginning either  
16 upon completion of the term of confinement or at such time as the  
17 offender is transferred to community custody in lieu of earned release  
18 in accordance with RCW 9.94A.150 (1) and (2). When the court sentences  
19 an offender under this subsection to the statutory maximum period of  
20 confinement then the community placement portion of the sentence shall  
21 consist entirely of such community custody to which the offender may  
22 become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any  
23 period of community custody actually served shall be credited against  
24 the community placement portion of the sentence.

25 (ii) Except for persons sentenced under (b) of this subsection or  
26 subsection (10)(a) of this section, when a court sentences a person to  
27 a term of total confinement to the custody of the department of  
28 corrections for a violent offense, any crime against a person under RCW  
29 9.94A.440(2), or any felony offense under chapter 69.50 or 69.52 RCW  
30 not sentenced under subsection (6) of this section, committed on or  
31 after July 25, 1999, but before July 1, 2000, the court shall in  
32 addition to the other terms of the sentence, sentence the offender to  
33 a one-year term of community placement beginning either upon completion  
34 of the term of confinement or at such time as the offender is  
35 transferred to community custody in lieu of earned release in  
36 accordance with RCW 9.94A.150 (1) and (2). When the court sentences  
37 the offender under this subsection (9)(a)(ii) to the statutory maximum  
38 period of confinement, then the community placement portion of the  
39 sentence shall consist entirely of such community custody to which the

1 offender may become eligible, in accordance with RCW 9.94A.150 (1) and  
2 (2). Any period of community custody actually served shall be credited  
3 against the community placement portion of the sentence.

4 (b) When a court sentences a person to a term of total confinement  
5 to the custody of the department of corrections for an offense  
6 categorized as a sex offense committed on or after July 1, 1990, but  
7 before June 6, 1996, or a serious violent offense, vehicular homicide,  
8 or vehicular assault, committed on or after July 1, 1990, but before  
9 July 1, 2000, the court shall in addition to other terms of the  
10 sentence, sentence the offender to community placement for two years or  
11 up to the period of earned release awarded pursuant to RCW 9.94A.150  
12 (1) and (2), whichever is longer. The community placement shall begin  
13 either upon completion of the term of confinement or at such time as  
14 the offender is transferred to community custody in lieu of earned  
15 release in accordance with RCW 9.94A.150 (1) and (2). When the court  
16 sentences an offender under this subsection to the statutory maximum  
17 period of confinement then the community placement portion of the  
18 sentence shall consist entirely of the community custody to which the  
19 offender may become eligible, in accordance with RCW 9.94A.150 (1) and  
20 (2). Any period of community custody actually served shall be credited  
21 against the community placement portion of the sentence. Unless a  
22 condition is waived by the court, the terms of community placement for  
23 offenders sentenced pursuant to this section shall include the  
24 following conditions:

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

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

29 (iii) The offender shall not possess or consume controlled  
30 substances except pursuant to lawfully issued prescriptions;

31 (iv) The offender shall pay supervision fees as determined by the  
32 department of corrections;

33 (v) The residence location and living arrangements are subject to  
34 the prior approval of the department of corrections during the period  
35 of community placement; and

36 (vi) The offender shall submit to affirmative acts necessary to  
37 monitor compliance with the orders of the court as required by the  
38 department.

1 (c) As a part of any sentence imposed under (a) or (b) of this  
2 subsection, the court may also order any of the following special  
3 conditions:

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

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

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

10 (iv) The offender shall not consume alcohol;

11 (v) The offender shall comply with any crime-related prohibitions;

12 or

13 (vi) For an offender convicted of a felony sex offense against a  
14 minor victim after June 6, 1996, the offender shall comply with any  
15 terms and conditions of community placement imposed by the department  
16 of corrections relating to contact between the sex offender and a minor  
17 victim or a child of similar age or circumstance as a previous victim.

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

22 (10)(a) When a court sentences a person to the custody of the  
23 department of corrections for an offense categorized as a sex offense  
24 committed on or after June 6, 1996, but before July 1, 2000, the court  
25 shall, in addition to other terms of the sentence, sentence the  
26 offender to community custody for three years or up to the period of  
27 earned release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever  
28 is longer. The community custody shall begin either upon completion of  
29 the term of confinement or at such time as the offender is transferred  
30 to community custody in lieu of earned release in accordance with RCW  
31 9.94A.150 (1) and (2).

32 (b) Unless a condition is waived by the court, the terms of  
33 community custody shall be the same as those provided for in subsection  
34 (9)(b) of this section and may include those provided for in subsection  
35 (9)(c) of this section. As part of any sentence that includes a term  
36 of community custody imposed under this subsection, the court shall  
37 also require the offender to comply with any conditions imposed by the  
38 department of corrections under subsection (15) of this section.

1 (c) At any time prior to the completion of a sex offender's term of  
2 community custody, if the court finds that public safety would be  
3 enhanced, the court may impose and enforce an order extending any or  
4 all of the conditions imposed pursuant to this section for a period up  
5 to the maximum allowable sentence for the crime as it is classified in  
6 chapter 9A.20 RCW, regardless of the expiration of the offender's term  
7 of community custody. If a violation of a condition extended under  
8 this subsection occurs after the expiration of the offender's term of  
9 community custody, it shall be deemed a violation of the sentence for  
10 the purposes of RCW 9.94A.195 and may be punishable as contempt of  
11 court as provided for in RCW 7.21.040.

12 (11)(a) When a court sentences a person to the custody of the  
13 department of corrections for a sex offense, a violent offense, any  
14 crime against a person under RCW 9.94A.440(2), or a felony offense  
15 under chapter 69.50 or 69.52 RCW not sentenced under subsection (6) of  
16 this section, committed on or after July 1, 2000, the court shall in  
17 addition to the other terms of the sentence, sentence the offender to  
18 community custody for the community custody range or up to the period  
19 of earned release awarded pursuant to RCW 9.94A.150 (1) and (2),  
20 whichever is longer. The community custody shall begin either upon  
21 completion of the term of confinement or at such time as the offender  
22 is transferred to community custody in lieu of earned release in  
23 accordance with RCW 9.94A.150 (1) and (2).

24 (b) Unless a condition is waived by the court, the conditions of  
25 community custody shall include those provided for in subsection  
26 (9)(b)(i) through (vi) of this section. The conditions may also  
27 include those provided for in subsection (9)(c)(i) through (vi) of this  
28 section. The court may also order the offender to participate in  
29 rehabilitative programs or otherwise perform affirmative conduct  
30 reasonably related to the circumstances of the offense, the offender's  
31 risk of reoffending, or the safety of the community, and the department  
32 shall enforce such conditions pursuant to (f) of this subsection. As  
33 part of any sentence that includes a term of community custody imposed  
34 under this subsection, the court shall also require the offender to  
35 comply with any conditions imposed by the department of corrections  
36 under subsection (15) of this section. The department shall assess the  
37 offender's risk of reoffense and may establish and modify additional  
38 conditions of the offender's community custody based upon the risk to  
39 community safety. The department may not impose conditions that are

1 contrary to those ordered by the court and may not contravene or  
2 decrease court imposed conditions. The department shall notify the  
3 offender in writing of any such conditions or modifications. In  
4 setting, modifying, and enforcing conditions of community custody, the  
5 department shall be deemed to be performing a quasi-judicial function.

6 (c) If an offender violates conditions imposed by the court or the  
7 department pursuant to this subsection during community custody, the  
8 department may transfer the offender to a more restrictive confinement  
9 status and impose other available sanctions as provided in RCW  
10 9.94A.205 and 9.94A.207.

11 (d) Except for terms of community custody under subsection (8) of  
12 this section, the department shall discharge the offender from  
13 community custody on a date determined by the department, which the  
14 department may modify, based on risk and performance of the offender,  
15 within the range or at the end of the period of earned release,  
16 whichever is later.

17 (e) At any time prior to the completion or termination of a sex  
18 offender's term of community custody, if the court finds that public  
19 safety would be enhanced, the court may impose and enforce an order  
20 extending any or all of the conditions imposed pursuant to this section  
21 for a period up to the maximum allowable sentence for the crime as it  
22 is classified in chapter 9A.20 RCW, regardless of the expiration of the  
23 offender's term of community custody. If a violation of a condition  
24 extended under this subsection occurs after the expiration of the  
25 offender's term of community custody, it shall be deemed a violation of  
26 the sentence for the purposes of RCW 9.94A.195 and may be punishable as  
27 contempt of court as provided for in RCW 7.21.040. If the court  
28 extends a condition beyond the expiration of the term of community  
29 custody, the department is not responsible for supervision of the  
30 offender's compliance with the condition.

31 (f) Within the funds available for community custody, the  
32 department shall determine conditions and duration of community custody  
33 on the basis of risk to community safety, and shall supervise offenders  
34 during community custody on the basis of risk to community safety and  
35 conditions imposed by the court. The secretary shall adopt rules to  
36 implement the provisions of this subsection (11)(f).

37 (g) By the close of the next business day after receiving notice of  
38 a condition imposed or modified by the department, an offender may  
39 request an administrative review under rules adopted by the department.

1 The condition shall remain in effect unless the reviewing officer finds  
2 that it is not reasonably related to any of the following: (i) The  
3 crime of conviction; (ii) the offender's risk of reoffending; or (iii)  
4 the safety of the community.

5 (12) If the court imposes a sentence requiring confinement of  
6 thirty days or less, the court may, in its discretion, specify that the  
7 sentence be served on consecutive or intermittent days. A sentence  
8 requiring more than thirty days of confinement shall be served on  
9 consecutive days. Local jail administrators may schedule court-ordered  
10 intermittent sentences as space permits.

11 (13)(a) If a sentence imposed includes payment of a legal financial  
12 obligation, the sentence shall specify the total amount of the legal  
13 financial obligation owed, and shall require the offender to pay a  
14 specified monthly sum toward that legal financial obligation.  
15 Restitution to victims shall be paid prior to any other payments of  
16 monetary obligations. Any legal financial obligation that is imposed  
17 by the court may be collected by the department, which shall deliver  
18 the amount paid to the county clerk for credit.

19 (b) For an offense committed prior to July 1, 2000, the offender's  
20 compliance with payment of legal financial obligations shall be  
21 supervised by the department for ten years following the entry of the  
22 judgment and sentence or ten years following the offender's release  
23 from total confinement, whichever period ends later. All monetary  
24 payments ordered shall be paid no later than ten years after the last  
25 date of release from confinement pursuant to a felony conviction or the  
26 date the sentence was entered unless the superior court extends the  
27 criminal judgment an additional ten years. If the legal financial  
28 obligations including crime victims' assessments are not paid during  
29 the initial ten-year period, the superior court may extend jurisdiction  
30 under the criminal judgment an additional ten years as provided in RCW  
31 9.94A.140, 9.94A.142, and 9.94A.145. If jurisdiction under the  
32 criminal judgment is extended, the department is not responsible for  
33 supervision of the offender during the subsequent period.

34 (c) For an offense committed on or after July 1, 2000, the court  
35 shall retain jurisdiction over the offender, for purposes of the  
36 offender's compliance with payment of the legal financial obligations,  
37 until the obligation is completely satisfied, regardless of the  
38 statutory maximum for the crime. The department of corrections shall  
39 supervise the offender's compliance with payment of the legal financial

1 obligations for ten years following the entry of the judgment and  
2 sentence or ten years following the offender's release from total  
3 confinement, whichever period ends later. The department is not  
4 responsible for supervision of the offender during any subsequent  
5 period of time the offender remains under the court's jurisdiction.

6 (d) Independent of the department, the party or entity to whom the  
7 legal financial obligation is owed shall have the authority to utilize  
8 any other remedies available to the party or entity to collect the  
9 legal financial obligation. Nothing in this section makes the  
10 department, the state, or any of its employees, agents, or other  
11 persons acting on their behalf liable under any circumstances for the  
12 payment of these legal financial obligations. If an order includes  
13 restitution as one of the monetary assessments, the county clerk shall  
14 make disbursements to victims named in the order.

15 (14) Except as provided under RCW 9.94A.140(1) and 9.94A.142(1), a  
16 court may not impose a sentence providing for a term of confinement or  
17 community supervision, community placement, or community custody which  
18 exceeds the statutory maximum for the crime as provided in chapter  
19 9A.20 RCW.

20 (15) All offenders sentenced to terms involving community  
21 supervision, community service, community placement, community custody,  
22 or legal financial obligation shall be under the supervision of the  
23 department of corrections and shall follow explicitly the instructions  
24 and conditions of the department of corrections. The department may  
25 require an offender to perform affirmative acts it deems appropriate to  
26 monitor compliance with the conditions of the sentence imposed.

27 (a) The instructions shall include, at a minimum, reporting as  
28 directed to a community corrections officer, remaining within  
29 prescribed geographical boundaries, notifying the community corrections  
30 officer of any change in the offender's address or employment, and  
31 paying the supervision fee assessment.

32 (b) For offenders sentenced to terms involving community custody  
33 for crimes committed on or after June 6, 1996, the department may  
34 include, in addition to the instructions in (a) of this subsection, any  
35 appropriate conditions of supervision, including but not limited to,  
36 prohibiting the offender from having contact with any other specified  
37 individuals or specific class of individuals. For offenders sentenced  
38 to terms of community custody for crimes committed on or after July 1,  
39 2000, the department may additionally require the offender to



1 participate in rehabilitative programs or otherwise perform affirmative  
2 conduct, and to obey all laws.

3 The conditions authorized under this subsection (15)(b) may be  
4 imposed by the department prior to or during an offender's community  
5 custody term. If a violation of conditions imposed by the court or the  
6 department pursuant to subsection (10) of this section occurs during  
7 community custody, it shall be deemed a violation of community  
8 placement for the purposes of RCW 9.94A.207 and shall authorize the  
9 department to transfer an offender to a more restrictive confinement  
10 status as provided in RCW 9.94A.205. At any time prior to the  
11 completion of an offender's term of community custody, the department  
12 may recommend to the court that any or all of the conditions imposed by  
13 the court or the department pursuant to subsection (10) or (11) of this  
14 section be continued beyond the expiration of the offender's term of  
15 community custody as authorized in subsection (10)(c) or (11)(e) of  
16 this section.

17 The department may require offenders to pay for special services  
18 rendered on or after July 25, 1993, including electronic monitoring,  
19 day reporting, and telephone reporting, dependent upon the offender's  
20 ability to pay. The department may pay for these services for  
21 offenders who are not able to pay.

22 (16) All offenders sentenced to terms involving community  
23 supervision, community service, community custody, or community  
24 placement under the supervision of the department of corrections shall  
25 not own, use, or possess firearms or ammunition. Offenders who own,  
26 use, or are found to be in actual or constructive possession of  
27 firearms or ammunition shall be subject to the appropriate violation  
28 process and sanctions. "Constructive possession" as used in this  
29 subsection means the power and intent to control the firearm or  
30 ammunition. "Firearm" as used in this subsection means a weapon or  
31 device from which a projectile may be fired by an explosive such as  
32 gunpowder.

33 (17) The sentencing court shall give the offender credit for all  
34 confinement time served before the sentencing if that confinement was  
35 solely in regard to the offense for which the offender is being  
36 sentenced.

37 (18) A departure from the standards in RCW 9.94A.400 (1) and (2)  
38 governing whether sentences are to be served consecutively or  
39 concurrently is an exceptional sentence subject to the limitations in

1 subsections (2) and (3) of this section, and may be appealed by the  
2 defendant or the state as set forth in RCW 9.94A.210 (2) through (6).

3 (19) The court shall order restitution whenever the offender is  
4 convicted of a felony that results in injury to any person or damage to  
5 or loss of property, whether the offender is sentenced to confinement  
6 or placed under community supervision, unless extraordinary  
7 circumstances exist that make restitution inappropriate in the court's  
8 judgment. The court shall set forth the extraordinary circumstances in  
9 the record if it does not order restitution.

10 (20) As a part of any sentence, the court may impose and enforce an  
11 order that relates directly to the circumstances of the crime for which  
12 the offender has been convicted, prohibiting the offender from having  
13 any contact with other specified individuals or a specific class of  
14 individuals for a period not to exceed the maximum allowable sentence  
15 for the crime, regardless of the expiration of the offender's term of  
16 community supervision or community placement.

17 (21) The court may order an offender whose sentence includes  
18 community placement or community supervision to undergo a mental status  
19 evaluation and to participate in available outpatient mental health  
20 treatment, if the court finds that reasonable grounds exist to believe  
21 that the offender is a mentally ill person as defined in RCW 71.24.025,  
22 and that this condition is likely to have influenced the offense. An  
23 order requiring mental status evaluation or treatment must be based on  
24 a presentence report and, if applicable, mental status evaluations that  
25 have been filed with the court to determine the offender's competency  
26 or eligibility for a defense of insanity. The court may order  
27 additional evaluations at a later date if deemed appropriate.

28 (22) In any sentence of partial confinement, the court may require  
29 the defendant to serve the partial confinement in work release, in a  
30 program of home detention, on work crew, or in a combined program of  
31 work crew and home detention.

32 (23) All court-ordered legal financial obligations collected by the  
33 department and remitted to the county clerk shall be credited and paid  
34 where restitution is ordered. Restitution shall be paid prior to any  
35 other payments of monetary obligations.

36 (24) In sentencing an offender convicted of a crime of domestic  
37 violence, as defined in RCW 10.99.020, if the offender has a minor  
38 child, or if the victim of the offense for which the offender was  
39 convicted has a minor child, the court may, as part of any term of

1 community supervision, order the offender to participate in a domestic  
2 violence perpetrator program approved under RCW 26.50.150.

3 (25)(a) Sex offender examinations and treatment ordered as a  
4 special condition of community placement or community custody under  
5 this section shall be conducted only by sex offender treatment  
6 providers certified by the department of health under chapter 18.155  
7 RCW unless the court finds that: (i) The offender has already moved to  
8 another state or plans to move to another state for reasons other than  
9 circumventing the certification requirements; (ii) no certified  
10 providers are available for treatment within a reasonable geographic  
11 distance of the offender's home, as determined in rules adopted by the  
12 secretary; (iii) the evaluation and treatment plan comply with the  
13 rules adopted by the department of health; or (iv) the treatment  
14 provider is employed by the department. A treatment provider selected  
15 by an offender who is not certified by the department of health shall  
16 consult with a certified provider during the offender's period of  
17 treatment to ensure compliance with the rules adopted by the department  
18 of health. The frequency and content of the consultation shall be  
19 based on the recommendation of the certified provider.

20 (b) A sex offender's failure to participate in treatment required  
21 as a condition of community placement or community custody is a  
22 violation that will not be excused on the basis that no treatment  
23 provider was located within a reasonable geographic distance of the  
24 offender's home.

25 **Sec. 2.** RCW 9.94A.142 and 1997 c 121 s 4 and 1997 c 52 s 2 are  
26 each reenacted and amended to read as follows:

27 (1) When restitution is ordered, the court shall determine the  
28 amount of restitution due at the sentencing hearing or within one  
29 hundred eighty days except as provided in subsection (4) of this  
30 section. The court may continue the hearing beyond the one hundred  
31 eighty days for good cause. The court shall then set a minimum monthly  
32 payment that the offender is required to make towards the restitution  
33 that is ordered. The court should take into consideration the total  
34 amount of the restitution owed, the offender's present, past, and  
35 future ability to pay, as well as any assets that the offender may  
36 have. During the period of supervision, the community corrections  
37 officer may examine the offender to determine if there has been a  
38 change in circumstances that warrants an amendment of the monthly

1 payment schedule. The community corrections officer may recommend a  
2 change to the schedule of payment and shall inform the court of the  
3 recommended change and the reasons for the change. The sentencing  
4 court may then reset the monthly minimum payments based on the report  
5 from the community corrections officer of the change in circumstances.  
6 Except as provided in subsection (3) of this section, restitution  
7 ordered by a court pursuant to a criminal conviction shall be based on  
8 easily ascertainable damages for injury to or loss of property, actual  
9 expenses incurred for treatment for injury to persons, and lost wages  
10 resulting from injury. Restitution shall not include reimbursement for  
11 damages for mental anguish, pain and suffering, or other intangible  
12 losses, but may include the costs of counseling reasonably related to  
13 the offense. The amount of restitution shall not exceed double the  
14 amount of the offender's gain or the victim's loss from the commission  
15 of the crime. For the purposes of this section, for an offense  
16 committed prior to July 1, 2000, the offender shall remain under the  
17 court's jurisdiction for a term of ten years following the offender's  
18 release from total confinement or ten years subsequent to the entry of  
19 the judgment and sentence, ~~((is longer))~~ ends later.  
20 Prior to the expiration of the initial ten-year period, the superior  
21 court may extend jurisdiction under the criminal judgment an additional  
22 ten years for payment of restitution. For an offense committed on or  
23 after July 1, 2000, the offender shall remain under the court's  
24 jurisdiction until the obligation is completely satisfied, regardless  
25 of the statutory maximum for the crime. The portion of the sentence  
26 concerning restitution may be modified as to amount, terms, and  
27 conditions during ~~((either the initial ten-year period or subsequent~~  
28 ~~ten-year period if the criminal judgment is extended))~~ any period of  
29 time the offender remains under the court's jurisdiction, regardless of  
30 the expiration of the offender's term of community supervision and  
31 regardless of the statutory maximum for the crime. The court may not  
32 reduce the total amount of restitution ordered because the offender may  
33 lack the ability to pay the total amount. The offender's compliance  
34 with the restitution shall be supervised by the department of  
35 corrections for ten years following the entry of the judgment and  
36 sentence or ten years following the offender's release from total  
37 confinement. ~~((If jurisdiction under the criminal judgment is~~  
38 ~~extended, the department is not responsible for supervision of the~~  
39 ~~offender during the subsequent period))~~ The department is not

1 responsible for supervision of the offender during any subsequent  
2 period of time the offender remains under the court's jurisdiction.

3 (2) Restitution shall be ordered whenever the offender is convicted  
4 of an offense which results in injury to any person or damage to or  
5 loss of property or as provided in subsection (3) of this section  
6 unless extraordinary circumstances exist which make restitution  
7 inappropriate in the court's judgment and the court sets forth such  
8 circumstances in the record. In addition, restitution shall be ordered  
9 to pay for an injury, loss, or damage if the offender pleads guilty to  
10 a lesser offense or fewer offenses and agrees with the prosecutor's  
11 recommendation that the offender be required to pay restitution to a  
12 victim of an offense or offenses which are not prosecuted pursuant to  
13 a plea agreement.

14 (3) Restitution for the crime of rape of a child in the first,  
15 second, or third degree, in which the victim becomes pregnant, shall  
16 include: (a) All of the victim's medical expenses that are associated  
17 with the rape and resulting pregnancy; and (b) child support for any  
18 child born as a result of the rape if child support is ordered pursuant  
19 to a civil superior court or administrative order for support for that  
20 child. The clerk must forward any restitution payments made on behalf  
21 of the victim's child to the Washington state child support registry  
22 under chapter 26.23 RCW. Identifying information about the victim and  
23 child shall not be included in the order. The defendant shall receive  
24 a credit against any obligation owing under the administrative or  
25 superior court order for support of the victim's child. For the  
26 purposes of this subsection, the offender shall remain under the  
27 court's jurisdiction until the defendant has satisfied support  
28 obligations under the superior court or administrative order but not  
29 longer than a maximum term of twenty-five years following the  
30 offender's release from total confinement or twenty-five years  
31 subsequent to the entry of the judgment and sentence, whichever period  
32 is longer. The court may not reduce the total amount of restitution  
33 ordered because the offender may lack the ability to pay the total  
34 amount. The department shall supervise the offender's compliance with  
35 the restitution ordered under this subsection.

36 (4) Regardless of the provisions of subsections (1), (2), and (3)  
37 of this section, the court shall order restitution in all cases where  
38 the victim is entitled to benefits under the crime victims'  
39 compensation act, chapter 7.68 RCW. If the court does not order

1 restitution and the victim of the crime has been determined to be  
2 entitled to benefits under the crime victims' compensation act, the  
3 department of labor and industries, as administrator of the crime  
4 victims' compensation program, may petition the court within one year  
5 of entry of the judgment and sentence for entry of a restitution order.  
6 Upon receipt of a petition from the department of labor and industries,  
7 the court shall hold a restitution hearing and shall enter a  
8 restitution order.

9 (5) In addition to any sentence that may be imposed, a defendant  
10 who has been found guilty of an offense involving fraud or other  
11 deceptive practice or an organization which has been found guilty of  
12 any such offense may be ordered by the sentencing court to give notice  
13 of the conviction to the class of persons or to the sector of the  
14 public affected by the conviction or financially interested in the  
15 subject matter of the offense by mail, by advertising in designated  
16 areas or through designated media, or by other appropriate means.

17 (6) This section does not limit civil remedies or defenses  
18 available to the victim, survivors of the victim, or defendant  
19 including support enforcement remedies for support ordered under  
20 subsection (3) of this section for a child born as a result of a rape  
21 of a child victim. The court shall identify in the judgment and  
22 sentence the victim or victims entitled to restitution and what amount  
23 is due each victim. The state or victim may enforce the court-ordered  
24 restitution in the same manner as a judgment in a civil action.  
25 Restitution collected through civil enforcement must be paid through  
26 the registry of the court and must be distributed proportionately  
27 according to each victim's loss when there is more than one victim.

28 (7) This section shall apply to offenses committed after July 1,  
29 1985.

30 **Sec. 3.** RCW 9.94A.145 and 1999 c 196 s 6 are each amended to read  
31 as follows:

32 (1) Whenever a person is convicted of a felony, the court may order  
33 the payment of a legal financial obligation as part of the sentence.  
34 The court must on either the judgment and sentence or on a subsequent  
35 order to pay, designate the total amount of a legal financial  
36 obligation and segregate this amount among the separate assessments  
37 made for restitution, costs, fines, and other assessments required by  
38 law. On the same order, the court is also to set a sum that the

1 offender is required to pay on a monthly basis towards satisfying the  
2 legal financial obligation. If the court fails to set the offender  
3 monthly payment amount, the department shall set the amount. Upon  
4 receipt of an offender's monthly payment, after restitution is  
5 satisfied, the county clerk shall distribute the payment proportionally  
6 among all other fines, costs, and assessments imposed, unless otherwise  
7 ordered by the court.

8 (2) If the court determines that the offender, at the time of  
9 sentencing, has the means to pay for the cost of incarceration, the  
10 court may require the offender to pay for the cost of incarceration at  
11 a rate of fifty dollars per day of incarceration. Payment of other  
12 court-ordered financial obligations, including all legal financial  
13 obligations and costs of supervision shall take precedence over the  
14 payment of the cost of incarceration ordered by the court. All funds  
15 recovered from offenders for the cost of incarceration in the county  
16 jail shall be remitted to the county and the costs of incarceration in  
17 a prison shall be remitted to the department of corrections.

18 (3) The court may add to the judgment and sentence or subsequent  
19 order to pay a statement that a notice of payroll deduction is to be  
20 immediately issued. If the court chooses not to order the immediate  
21 issuance of a notice of payroll deduction at sentencing, the court  
22 shall add to the judgment and sentence or subsequent order to pay a  
23 statement that a notice of payroll deduction may be issued or other  
24 income-withholding action may be taken, without further notice to the  
25 offender if a monthly court-ordered legal financial obligation payment  
26 is not paid when due, and an amount equal to or greater than the amount  
27 payable for one month is owed.

28 If a judgment and sentence or subsequent order to pay does not  
29 include the statement that a notice of payroll deduction may be issued  
30 or other income-withholding action may be taken if a monthly legal  
31 financial obligation payment is past due, the department may serve a  
32 notice on the offender stating such requirements and authorizations.  
33 Service shall be by personal service or any form of mail requiring a  
34 return receipt.

35 (4) All legal financial obligations that are ordered as a result of  
36 a conviction for a felony, may also be enforced in the same manner as  
37 a judgment in a civil action by the party or entity to whom the legal  
38 financial obligation is owed. Restitution collected through civil  
39 enforcement must be paid through the registry of the court and must be

1 distributed proportionately according to each victim's loss when there  
2 is more than one victim. The judgment and sentence shall identify the  
3 party or entity to whom restitution is owed so that the state, party,  
4 or entity may enforce the judgment. If restitution is ordered pursuant  
5 to RCW 9.94A.140(3) or 9.94A.142(3) to a victim of rape of a child and  
6 the victim's child born from the rape, the Washington state child  
7 support registry shall be identified as the party to whom payments must  
8 be made. Restitution obligations arising from the rape of a child in  
9 the first, second, or third degree that result in the pregnancy of the  
10 victim may be enforced for the time periods provided under RCW  
11 9.94A.140(3) and 9.94A.142(3). All other legal financial obligations  
12 for an offense committed prior to July 1, 2000, may be enforced at any  
13 time during the ten-year period following the offender's release from  
14 total confinement or within ten years of entry of the judgment and  
15 sentence, whichever period (~~is longer~~) ends later. Prior to the  
16 expiration of the initial ten-year period, the superior court may  
17 extend the criminal judgment an additional ten years for payment of  
18 legal financial obligations including crime victims' assessments. (~~If~~  
19 ~~jurisdiction under the criminal judgment is extended, the department is~~  
20 ~~not responsible for supervision of the offender during the subsequent~~  
21 ~~period~~) All other legal financial obligations for an offense committed  
22 on or after July 1, 2000, may be enforced at any time the offender  
23 remains under the court's jurisdiction. The department of corrections  
24 shall supervise the offender's compliance with payment of the legal  
25 financial obligations for ten years following the entry of the judgment  
26 and sentence, or ten years following the offender's release from total  
27 confinement, whichever period ends later. The department is not  
28 responsible for supervision of the offender during any subsequent  
29 period of time the offender remains under the court's jurisdiction.  
30 Independent of the department, the party or entity to whom the legal  
31 financial obligation is owed shall have the authority to utilize any  
32 other remedies available to the party or entity to collect the legal  
33 financial obligation.

34 (5) In order to assist the court in setting a monthly sum that the  
35 offender must pay during the period of supervision, the offender is  
36 required to report to the department for purposes of preparing a  
37 recommendation to the court. When reporting, the offender is required,  
38 under oath, to truthfully and honestly respond to all questions  
39 concerning present, past, and future earning capabilities and the



1 location and nature of all property or financial assets. The offender  
2 is further required to bring any and all documents as requested by the  
3 department.

4 (6) After completing the investigation, the department shall make  
5 a report to the court on the amount of the monthly payment that the  
6 offender should be required to make towards a satisfied legal financial  
7 obligation.

8 (7) During the period of supervision, the department may make a  
9 recommendation to the court that the offender's monthly payment  
10 schedule be modified so as to reflect a change in financial  
11 circumstances. If the department sets the monthly payment amount, the  
12 department may modify the monthly payment amount without the matter  
13 being returned to the court. Also, during the period of supervision,  
14 the offender may be required at the request of the department to report  
15 to the department for the purposes of reviewing the appropriateness of  
16 the collection schedule for the legal financial obligation. During  
17 this reporting, the offender is required under oath to truthfully and  
18 honestly respond to all questions concerning earning capabilities and  
19 the location and nature of all property or financial assets. Also, the  
20 offender is required to bring any and all documents as requested by the  
21 department in order to prepare the collection schedule.

22 (8) After the judgment and sentence or payment order is entered,  
23 the department shall for any period of supervision be authorized to  
24 collect the legal financial obligation from the offender. Any amount  
25 collected by the department shall be remitted daily to the county clerk  
26 for the purposes of disbursements. The department is authorized to  
27 accept credit cards as payment for a legal financial obligation, and  
28 any costs incurred related to accepting credit card payments shall be  
29 the responsibility of the offender.

30 (9) The department or any obligee of the legal financial obligation  
31 may seek a mandatory wage assignment for the purposes of obtaining  
32 satisfaction for the legal financial obligation pursuant to RCW  
33 9.94A.2001.

34 (10) The requirement that the offender pay a monthly sum towards a  
35 legal financial obligation constitutes a condition or requirement of a  
36 sentence and the offender is subject to the penalties as provided in  
37 RCW 9.94A.200 for noncompliance.

38 (11) The county clerk shall provide the department with  
39 individualized monthly billings for each offender with an unsatisfied

1 legal financial obligation and shall provide the department with notice  
2 of payments by such offenders no less frequently than weekly.

3 (12) The department may arrange for the collection of unpaid legal  
4 financial obligations through the county clerk, or through another  
5 entity if the clerk does not assume responsibility for collection. The  
6 costs for collection services shall be paid by the offender.

7 **Sec. 4.** RCW 9.94A.170 and 1999 c 196 s 7 and 1999 c 143 s 14 are  
8 each reenacted and amended to read as follows:

9 (1) A term of confinement ordered in a sentence pursuant to this  
10 chapter shall be tolled by any period of time during which the offender  
11 has absented himself or herself from confinement without the prior  
12 approval of the entity in whose custody the offender has been placed.  
13 A term of partial confinement shall be tolled during any period of time  
14 spent in total confinement pursuant to a new conviction or pursuant to  
15 sanctions for violation of sentence conditions on a separate felony  
16 conviction.

17 (2) ((A)) Any term of community custody (~~ordered in a sentence~~  
18 ~~pursuant to this chapter~~), community placement, or community  
19 supervision shall be tolled by any period of time during which the  
20 offender has absented himself or herself from supervision without prior  
21 approval of the entity under whose (~~community custody~~) supervision  
22 the offender has been placed.

23 (3) Any period of community custody, community placement, or  
24 community supervision shall be tolled during any period of time the  
25 offender is in confinement for any reason. However, if an offender is  
26 detained pursuant to RCW 9.94A.207 or 9.94A.195 and is later found not  
27 to have violated a condition or requirement of community custody,  
28 community placement, or community supervision, time spent in  
29 confinement due to such detention shall not toll the period of  
30 community custody, community placement, or community supervision.

31 (4) For terms of confinement or community custody (~~sentences~~),  
32 community placement, or community supervision, the date for the tolling  
33 of the sentence shall be established by the entity responsible for the  
34 confinement or (~~community custody~~) supervision.

35 **Sec. 5.** RCW 10.82.090 and 1995 c 291 s 7 are each amended to read  
36 as follows:

1       (1) Except as provided in subsection (2) of this section, financial  
2 obligations imposed in a judgment shall bear interest from the date of  
3 the judgment until payment, at the rate applicable to civil judgments.  
4 All nonrestitution interest retained by the court shall be split  
5 twenty-five percent to the state treasurer for deposit in the public  
6 safety and education account as provided in RCW 43.08.250, twenty-five  
7 percent to the state treasurer for deposit in the judicial information  
8 system account as provided in RCW 2.68.020, twenty-five percent to the  
9 county current expense fund, and twenty-five percent to the county  
10 current expense fund to fund local courts.

11       (2) With respect to financial obligations imposed for offenses  
12 committed on or after July 1, 2000, interest shall not accrue during  
13 any period of time the offender is in total confinement in a state  
14 correctional institution as defined in RCW 9.94.049, an institution  
15 operated or utilized by the department of corrections, an out-of-state  
16 correctional institution, or a federal correctional institution.

17       NEW SECTION. Sec. 6. If any provision of this act or its  
18 application to any person or circumstance is held invalid, the  
19 remainder of the act or the application of the provision to other  
20 persons or circumstances is not affected.

21       NEW SECTION. Sec. 7. Section 4 of this act is necessary for the  
22 immediate preservation of the public peace, health, or safety, or  
23 support of the state government and its existing public institutions,  
24 and takes effect immediately."

25       Correct the title.

--- END ---