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**SUBSTITUTE HOUSE BILL 2511**

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**State of Washington**

**56th Legislature**

**2000 Regular Session**

**By** House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Ballasiotes, O'Brien, Lovick, Haigh and Hurst; by request of Department of Corrections)

Read first time 02/04/2000. Referred to Committee on .

1 AN ACT Relating to tolling of criminal sentencing provisions;  
2 amending RCW 9.94A.145 and 10.82.090; reenacting and amending RCW  
3 9.94A.120, 9.94A.142, and 9.94A.170; and declaring an emergency.

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

5 **Sec. 1.** RCW 9.94A.120 and 1999 c 324 s 2, 1999 c 197 s 4, 1999 c  
6 196 s 5, and 1999 c 147 s 3 are each reenacted and amended to read as  
7 follows:

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

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

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

17 (3) Whenever a sentence outside the standard range is imposed, the  
18 court shall set forth the reasons for its decision in written findings

1 of fact and conclusions of law. A sentence outside the standard range  
2 shall be a determinate sentence.

3 (4) A persistent offender shall be sentenced to a term of total  
4 confinement for life without the possibility of parole or, when  
5 authorized by RCW 10.95.030 for the crime of aggravated murder in the  
6 first degree, sentenced to death, notwithstanding the maximum sentence  
7 under any other law. An offender convicted of the crime of murder in  
8 the first degree shall be sentenced to a term of total confinement not  
9 less than twenty years. An offender convicted of the crime of assault  
10 in the first degree or assault of a child in the first degree where the  
11 offender used force or means likely to result in death or intended to  
12 kill the victim shall be sentenced to a term of total confinement not  
13 less than five years. An offender convicted of the crime of rape in  
14 the first degree shall be sentenced to a term of total confinement not  
15 less than five years. The foregoing minimum terms of total confinement  
16 are mandatory and shall not be varied or modified as provided in  
17 subsection (2) of this section. In addition, all offenders subject to  
18 the provisions of this subsection shall not be eligible for community  
19 custody, earned release time, furlough, home detention, partial  
20 confinement, work crew, work release, or any other form of early  
21 release as defined under RCW 9.94A.150 (1), (2), (3), (~~(5), (7), or~~)  
22 (6), (8), or (9), or any other form of authorized leave of absence from  
23 the correctional facility while not in the direct custody of a  
24 corrections officer or officers during such minimum terms of total  
25 confinement except: (a) In the case of an offender in need of  
26 emergency medical treatment; (b) for the purpose of commitment to an  
27 inpatient treatment facility in the case of an offender convicted of  
28 the crime of rape in the first degree; or (c) for an extraordinary  
29 medical placement when authorized under RCW 9.94A.150(4).

30 (5)(a) In sentencing a first-time offender the court may waive the  
31 imposition of a sentence within the sentence range and impose a  
32 sentence which may include up to ninety days of confinement in a  
33 facility operated or utilized under contract by the county and a  
34 requirement that the offender refrain from committing new offenses.  
35 The sentence may also include a term of community supervision or  
36 community custody as specified in (b) of this subsection, which, in  
37 addition to crime-related prohibitions, may include requirements that  
38 the offender perform any one or more of the following:

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

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

4 (iii) Pursue a prescribed, secular course of study or vocational  
5 training;

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

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

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

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

14 (i) For sentences imposed on or after July 25, 1999, for crimes  
15 committed before July 1, 2000, up to one year of community supervision.  
16 If treatment is ordered, the period of community supervision may  
17 include up to the period of treatment, but shall not exceed two years;  
18 and

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

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

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

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

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

38 (iii) For a violation of the uniform controlled substances act  
39 under chapter 69.50 RCW or a criminal solicitation to commit such a

1 violation under chapter 9A.28 RCW, the offense involved only a small  
2 quantity of the particular controlled substance as determined by the  
3 judge upon consideration of such factors as the weight, purity,  
4 packaging, sale price, and street value of the controlled substance;  
5 and

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

8 (b) If the standard range is greater than one year and the  
9 sentencing judge determines that the offender is eligible for this  
10 option and that the offender and the community will benefit from the  
11 use of the special drug offender sentencing alternative, the judge may  
12 waive imposition of a sentence within the standard range and impose a  
13 sentence that must include a period of total confinement in a state  
14 facility for one-half of the midpoint of the standard range. During  
15 incarceration in the state facility, offenders sentenced under this  
16 subsection shall undergo a comprehensive substance abuse assessment and  
17 receive, within available resources, treatment services appropriate for  
18 the offender. The treatment services shall be designed by the division  
19 of alcohol and substance abuse of the department of social and health  
20 services, in cooperation with the department of corrections.

21 The court shall also impose:

22 (i) The remainder of the midpoint of the standard range as a term  
23 of community custody which must include appropriate substance abuse  
24 treatment in a program that has been approved by the division of  
25 alcohol and substance abuse of the department of social and health  
26 services;

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

29 (iii) A requirement to submit to urinalysis or other testing to  
30 monitor that status.

31 The court may prohibit the offender from using alcohol or  
32 controlled substances and may require that the monitoring for  
33 controlled substances be conducted by the department or by a treatment  
34 alternatives to street crime program or a comparable court or agency-  
35 referred program. The offender may be required to pay thirty dollars  
36 per month while on community custody to offset the cost of monitoring.  
37 In addition, the court shall impose three or more of the following  
38 conditions:

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

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

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

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

6 (E) Perform community service work;

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

8 (G) Such other conditions as the court may require such as  
9 affirmative conditions.

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

15 (d) The department shall determine the rules for calculating the  
16 value of a day fine based on the offender's income and reasonable  
17 obligations which the offender has for the support of the offender and  
18 any dependents. These rules shall be developed in consultation with  
19 the administrator for the courts, the office of financial management,  
20 and the commission.

21 (e) An offender who fails to complete the special drug offender  
22 sentencing alternative program or who is administratively terminated  
23 from the program shall be reclassified to serve the unexpired term of  
24 his or her sentence as ordered by the sentencing judge and shall be  
25 subject to all rules relating to earned early release time. An  
26 offender who violates any conditions of supervision as defined by the  
27 department shall be sanctioned. Sanctions may include, but are not  
28 limited to, reclassifying the offender to serve the unexpired term of  
29 his or her sentence as ordered by the sentencing judge. If an offender  
30 is reclassified to serve the unexpired term of his or her sentence, the  
31 offender shall be subject to all rules relating to earned early release  
32 time.

33 (7) If a sentence range has not been established for the  
34 defendant's crime, the court shall impose a determinate sentence which  
35 may include not more than one year of confinement; community service  
36 work; until July 1, 2000, a term of community supervision not to exceed  
37 one year and on and after July 1, 2000, a term of community custody not  
38 to exceed one year, subject to conditions and sanctions as authorized  
39 in subsection (11)(b) and (c) of this section; and/or other legal

1 financial obligations. The court may impose a sentence which provides  
2 more than one year of confinement if the court finds, considering the  
3 purpose of this chapter, that there are substantial and compelling  
4 reasons justifying an exceptional sentence.

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

12 The report of the examination shall include at a minimum the  
13 following: The defendant's version of the facts and the official  
14 version of the facts, the defendant's offense history, an assessment of  
15 problems in addition to alleged deviant behaviors, the offender's  
16 social and employment situation, and other evaluation measures used.  
17 The report shall set forth the sources of the evaluator's information.

18 The examiner shall assess and report regarding the defendant's  
19 amenability to treatment and relative risk to the community. A  
20 proposed treatment plan shall be provided and shall include, at a  
21 minimum:

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

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

25 (C) Monitoring plans, including any requirements regarding living  
26 conditions, lifestyle requirements, and monitoring by family members  
27 and others;

28 (D) Anticipated length of treatment; and

29 (E) Recommended crime-related prohibitions.

30 The court on its own motion may order, or on a motion by the state  
31 shall order, a second examination regarding the offender's amenability  
32 to treatment. The evaluator shall be selected by the party making the  
33 motion. The defendant shall pay the cost of any second examination  
34 ordered unless the court finds the defendant to be indigent in which  
35 case the state shall pay the cost.

36 (ii) After receipt of the reports, the court shall consider whether  
37 the offender and the community will benefit from use of this special  
38 sex offender sentencing alternative and consider the victim's opinion  
39 whether the offender should receive a treatment disposition under this

1 subsection. If the court determines that this special sex offender  
2 sentencing alternative is appropriate, the court shall then impose a  
3 sentence within the sentence range. If this sentence is less than  
4 eleven years of confinement, the court may suspend the execution of the  
5 sentence and impose the following conditions of suspension:

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

10 (B) The court shall order treatment for any period up to three  
11 years in duration. The court in its discretion shall order outpatient  
12 sex offender treatment or inpatient sex offender treatment, if  
13 available. A community mental health center may not be used for such  
14 treatment unless it has an appropriate program designed for sex  
15 offender treatment. The offender shall not change sex offender  
16 treatment providers or treatment conditions without first notifying the  
17 prosecutor, the community corrections officer, and the court, and shall  
18 not change providers without court approval after a hearing if the  
19 prosecutor or community corrections officer object to the change. In  
20 addition, as conditions of the suspended sentence, the court may impose  
21 other sentence conditions including up to six months of confinement,  
22 not to exceed the sentence range of confinement for that offense,  
23 crime-related prohibitions, and requirements that the offender perform  
24 any one or more of the following:

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

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

29 (III) Report as directed to the court and a community corrections  
30 officer;

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

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

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

1 (iii) The sex offender therapist shall submit quarterly reports on  
2 the defendant's progress in treatment to the court and the parties.  
3 The report shall reference the treatment plan and include at a minimum  
4 the following: Dates of attendance, defendant's compliance with  
5 requirements, treatment activities, the defendant's relative progress  
6 in treatment, and any other material as specified by the court at  
7 sentencing.

8 (iv) At the time of sentencing, the court shall set a treatment  
9 termination hearing for three months prior to the anticipated date for  
10 completion of treatment. Prior to the treatment termination hearing,  
11 the treatment professional and community corrections officer shall  
12 submit written reports to the court and parties regarding the  
13 defendant's compliance with treatment and monitoring requirements, and  
14 recommendations regarding termination from treatment, including  
15 proposed community supervision conditions. Either party may request  
16 and the court may order another evaluation regarding the advisability  
17 of termination from treatment. The defendant shall pay the cost of any  
18 additional evaluation ordered unless the court finds the defendant to  
19 be indigent in which case the state shall pay the cost. At the  
20 treatment termination hearing the court may: (A) Modify conditions of  
21 community custody, and either (B) terminate treatment, or (C) extend  
22 treatment for up to the remaining period of community custody.

23 (v) If a violation of conditions occurs during community custody,  
24 the department shall either impose sanctions as provided for in RCW  
25 9.94A.205(2)(a) or refer the violation to the court and recommend  
26 revocation of the suspended sentence as provided for in (a)(vi) of this  
27 subsection.

28 (vi) The court may revoke the suspended sentence at any time during  
29 the period of community custody and order execution of the sentence if:  
30 (A) The defendant violates the conditions of the suspended sentence, or  
31 (B) the court finds that the defendant is failing to make satisfactory  
32 progress in treatment. All confinement time served during the period  
33 of community custody shall be credited to the offender if the suspended  
34 sentence is revoked.

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



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

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

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

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

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

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

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

36 (iii) Report as directed to the court and a community corrections  
37 officer;

38 (iv) Undergo available outpatient treatment.

1 If the offender violates any of the terms of his or her community  
2 supervision, the court may order the offender to serve out the balance  
3 of his or her community supervision term in confinement in the custody  
4 of the department of corrections.

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

9 (c) Offenders convicted and sentenced for a sex offense committed  
10 prior to July 1, 1987, may, subject to available funds, request an  
11 evaluation by the department of corrections to determine whether they  
12 are amenable to treatment. If the offender is determined to be  
13 amenable to treatment, the offender may request placement in a  
14 treatment program within a correctional facility operated by the  
15 department. Placement in such treatment program is subject to  
16 available funds.

17 (d) Within the funds available for this purpose, the department  
18 shall develop and monitor transition and relapse prevention strategies,  
19 including risk assessment and release plans, to reduce risk to the  
20 community after sex offenders' terms of confinement in the custody of  
21 the department.

22 (9)(a)(i) When a court sentences a person to a term of total  
23 confinement to the custody of the department of corrections for an  
24 offense categorized as a sex offense or a serious violent offense  
25 committed after July 1, 1988, but before July 1, 1990, assault in the  
26 second degree, assault of a child in the second degree, any crime  
27 against a person where it is determined in accordance with RCW  
28 9.94A.125 that the defendant or an accomplice was armed with a deadly  
29 weapon at the time of commission, or any felony offense under chapter  
30 69.50 or 69.52 RCW not sentenced under subsection (6) of this section,  
31 committed on or after July 1, 1988, but before July 25, 1999, the court  
32 shall in addition to the other terms of the sentence, sentence the  
33 offender to a one-year term of community placement beginning either  
34 upon completion of the term of confinement or at such time as the  
35 offender is transferred to community custody in lieu of earned release  
36 in accordance with RCW 9.94A.150 (1) and (2). When the court sentences  
37 an offender under this subsection to the statutory maximum period of  
38 confinement then the community placement portion of the sentence shall  
39 consist entirely of such community custody to which the offender may

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

4 (ii) Except for persons sentenced under (b) of this subsection or  
5 subsection (10)(a) of this section, when a court sentences a person to  
6 a term of total confinement to the custody of the department of  
7 corrections for a violent offense, any crime against a person under RCW  
8 9.94A.440(2), or any felony offense under chapter 69.50 or 69.52 RCW  
9 not sentenced under subsection (6) of this section, committed on or  
10 after July 25, 1999, but before July 1, 2000, the court shall in  
11 addition to the other terms of the sentence, sentence the offender to  
12 a one-year term of community placement beginning either upon completion  
13 of the term of confinement or at such time as the offender is  
14 transferred to community custody in lieu of earned release in  
15 accordance with RCW 9.94A.150 (1) and (2). When the court sentences  
16 the offender under this subsection (9)(a)(ii) to the statutory maximum  
17 period of confinement, then the community placement portion of the  
18 sentence shall consist entirely of such 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.

22 (b) When a court sentences a person to a term of total confinement  
23 to the custody of the department of corrections for an offense  
24 categorized as a sex offense committed on or after July 1, 1990, but  
25 before June 6, 1996, or a serious violent offense, vehicular homicide,  
26 or vehicular assault, committed on or after July 1, 1990, but before  
27 July 1, 2000, the court shall in addition to other terms of the  
28 sentence, sentence the offender to community placement for two years or  
29 up to the period of earned release awarded pursuant to RCW 9.94A.150  
30 (1) and (2), whichever is longer. The community placement shall begin  
31 either upon completion of the term of confinement or at such time as  
32 the offender is transferred to community custody in lieu of earned  
33 release in accordance with RCW 9.94A.150 (1) and (2). When the court  
34 sentences an offender under this subsection to the statutory maximum  
35 period of confinement then the community placement portion of the  
36 sentence shall consist entirely of the community custody to which the  
37 offender may become eligible, in accordance with RCW 9.94A.150 (1) and  
38 (2). Any period of community custody actually served shall be credited  
39 against the community placement portion of the sentence. Unless a

1 condition is waived by the court, the terms of community placement for  
2 offenders sentenced pursuant to this section shall include the  
3 following conditions:

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

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

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

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

12 (v) The residence location and living arrangements are subject to  
13 the prior approval of the department of corrections during the period  
14 of community placement; and

15 (vi) The offender shall submit to affirmative acts necessary to  
16 monitor compliance with the orders of the court as required by the  
17 department.

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

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

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

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

27 (iv) The offender shall not consume alcohol;

28 (v) The offender shall comply with any crime-related prohibitions;  
29 or

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

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

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

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

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

29 (11)(a) When a court sentences a person to the custody of the  
30 department of corrections for a sex offense, a violent offense, any  
31 crime against a person under RCW 9.94A.440(2), or a felony offense  
32 under chapter 69.50 or 69.52 RCW not sentenced under subsection (6) of  
33 this section, committed on or after July 1, 2000, the court shall in  
34 addition to the other terms of the sentence, sentence the offender to  
35 community custody for the community custody range or up to the period  
36 of earned release awarded pursuant to RCW 9.94A.150 (1) and (2),  
37 whichever is longer. The community custody shall begin either upon  
38 completion of the term of confinement or at such time as the offender

1 is transferred to community custody in lieu of earned release in  
2 accordance with RCW 9.94A.150 (1) and (2).

3 (b) Unless a condition is waived by the court, the conditions of  
4 community custody shall include those provided for in subsection  
5 (9)(b)(i) through (vi) of this section. The conditions may also  
6 include those provided for in subsection (9)(c)(i) through (vi) of this  
7 section. The court may also order the offender to participate in  
8 rehabilitative programs or otherwise perform affirmative conduct  
9 reasonably related to the circumstances of the offense, the offender's  
10 risk of reoffending, or the safety of the community, and the department  
11 shall enforce such conditions pursuant to (f) of this subsection. As  
12 part of any sentence that includes a term of community custody imposed  
13 under this subsection, the court shall also require the offender to  
14 comply with any conditions imposed by the department of corrections  
15 under subsection (15) of this section. The department shall assess the  
16 offender's risk of reoffense and may establish and modify additional  
17 conditions of the offender's community custody based upon the risk to  
18 community safety. The department may not impose conditions that are  
19 contrary to those ordered by the court and may not contravene or  
20 decrease court imposed conditions. The department shall notify the  
21 offender in writing of any such conditions or modifications. In  
22 setting, modifying, and enforcing conditions of community custody, the  
23 department shall be deemed to be performing a quasi-judicial function.

24 (c) If an offender violates conditions imposed by the court or the  
25 department pursuant to this subsection during community custody, the  
26 department may transfer the offender to a more restrictive confinement  
27 status and impose other available sanctions as provided in RCW  
28 9.94A.205 and 9.94A.207.

29 (d) Except for terms of community custody under subsection (8) of  
30 this section, the department shall discharge the offender from  
31 community custody on a date determined by the department, which the  
32 department may modify, based on risk and performance of the offender,  
33 within the range or at the end of the period of earned release,  
34 whichever is later.

35 (e) At any time prior to the completion or termination of a sex  
36 offender's term of community custody, if the court finds that public  
37 safety would be enhanced, the court may impose and enforce an order  
38 extending any or all of the conditions imposed pursuant to this section  
39 for a period up to the maximum allowable sentence for the crime as it

1 is classified in chapter 9A.20 RCW, regardless of the expiration of the  
2 offender's term of community custody. If a violation of a condition  
3 extended under this subsection occurs after the expiration of the  
4 offender's term of community custody, it shall be deemed a violation of  
5 the sentence for the purposes of RCW 9.94A.195 and may be punishable as  
6 contempt of court as provided for in RCW 7.21.040. If the court  
7 extends a condition beyond the expiration of the term of community  
8 custody, the department is not responsible for supervision of the  
9 offender's compliance with the condition.

10 (f) Within the funds available for community custody, the  
11 department shall determine conditions and duration of community custody  
12 on the basis of risk to community safety, and shall supervise offenders  
13 during community custody on the basis of risk to community safety and  
14 conditions imposed by the court. The secretary shall adopt rules to  
15 implement the provisions of this subsection (11)(f).

16 (g) By the close of the next business day after receiving notice of  
17 a condition imposed or modified by the department, an offender may  
18 request an administrative review under rules adopted by the department.  
19 The condition shall remain in effect unless the reviewing officer finds  
20 that it is not reasonably related to any of the following: (i) The  
21 crime of conviction; (ii) the offender's risk of reoffending; or (iii)  
22 the safety of the community.

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

29 (13)(a) If a sentence imposed includes payment of a legal financial  
30 obligation, the sentence shall specify the total amount of the legal  
31 financial obligation owed, and shall require the offender to pay a  
32 specified monthly sum toward that legal financial obligation.  
33 Restitution to victims shall be paid prior to any other payments of  
34 monetary obligations. Any legal financial obligation that is imposed  
35 by the court may be collected by the department, which shall deliver  
36 the amount paid to the county clerk for credit.

37 (b) For an offense committed prior to July 1, 2000, the offender's  
38 compliance with payment of legal financial obligations shall be  
39 supervised by the department for ten years following the entry of the

1 judgment and sentence or ten years following the offender's release  
2 from total confinement, whichever period ends later. All monetary  
3 payments ordered shall be paid no later than ten years after the last  
4 date of release from confinement pursuant to a felony conviction or the  
5 date the sentence was entered unless the superior court extends the  
6 criminal judgment an additional ten years. If the legal financial  
7 obligations including crime victims' assessments are not paid during  
8 the initial ten-year period, the superior court may extend jurisdiction  
9 under the criminal judgment an additional ten years as provided in RCW  
10 9.94A.140, 9.94A.142, and 9.94A.145. If jurisdiction under the  
11 criminal judgment is extended, the department is not responsible for  
12 supervision of the offender during the subsequent period.

13 (c) For an offense committed on or after July 1, 2000, the court  
14 shall retain jurisdiction over the offender, for purposes of the  
15 offender's compliance with payment of the legal financial obligations,  
16 until the obligation is completely satisfied, regardless of the  
17 statutory maximum for the crime. The department of corrections shall  
18 supervise the offender's compliance with payment of the legal financial  
19 obligations for ten years following the entry of the judgment and  
20 sentence or ten years following the offender's release from total  
21 confinement, whichever period ends later. The department is not  
22 responsible for supervision of the offender during any subsequent  
23 period of time the offender remains under the court's jurisdiction.

24 (d) Independent of the department, the party or entity to whom the  
25 legal financial obligation is owed shall have the authority to utilize  
26 any other remedies available to the party or entity to collect the  
27 legal financial obligation. Nothing in this section makes the  
28 department, the state, or any of its employees, agents, or other  
29 persons acting on their behalf liable under any circumstances for the  
30 payment of these legal financial obligations. If an order includes  
31 restitution as one of the monetary assessments, the county clerk shall  
32 make disbursements to victims named in the order.

33 (14) Except as provided under RCW 9.94A.140(1) and 9.94A.142(1), a  
34 court may not impose a sentence providing for a term of confinement or  
35 community supervision, community placement, or community custody which  
36 exceeds the statutory maximum for the crime as provided in chapter  
37 9A.20 RCW.

38 (15) All offenders sentenced to terms involving community  
39 supervision, community service, community placement, community custody,



1 or legal financial obligation shall be under the supervision of the  
2 department of corrections and shall follow explicitly the instructions  
3 and conditions of the department of corrections. The department may  
4 require an offender to perform affirmative acts it deems appropriate to  
5 monitor compliance with the conditions of the sentence imposed.

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

11 (b) For offenders sentenced to terms involving community custody  
12 for crimes committed on or after June 6, 1996, the department may  
13 include, in addition to the instructions in (a) of this subsection, any  
14 appropriate conditions of supervision, including but not limited to,  
15 prohibiting the offender from having contact with any other specified  
16 individuals or specific class of individuals. For offenders sentenced  
17 to terms of community custody for crimes committed on or after July 1,  
18 2000, the department may additionally require the offender to  
19 participate in rehabilitative programs or otherwise perform affirmative  
20 conduct, and to obey all laws.

21 The conditions authorized under this subsection (15)(b) may be  
22 imposed by the department prior to or during an offender's community  
23 custody term. If a violation of conditions imposed by the court or the  
24 department pursuant to subsection (10) of this section occurs during  
25 community custody, it shall be deemed a violation of community  
26 placement for the purposes of RCW 9.94A.207 and shall authorize the  
27 department to transfer an offender to a more restrictive confinement  
28 status as provided in RCW 9.94A.205. At any time prior to the  
29 completion of an offender's term of community custody, the department  
30 may recommend to the court that any or all of the conditions imposed by  
31 the court or the department pursuant to subsection (10) or (11) of this  
32 section be continued beyond the expiration of the offender's term of  
33 community custody as authorized in subsection (10)(c) or (11)(e) of  
34 this section.

35 The department may require offenders to pay for special services  
36 rendered on or after July 25, 1993, including electronic monitoring,  
37 day reporting, and telephone reporting, dependent upon the offender's  
38 ability to pay. The department may pay for these services for  
39 offenders who are not able to pay.

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

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

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

21 (19) The court shall order restitution whenever the offender is  
22 convicted of a felony that results in injury to any person or damage to  
23 or loss of property, whether the offender is sentenced to confinement  
24 or placed under community supervision, unless extraordinary  
25 circumstances exist that make restitution inappropriate in the court's  
26 judgment. The court shall set forth the extraordinary circumstances in  
27 the record if it does not order restitution.

28 (20) As a part of any sentence, the court may impose and enforce an  
29 order that relates directly to the circumstances of the crime for which  
30 the offender has been convicted, prohibiting the offender from having  
31 any contact with other specified individuals or a specific class of  
32 individuals for a period not to exceed the maximum allowable sentence  
33 for the crime, regardless of the expiration of the offender's term of  
34 community supervision or community placement.

35 (21) The court may order an offender whose sentence includes  
36 community placement or community supervision to undergo a mental status  
37 evaluation and to participate in available outpatient mental health  
38 treatment, if the court finds that reasonable grounds exist to believe  
39 that the offender is a mentally ill person as defined in RCW 71.24.025,

1 and that this condition is likely to have influenced the offense. An  
2 order requiring mental status evaluation or treatment must be based on  
3 a presentence report and, if applicable, mental status evaluations that  
4 have been filed with the court to determine the offender's competency  
5 or eligibility for a defense of insanity. The court may order  
6 additional evaluations at a later date if deemed appropriate.

7 (22) In any sentence of partial confinement, the court may require  
8 the defendant to serve the partial confinement in work release, in a  
9 program of home detention, on work crew, or in a combined program of  
10 work crew and home detention.

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

15 (24) In sentencing an offender convicted of a crime of domestic  
16 violence, as defined in RCW 10.99.020, if the offender has a minor  
17 child, or if the victim of the offense for which the offender was  
18 convicted has a minor child, the court may, as part of any term of  
19 community supervision, order the offender to participate in a domestic  
20 violence perpetrator program approved under RCW 26.50.150.

21 (25)(a) Sex offender examinations and treatment ordered as a  
22 special condition of community placement or community custody under  
23 this section shall be conducted only by sex offender treatment  
24 providers certified by the department of health under chapter 18.155  
25 RCW unless the court finds that: (i) The offender has already moved to  
26 another state or plans to move to another state for reasons other than  
27 circumventing the certification requirements; (ii) no certified  
28 providers are available for treatment within a reasonable geographic  
29 distance of the offender's home, as determined in rules adopted by the  
30 secretary; (iii) the evaluation and treatment plan comply with the  
31 rules adopted by the department of health; or (iv) the treatment  
32 provider is employed by the department. A treatment provider selected  
33 by an offender who is not certified by the department of health shall  
34 consult with a certified provider during the offender's period of  
35 treatment to ensure compliance with the rules adopted by the department  
36 of health. The frequency and content of the consultation shall be  
37 based on the recommendation of the certified provider.

38 (b) A sex offender's failure to participate in treatment required  
39 as a condition of community placement or community custody is a

1 violation that will not be excused on the basis that no treatment  
2 provider was located within a reasonable geographic distance of the  
3 offender's home.

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

6 (1) When restitution is ordered, the court shall determine the  
7 amount of restitution due at the sentencing hearing or within one  
8 hundred eighty days except as provided in subsection (4) of this  
9 section. The court may continue the hearing beyond the one hundred  
10 eighty days for good cause. The court shall then set a minimum monthly  
11 payment that the offender is required to make towards the restitution  
12 that is ordered. The court should take into consideration the total  
13 amount of the restitution owed, the offender's present, past, and  
14 future ability to pay, as well as any assets that the offender may  
15 have. During the period of supervision, the community corrections  
16 officer may examine the offender to determine if there has been a  
17 change in circumstances that warrants an amendment of the monthly  
18 payment schedule. The community corrections officer may recommend a  
19 change to the schedule of payment and shall inform the court of the  
20 recommended change and the reasons for the change. The sentencing  
21 court may then reset the monthly minimum payments based on the report  
22 from the community corrections officer of the change in circumstances.  
23 Except as provided in subsection (3) of this section, restitution  
24 ordered by a court pursuant to a criminal conviction shall be based on  
25 easily ascertainable damages for injury to or loss of property, actual  
26 expenses incurred for treatment for injury to persons, and lost wages  
27 resulting from injury. Restitution shall not include reimbursement for  
28 damages for mental anguish, pain and suffering, or other intangible  
29 losses, but may include the costs of counseling reasonably related to  
30 the offense. The amount of restitution shall not exceed double the  
31 amount of the offender's gain or the victim's loss from the commission  
32 of the crime. For the purposes of this section, for an offense  
33 committed prior to July 1, 2000, the offender shall remain under the  
34 court's jurisdiction for a term of ten years following the offender's  
35 release from total confinement or ten years subsequent to the entry of  
36 the judgment and sentence, whichever period (~~is longer~~) ends later.  
37 Prior to the expiration of the initial ten-year period, the superior  
38 court may extend jurisdiction under the criminal judgment an additional

1 ten years for payment of restitution. For an offense committed on or  
2 after July 1, 2000, the offender shall remain under the court's  
3 jurisdiction until the obligation is completely satisfied, regardless  
4 of the statutory maximum for the crime. The portion of the sentence  
5 concerning restitution may be modified as to amount, terms, and  
6 conditions during ~~((either the initial ten-year period or subsequent~~  
7 ~~ten-year period if the criminal judgment is extended))~~ any period of  
8 time the offender remains under the court's jurisdiction, regardless of  
9 the expiration of the offender's term of community supervision and  
10 regardless of the statutory maximum for the crime. The court may not  
11 reduce the total amount of restitution ordered because the offender may  
12 lack the ability to pay the total amount. The offender's compliance  
13 with the restitution shall be supervised by the department of  
14 corrections for ten years following the entry of the judgment and  
15 sentence or ten years following the offender's release from total  
16 confinement. ~~((If jurisdiction under the criminal judgment is~~  
17 ~~extended, the department is not responsible for supervision of the~~  
18 ~~offender during the subsequent period))~~ The department is not  
19 responsible for supervision of the offender during any subsequent  
20 period of time the offender remains under the court's jurisdiction.

21 (2) Restitution shall be ordered whenever the offender is convicted  
22 of an offense which results in injury to any person or damage to or  
23 loss of property or as provided in subsection (3) of this section  
24 unless extraordinary circumstances exist which make restitution  
25 inappropriate in the court's judgment and the court sets forth such  
26 circumstances in the record. In addition, restitution shall be ordered  
27 to pay for an injury, loss, or damage if the offender pleads guilty to  
28 a lesser offense or fewer offenses and agrees with the prosecutor's  
29 recommendation that the offender be required to pay restitution to a  
30 victim of an offense or offenses which are not prosecuted pursuant to  
31 a plea agreement.

32 (3) Restitution for the crime of rape of a child in the first,  
33 second, or third degree, in which the victim becomes pregnant, shall  
34 include: (a) All of the victim's medical expenses that are associated  
35 with the rape and resulting pregnancy; and (b) child support for any  
36 child born as a result of the rape if child support is ordered pursuant  
37 to a civil superior court or administrative order for support for that  
38 child. The clerk must forward any restitution payments made on behalf  
39 of the victim's child to the Washington state child support registry

1 under chapter 26.23 RCW. Identifying information about the victim and  
2 child shall not be included in the order. The defendant shall receive  
3 a credit against any obligation owing under the administrative or  
4 superior court order for support of the victim's child. For the  
5 purposes of this subsection, the offender shall remain under the  
6 court's jurisdiction until the defendant has satisfied support  
7 obligations under the superior court or administrative order but not  
8 longer than a maximum term of twenty-five years following the  
9 offender's release from total confinement or twenty-five years  
10 subsequent to the entry of the judgment and sentence, whichever period  
11 is longer. The court may not reduce the total amount of restitution  
12 ordered because the offender may lack the ability to pay the total  
13 amount. The department shall supervise the offender's compliance with  
14 the restitution ordered under this subsection.

15 (4) Regardless of the provisions of subsections (1), (2), and (3)  
16 of this section, the court shall order restitution in all cases where  
17 the victim is entitled to benefits under the crime victims'  
18 compensation act, chapter 7.68 RCW. If the court does not order  
19 restitution and the victim of the crime has been determined to be  
20 entitled to benefits under the crime victims' compensation act, the  
21 department of labor and industries, as administrator of the crime  
22 victims' compensation program, may petition the court within one year  
23 of entry of the judgment and sentence for entry of a restitution order.  
24 Upon receipt of a petition from the department of labor and industries,  
25 the court shall hold a restitution hearing and shall enter a  
26 restitution order.

27 (5) In addition to any sentence that may be imposed, a defendant  
28 who has been found guilty of an offense involving fraud or other  
29 deceptive practice or an organization which has been found guilty of  
30 any such offense may be ordered by the sentencing court to give notice  
31 of the conviction to the class of persons or to the sector of the  
32 public affected by the conviction or financially interested in the  
33 subject matter of the offense by mail, by advertising in designated  
34 areas or through designated media, or by other appropriate means.

35 (6) This section does not limit civil remedies or defenses  
36 available to the victim, survivors of the victim, or defendant  
37 including support enforcement remedies for support ordered under  
38 subsection (3) of this section for a child born as a result of a rape  
39 of a child victim. The court shall identify in the judgment and

1 sentence the victim or victims entitled to restitution and what amount  
2 is due each victim. The state or victim may enforce the court-ordered  
3 restitution in the same manner as a judgment in a civil action.  
4 Restitution collected through civil enforcement must be paid through  
5 the registry of the court and must be distributed proportionately  
6 according to each victim's loss when there is more than one victim.

7 (7) This section shall apply to offenses committed after July 1,  
8 1985.

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

11 (1) Whenever a person is convicted of a felony, the court may order  
12 the payment of a legal financial obligation as part of the sentence.  
13 The court must on either the judgment and sentence or on a subsequent  
14 order to pay, designate the total amount of a legal financial  
15 obligation and segregate this amount among the separate assessments  
16 made for restitution, costs, fines, and other assessments required by  
17 law. On the same order, the court is also to set a sum that the  
18 offender is required to pay on a monthly basis towards satisfying the  
19 legal financial obligation. If the court fails to set the offender  
20 monthly payment amount, the department shall set the amount. Upon  
21 receipt of an offender's monthly payment, after restitution is  
22 satisfied, the county clerk shall distribute the payment proportionally  
23 among all other fines, costs, and assessments imposed, unless otherwise  
24 ordered by the court.

25 (2) If the court determines that the offender, at the time of  
26 sentencing, has the means to pay for the cost of incarceration, the  
27 court may require the offender to pay for the cost of incarceration at  
28 a rate of fifty dollars per day of incarceration. Payment of other  
29 court-ordered financial obligations, including all legal financial  
30 obligations and costs of supervision shall take precedence over the  
31 payment of the cost of incarceration ordered by the court. All funds  
32 recovered from offenders for the cost of incarceration in the county  
33 jail shall be remitted to the county and the costs of incarceration in  
34 a prison shall be remitted to the department of corrections.

35 (3) The court may add to the judgment and sentence or subsequent  
36 order to pay a statement that a notice of payroll deduction is to be  
37 immediately issued. If the court chooses not to order the immediate  
38 issuance of a notice of payroll deduction at sentencing, the court

1 shall add to the judgment and sentence or subsequent order to pay a  
2 statement that a notice of payroll deduction may be issued or other  
3 income-withholding action may be taken, without further notice to the  
4 offender if a monthly court-ordered legal financial obligation payment  
5 is not paid when due, and an amount equal to or greater than the amount  
6 payable for one month is owed.

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

14 (4) All legal financial obligations that are ordered as a result of  
15 a conviction for a felony, may also be enforced in the same manner as  
16 a judgment in a civil action by the party or entity to whom the legal  
17 financial obligation is owed. Restitution collected through civil  
18 enforcement must be paid through the registry of the court and must be  
19 distributed proportionately according to each victim's loss when there  
20 is more than one victim. The judgment and sentence shall identify the  
21 party or entity to whom restitution is owed so that the state, party,  
22 or entity may enforce the judgment. If restitution is ordered pursuant  
23 to RCW 9.94A.140(3) or 9.94A.142(3) to a victim of rape of a child and  
24 the victim's child born from the rape, the Washington state child  
25 support registry shall be identified as the party to whom payments must  
26 be made. Restitution obligations arising from the rape of a child in  
27 the first, second, or third degree that result in the pregnancy of the  
28 victim may be enforced for the time periods provided under RCW  
29 9.94A.140(3) and 9.94A.142(3). All other legal financial obligations  
30 for an offense committed prior to July 1, 2000, may be enforced at any  
31 time during the ten-year period following the offender's release from  
32 total confinement or within ten years of entry of the judgment and  
33 sentence, whichever period (~~is longer~~) ends later. Prior to the  
34 expiration of the initial ten-year period, the superior court may  
35 extend the criminal judgment an additional ten years for payment of  
36 legal financial obligations including crime victims' assessments. (~~If~~  
37 ~~jurisdiction under the criminal judgment is extended, the department is~~  
38 ~~not responsible for supervision of the offender during the subsequent~~  
39 ~~period~~) All other legal financial obligations for an offense committed



1 on or after July 1, 2000, may be enforced at any time the offender  
2 remains under the court's jurisdiction. The department of corrections  
3 shall supervise the offender's compliance with payment of the legal  
4 financial obligations for ten years following the entry of the judgment  
5 and sentence, or ten years following the offender's release from total  
6 confinement, whichever period ends later. The department is not  
7 responsible for supervision of the offender during any subsequent  
8 period of time the offender remains under the court's jurisdiction.  
9 Independent of the department, the party or entity to whom the legal  
10 financial obligation is owed shall have the authority to utilize any  
11 other remedies available to the party or entity to collect the legal  
12 financial obligation.

13 (5) In order to assist the court in setting a monthly sum that the  
14 offender must pay during the period of supervision, the offender is  
15 required to report to the department for purposes of preparing a  
16 recommendation to the court. When reporting, the offender is required,  
17 under oath, to truthfully and honestly respond to all questions  
18 concerning present, past, and future earning capabilities and the  
19 location and nature of all property or financial assets. The offender  
20 is further required to bring any and all documents as requested by the  
21 department.

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

26 (7) During the period of supervision, the department may make a  
27 recommendation to the court that the offender's monthly payment  
28 schedule be modified so as to reflect a change in financial  
29 circumstances. If the department sets the monthly payment amount, the  
30 department may modify the monthly payment amount without the matter  
31 being returned to the court. Also, during the period of supervision,  
32 the offender may be required at the request of the department to report  
33 to the department for the purposes of reviewing the appropriateness of  
34 the collection schedule for the legal financial obligation. During  
35 this reporting, the offender is required under oath to truthfully and  
36 honestly respond to all questions concerning earning capabilities and  
37 the location and nature of all property or financial assets. Also, the  
38 offender is required to bring any and all documents as requested by the  
39 department in order to prepare the collection schedule.

1 (8) After the judgment and sentence or payment order is entered,  
2 the department shall for any period of supervision be authorized to  
3 collect the legal financial obligation from the offender. Any amount  
4 collected by the department shall be remitted daily to the county clerk  
5 for the purposes of disbursements. The department is authorized to  
6 accept credit cards as payment for a legal financial obligation, and  
7 any costs incurred related to accepting credit card payments shall be  
8 the responsibility of the offender.

9 (9) The department or any obligee of the legal financial obligation  
10 may seek a mandatory wage assignment for the purposes of obtaining  
11 satisfaction for the legal financial obligation pursuant to RCW  
12 9.94A.2001.

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

17 (11) The county clerk shall provide the department with  
18 individualized monthly billings for each offender with an unsatisfied  
19 legal financial obligation and shall provide the department with notice  
20 of payments by such offenders no less frequently than weekly.

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

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

27 (1) A term of confinement ordered in a sentence pursuant to this  
28 chapter shall be tolled by any period of time during which the offender  
29 has absented himself or herself from confinement without the prior  
30 approval of the entity in whose custody the offender has been placed.  
31 A term of partial confinement shall be tolled during any period of time  
32 spent in total confinement pursuant to a new conviction or pursuant to  
33 sanctions for violation of sentence conditions on a separate felony  
34 conviction.

35 (2) ((A)) Any term of community custody (~~ordered in a sentence~~  
36 ~~pursuant to this chapter~~), community placement, or community  
37 supervision shall be tolled by any period of time during which the  
38 offender has absented himself or herself from supervision without prior

1 approval of the entity under whose (~~community custody~~) supervision  
2 the offender has been placed.

3 (3) Any period of community custody, community placement, or  
4 community supervision shall be tolled during any period of time the  
5 offender is in confinement for any reason. However, if an offender is  
6 detained pursuant to RCW 9.94A.207 or 9.94A.195 and is later found not  
7 to have violated a condition or requirement of community custody,  
8 community placement, or community supervision, time spent in  
9 confinement due to such detention shall not toll the period of  
10 community custody, community placement, or community supervision.

11 (4) For terms of confinement or community custody (~~sentences~~),  
12 community placement, or community supervision, the date for the tolling  
13 of the sentence shall be established by the entity responsible for the  
14 confinement or (~~community custody~~) supervision.

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

17 (1) Except as provided in subsection (2) of this section, financial  
18 obligations imposed in a judgment shall bear interest from the date of  
19 the judgment until payment, at the rate applicable to civil judgments.  
20 All nonrestitution interest retained by the court shall be split  
21 twenty-five percent to the state treasurer for deposit in the public  
22 safety and education account as provided in RCW 43.08.250, twenty-five  
23 percent to the state treasurer for deposit in the judicial information  
24 system account as provided in RCW 2.68.020, twenty-five percent to the  
25 county current expense fund, and twenty-five percent to the county  
26 current expense fund to fund local courts.

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

33 NEW SECTION. **Sec. 6.** If any provision of this act or its  
34 application to any person or circumstance is held invalid, the  
35 remainder of the act or the application of the provision to other  
36 persons or circumstances is not affected.

1        NEW SECTION.    **Sec. 7.**    Section 4 of this act is necessary for the  
2 immediate preservation of the public peace, health, or safety, or  
3 support of the state government and its existing public institutions,  
4 and takes effect immediately.

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