

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE SENATE BILL 5970**

57th Legislature  
2001 Regular Session

Passed by the Senate March 14, 2001  
YEAS 44 NAYS 0

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**President of the Senate**

Passed by the House April 10, 2001  
YEAS 95 NAYS 0

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**Speaker of the  
House of Representatives**

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**Speaker of the  
House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5970** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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ENGROSSED SUBSTITUTE SENATE BILL 5970

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Passed Legislature - 2001 Regular Session

State of Washington

57th Legislature

2001 Regular Session

By Senate Committee on Judiciary (originally sponsored by Senator Hargrove)

READ FIRST TIME 03/05/01.

1 AN ACT Relating to probation orders; and amending RCW 3.66.067,  
2 3.66.068, 35.20.255, 3.50.320, and 3.50.330.

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

4 **Sec. 1.** RCW 3.66.067 and 1984 c 258 s 46 are each amended to read  
5 as follows:

6 After a conviction, the court may (~~defer sentencing~~) impose  
7 sentence by suspending all or a portion of the defendant's sentence or  
8 by deferring the sentence of the defendant and may place the defendant  
9 on probation for a period of no longer than two years and prescribe the  
10 conditions thereof(, but in no case shall it extend for more than two  
11 years from the date of conviction)). A defendant who has been  
12 sentenced, or whose sentence has been deferred, and who then fails to  
13 appear for any hearing to address the defendant's compliance with the  
14 terms of probation when ordered to do so by the court, shall have the  
15 term of probation tolled until such time as the defendant makes his or  
16 her presence known to the court on the record. During the time of the  
17 deferral, the court may, for good cause shown, permit a defendant to  
18 withdraw the plea of guilty and to enter a plea of not guilty, and the  
19 court may dismiss the charges.

1       **Sec. 2.** RCW 3.66.068 and 1999 c 56 s 2 are each amended to read as  
2 follows:

3       For a period not to exceed five years after imposition of sentence  
4 for a defendant sentenced under RCW 46.61.5055 and two years after  
5 imposition of sentence for all other offenses, the court has continuing  
6 jurisdiction and authority to suspend or defer the execution of all or  
7 any part of its sentence upon stated terms, including installment  
8 payment of fines. A defendant who has been sentenced, or whose  
9 sentence has been deferred, and who then fails to appear for any  
10 hearing to address the defendant's compliance with the terms of  
11 probation when ordered to do so by the court, shall have the term of  
12 probation tolled until such time as the defendant makes his or her  
13 presence known to the court on the record. However, the jurisdiction  
14 period in this section does not apply to the enforcement of orders  
15 issued under RCW 46.20.720.

16       **Sec. 3.** RCW 35.20.255 and 1999 c 56 s 3 are each amended to read  
17 as follows:

18       Judges of the municipal court, in their discretion, shall have the  
19 power in all criminal proceedings within their jurisdiction including  
20 violations of city ordinances, to defer imposition of any sentence,  
21 suspend all or part of any sentence including installment payment of  
22 fines, fix the terms of any such deferral or suspension, and provide  
23 for such probation ((and parole)) as in their opinion is reasonable and  
24 necessary under the circumstances of the case, but in no case shall it  
25 extend for more than five years from the date of conviction for a  
26 defendant to be sentenced under RCW 46.61.5055 and two years from the  
27 date of conviction for all other offenses. A defendant who has been  
28 sentenced, or whose sentence has been deferred, and who then fails to  
29 appear for any hearing to address the defendant's compliance with the  
30 terms of probation when ordered to do so by the court, shall have the  
31 term of probation tolled until such time as the defendant makes his or  
32 her presence known to the court on the record. However, the  
33 jurisdiction period in this section does not apply to the enforcement  
34 of orders issued under RCW 46.20.720. Any time before entering an  
35 order terminating probation, the court may modify or revoke its order  
36 suspending or deferring the imposition or execution of the sentence.

1       **Sec. 4.** RCW 3.50.320 and 1984 c 258 s 116 are each amended to read  
2 as follows:

3       After a conviction, the court may (~~defer sentencing~~) impose  
4 sentence by suspending all or a portion of the defendant's sentence or  
5 by deferring the sentence of the defendant and may place the defendant  
6 on probation for a period of no longer than two years and prescribe the  
7 conditions thereof(~~(, but in no case shall it extend for more than two~~  
8 ~~years from the date of conviction)~~). A defendant who has been  
9 sentenced, or whose sentence has been deferred, and who then fails to  
10 appear for any hearing to address the defendant's compliance with the  
11 terms of probation when ordered to do so by the court, shall have the  
12 term of probation tolled until such time as the defendant makes his or  
13 her presence known to the court on the record. During the time of the  
14 deferral, the court may, for good cause shown, permit a defendant to  
15 withdraw the plea of guilty, permit the defendant to enter a plea of  
16 not guilty, and dismiss the charges.

17       **Sec. 5.** RCW 3.50.330 and 1999 c 56 s 1 are each amended to read as  
18 follows:

19       For a period not to exceed five years after imposition of sentence  
20 for a defendant sentenced under RCW 46.61.5055 and two years after  
21 imposition of sentence for all other offenses, the court shall have  
22 continuing jurisdiction and authority to suspend or defer the execution  
23 of all or any part of the sentence upon stated terms, including  
24 installment payment of fines. A defendant who has been sentenced, or  
25 whose sentence has been deferred, and who then fails to appear for any  
26 hearing to address the defendant's compliance with the terms of  
27 probation when ordered to do so by the court, shall have the term of  
28 probation tolled until such time as the defendant makes his or her  
29 presence known to the court on the record. However, the jurisdiction  
30 period in this section does not apply to the enforcement of orders  
31 issued under RCW 46.20.720. Any time before entering an order  
32 terminating probation, the court may modify or revoke its order  
33 suspending or deferring the imposition or execution of the sentence.

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