
SUBSTITUTE SENATE BILL 5702

State of Washington

61st Legislature

2009 Regular Session

By Senate Human Services & Corrections (originally sponsored by Senators Hargrove, Brandland, Regala, Stevens, and Tom; by request of Department of Corrections)

READ FIRST TIME 02/23/09.

1 AN ACT Relating to drug offense sentencing alternative sentencing
2 provisions; amending RCW 9.94A.660; reenacting and amending RCW
3 9.94A.660; adding new sections to chapter 9.94A RCW; providing an
4 effective date; providing an expiration date; and declaring an
5 emergency.

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

7 **Sec. 1.** RCW 9.94A.660 and 2006 c 339 s 302 and 2006 c 73 s 10 are
8 each reenacted and amended to read as follows:

9 (1) An offender is eligible for the special drug offender
10 sentencing alternative if:

11 (a) The offender is convicted of a felony that is not a violent
12 offense or sex offense and the violation does not involve a sentence
13 enhancement under RCW 9.94A.533 (3) or (4);

14 (b) The offender is convicted of a felony that is not a felony
15 driving while under the influence of intoxicating liquor or any drug
16 under RCW 46.61.502(6) or felony physical control of a vehicle while
17 under the influence of intoxicating liquor or any drug under RCW
18 46.61.504(6);

1 (c) The offender has no current or prior convictions for a sex
2 offense at any time or violent offense within ten years before
3 conviction of the current offense, in this state, another state, or the
4 United States;

5 (d) For a violation of the Uniform Controlled Substances Act under
6 chapter 69.50 RCW or a criminal solicitation to commit such a violation
7 under chapter 9A.28 RCW, the offense involved only a small quantity of
8 the particular controlled substance as determined by the judge upon
9 consideration of such factors as the weight, purity, packaging, sale
10 price, and street value of the controlled substance;

11 (e) The offender has not been found by the United States attorney
12 general to be subject to a deportation detainer or order and does not
13 become subject to a deportation order during the period of the
14 sentence;

15 (f) The standard sentence range for the current offense is greater
16 than one year; and

17 (g) The offender has not received a drug offender sentencing
18 alternative more than once in the prior ten years before the current
19 offense.

20 (2) A motion for a sentence under this section may be made by the
21 court, the offender, or the state. ~~((If the sentencing court
22 determines that the offender is eligible for this alternative, the
23 court may order an examination of the offender. The examination shall,
24 at a minimum, address the following issues:~~

25 ~~(a) Whether the offender suffers from drug addiction;~~

26 ~~(b) Whether the addiction is such that there is a probability that
27 criminal behavior will occur in the future;~~

28 ~~(c) Whether effective treatment for the offender's addiction is
29 available from a provider that has been licensed or certified by the
30 division of alcohol and substance abuse of the department of social and
31 health services; and~~

32 ~~(d) Whether the offender and the community will benefit from the
33 use of the alternative.~~

34 ~~(3) The examination report must contain:~~

35 ~~(a) Information on the issues required to be addressed in
36 subsection (2) of this section; and~~

37 ~~(b) A proposed treatment plan that must, at a minimum, contain:~~

1 ~~(i) A proposed treatment provider that has been licensed or~~
2 ~~certified by the division of alcohol and substance abuse of the~~
3 ~~department of social and health services;~~

4 ~~(ii) The recommended frequency and length of treatment, including~~
5 ~~both residential chemical dependency treatment and treatment in the~~
6 ~~community;~~

7 ~~(iii) A proposed monitoring plan, including any requirements~~
8 ~~regarding living conditions, lifestyle requirements, and monitoring by~~
9 ~~family members and others; and~~

10 ~~(iv) Recommended crime-related prohibitions and affirmative~~
11 ~~conditions.~~

12 ~~(4) After receipt of the examination report,))~~ (3) If the
13 sentencing court determines that the offender is eligible for this
14 alternative and that a sentence under this section is appropriate, the
15 court shall waive imposition of a sentence within the standard sentence
16 range and impose a sentence consisting of either a prison-based
17 alternative under subsection ~~((+5+))~~ (4) of this section or a
18 residential chemical dependency treatment-based alternative under
19 subsection ~~((+6+))~~ (5) of this section. If the court is considering
20 the residential chemical dependency treatment-based alternative under
21 subsection (5) of this section, then the court may order an examination
22 of the offender as described in subsection (5) of this section. The
23 residential chemical dependency treatment-based alternative is only
24 available if the midpoint of the standard range is twenty-four months
25 or less.

26 ~~((+5+))~~ (4) The prison-based alternative shall include:

27 (a) A period of total confinement in a state facility for one-half
28 of the midpoint of the standard sentence range or twelve months,
29 whichever is greater. During incarceration in the state facility,
30 offenders sentenced under this subsection shall undergo a comprehensive
31 substance abuse assessment and receive, within available resources,
32 treatment services appropriate for the offender. The treatment
33 services shall be designed by the division of alcohol and substance
34 abuse of the department of social and health services, in cooperation
35 with the department of corrections;

36 ~~((The remainder of))~~ One-half the midpoint of the standard
37 range as a term of community custody which must include appropriate
38 substance abuse treatment in a program that has been approved by the

1 division of alcohol and substance abuse of the department of social and
2 health services. If the department finds that conditions have been
3 willfully violated, the offender may be reclassified to serve the
4 remaining balance of the original sentence. An offender who fails to
5 complete the program or who is administratively terminated from the
6 program shall be reclassified to serve the unexpired term of his or her
7 sentence as ordered by the sentencing court;

8 (c) Crime-related prohibitions including a condition not to use
9 illegal controlled substances;

10 (d) A requirement to submit to urinalysis or other testing to
11 monitor that status; and

12 (e) A term of community custody pursuant to RCW 9.94A.715 to be
13 imposed upon failure to complete or administrative termination from the
14 special drug offender sentencing alternative program.

15 ~~((+6))~~ (5)(a) If the court is considering imposing a sentence
16 under the residential chemical dependency treatment-based alternative
17 in this subsection, then the court may order an examination of the
18 offender. The examination shall, at a minimum, address the following
19 issues:

20 (i) Whether the offender suffers from drug addiction;

21 (ii) Whether the addiction is such that there is a probability that
22 criminal behavior will occur in the future;

23 (iii) Whether effective treatment for the offender's addiction is
24 available from a provider that has been licensed or certified by the
25 division of alcohol and substance abuse of the department of social and
26 health services; and

27 (iv) Whether the offender and the community will benefit from the
28 use of the alternative.

29 (b) The examination report must also contain:

30 (i) A proposed monitoring plan, including any requirements
31 regarding living conditions, lifestyle requirements, and monitoring by
32 family members and others; and

33 (ii) Recommended crime-related prohibitions and affirmative
34 conditions.

35 (c) The residential chemical dependency treatment-based alternative
36 shall include:

37 ~~((+a))~~ (i) A term of community custody equal to one-half of the
38 midpoint of the standard sentence range or two years, whichever is

1 greater, conditioned on the offender entering and remaining in
2 residential chemical dependency treatment certified under chapter
3 70.96A RCW for a period set by the court between three and six months.
4 If the court imposes a term of community custody, the department shall,
5 within available resources, make chemical dependency assessment and
6 treatment services available to the offender during the term of
7 community custody. The court shall impose, as conditions of community
8 custody, treatment and other conditions as proposed in the plan under
9 (~~(subsection (3))~~)(b) of this (~~(section)~~) subsection. The department
10 may impose conditions and sanctions as authorized in RCW 9.94A.715 (2),
11 (3), (6), and (7), 9.94A.737, and 9.94A.740. If the court imposes a
12 sentence under this subsection, then the treatment provider will be
13 required to send the treatment plan to the court within thirty days of
14 the offender's arrival to the residential chemical dependency treatment
15 program. The court shall schedule a progress hearing during the period
16 of residential chemical dependency treatment, and schedule a treatment
17 termination hearing for three months before the expiration of the term
18 of community custody;

19 (~~(b)~~) (ii) Before the progress hearing and treatment termination
20 hearing, the treatment provider and the department shall submit written
21 reports to the court and parties regarding the offender's compliance
22 with treatment and monitoring requirements, and recommendations
23 regarding termination from treatment. At the hearing, the court may:

24 (~~(i)~~) (A) Authorize the department to terminate the offender's
25 community custody status on the expiration date determined under (~~(a)~~
26 ~~of this~~) subsection (5)(c)(i) of this section; or

27 (~~(ii)~~) (B) Continue the hearing to a date before the expiration
28 date of community custody, with or without modifying the conditions of
29 community custody; or

30 (~~(iii)~~) (C) Impose a term of total confinement equal to one-half
31 the midpoint of the standard sentence range, followed by a term of
32 community custody under RCW 9.94A.715;

33 (~~(e)~~) (iii) If the court imposes a term of total confinement
34 under (~~(b)(iii)~~) (c)(ii) of this subsection, the department shall,
35 within available resources, make chemical dependency assessment and
36 treatment services available to the offender during the terms of total
37 confinement and community custody.

1 ~~((+7))~~ (6) If the court imposes a sentence under this section, the
2 court may prohibit the offender from using alcohol or controlled
3 substances and may require that the monitoring for controlled
4 substances be conducted by the department or by a treatment
5 alternatives to street crime program or a comparable court or agency-
6 referred program. The offender may be required to pay thirty dollars
7 per month while on community custody to offset the cost of monitoring.
8 In addition, the court may impose any of the following conditions:

9 (a) Devote time to a specific employment or training;

10 (b) Remain within prescribed geographical boundaries and notify the
11 court or the community corrections officer before any change in the
12 offender's address or employment;

13 (c) Report as directed to a community corrections officer;

14 (d) Pay all court-ordered legal financial obligations;

15 (e) Perform community restitution work;

16 (f) Stay out of areas designated by the sentencing court;

17 (g) Such other conditions as the court may require such as
18 affirmative conditions.

19 ~~((+8))~~ (7)(a) The court may bring any offender sentenced under
20 this section back into court at any time on its own initiative to
21 evaluate the offender's progress in treatment or to determine if any
22 violations of the conditions of the sentence have occurred.

23 (b) If the offender is brought back to court, the court may modify
24 the terms of the community custody or impose sanctions under (c) of
25 this subsection.

26 (c) The court may order the offender to serve a term of total
27 confinement within the standard range of the offender's current offense
28 at any time during the period of community custody if the offender
29 violates the conditions of the sentence or if the offender is failing
30 to make satisfactory progress in treatment.

31 (d) An offender ordered to serve a term of total confinement under
32 (c) of this subsection shall receive credit for any time previously
33 served under this section.

34 ~~((+9))~~ (8) If an offender sentenced to the prison-based
35 alternative under subsection ~~((+5))~~ (4) of this section is found by
36 the United States attorney general to be subject to a deportation
37 order, a hearing shall be held by the department unless waived by the
38 offender, and, if the department finds that the offender is subject to

1 a valid deportation order, the department may administratively
2 terminate the offender from the program and reclassify the offender to
3 serve the remaining balance of the original sentence.

4 ~~((+10))~~ (9) An offender sentenced under this section shall be
5 subject to all rules relating to earned release time with respect to
6 any period served in total confinement.

7 ~~((+11))~~ (10) Costs of examinations and preparing treatment plans
8 under ~~((subsections (2) and (3) of))~~ this section may be paid, at the
9 option of the county, from funds provided to the county from the
10 criminal justice treatment account under RCW 70.96A.350.

11 **Sec. 2.** RCW 9.94A.660 and 2008 c 231 s 30 are each amended to read
12 as follows:

13 (1) An offender is eligible for the special drug offender
14 sentencing alternative if:

15 (a) The offender is convicted of a felony that is not a violent
16 offense or sex offense and the violation does not involve a sentence
17 enhancement under RCW 9.94A.533 (3) or (4);

18 (b) The offender is convicted of a felony that is not a felony
19 driving while under the influence of intoxicating liquor or any drug
20 under RCW 46.61.502(6) or felony physical control of a vehicle while
21 under the influence of intoxicating liquor or any drug under RCW
22 46.61.504(6);

23 (c) The offender has no current or prior convictions for a sex
24 offense at any time or violent offense within ten years before
25 conviction of the current offense, in this state, another state, or the
26 United States;

27 (d) For a violation of the Uniform Controlled Substances Act under
28 chapter 69.50 RCW or a criminal solicitation to commit such a violation
29 under chapter 9A.28 RCW, the offense involved only a small quantity of
30 the particular controlled substance as determined by the judge upon
31 consideration of such factors as the weight, purity, packaging, sale
32 price, and street value of the controlled substance;

33 (e) The offender has not been found by the United States attorney
34 general to be subject to a deportation detainer or order and does not
35 become subject to a deportation order during the period of the
36 sentence;

1 (f) The standard sentence range for the current offense is greater
2 than one year; and

3 (g) The offender has not received a drug offender sentencing
4 alternative more than once in the prior ten years before the current
5 offense.

6 (2) A motion for a (~~sentence under this section~~) special drug
7 offender sentencing alternative may be made by the court, the offender,
8 or the state.

9 (3) If the sentencing court determines that the offender is
10 eligible for (~~this~~) an alternative sentence under this section and
11 that the alternative sentence is appropriate, the court shall waive
12 imposition of a sentence within the standard sentence range and impose
13 a sentence consisting of either a prison-based alternative under
14 section 3 of this act or a residential chemical dependency treatment-
15 based alternative under section 4 of this act. The residential
16 chemical dependency treatment-based alternative is only available if
17 the midpoint of the standard range is twenty-four months or less.

18 (4)(a) If the court is considering imposing a sentence under the
19 residential chemical dependency treatment-based alternative, the court
20 may order an examination of the offender. The examination shall, at a
21 minimum, address the following issues:

22 (~~(a)~~) (i) Whether the offender suffers from drug addiction;

23 (~~(b)~~) (ii) Whether the addiction is such that there is a
24 probability that criminal behavior will occur in the future;

25 (~~(c)~~) (iii) Whether effective treatment for the offender's
26 addiction is available from a provider that has been licensed or
27 certified by the division of alcohol and substance abuse of the
28 department of social and health services; and

29 (~~(d)~~) (iv) Whether the offender and the community will benefit
30 from the use of the alternative.

31 (~~(3)~~) (b) The examination report must contain:

32 (~~(a)~~ ~~Information on the issues required to be addressed in~~
33 ~~subsection (2) of this section; and~~

34 ~~(b) A proposed treatment plan that must, at a minimum, contain:~~

35 ~~(i) A proposed treatment provider that has been licensed or~~
36 ~~certified by the division of alcohol and substance abuse of the~~
37 ~~department of social and health services;~~

1 ~~(ii) The recommended frequency and length of treatment, including~~
2 ~~both residential chemical dependency treatment and treatment in the~~
3 ~~community;~~

4 ~~(iii))~~ (i) A proposed monitoring plan, including any requirements
5 regarding living conditions, lifestyle requirements, and monitoring by
6 family members and others; and

7 ~~((iv))~~ (ii) Recommended crime-related prohibitions and
8 affirmative conditions.

9 ~~((4) After receipt of the examination report, if the court~~
10 ~~determines that a sentence under this section is appropriate, the court~~
11 ~~shall waive imposition of a sentence within the standard sentence range~~
12 ~~and impose a sentence consisting of either a prison-based alternative~~
13 ~~under subsection (5) of this section or a residential chemical~~
14 ~~dependency treatment-based alternative under subsection (6) of this~~
15 ~~section. The residential chemical dependency treatment-based~~
16 ~~alternative is only available if the midpoint of the standard range is~~
17 ~~twenty-four months or less.~~

18 ~~(5) The prison-based alternative shall include:~~

19 ~~(a) A period of total confinement in a state facility for one-half~~
20 ~~of the midpoint of the standard sentence range or twelve months,~~
21 ~~whichever is greater. During incarceration in the state facility,~~
22 ~~offenders sentenced under this subsection shall undergo a comprehensive~~
23 ~~substance abuse assessment and receive, within available resources,~~
24 ~~treatment services appropriate for the offender. The treatment~~
25 ~~services shall be designed by the division of alcohol and substance~~
26 ~~abuse of the department of social and health services, in cooperation~~
27 ~~with the department of corrections;~~

28 ~~(b) The remainder of the midpoint of the standard range as a term~~
29 ~~of community custody which must include appropriate substance abuse~~
30 ~~treatment in a program that has been approved by the division of~~
31 ~~alcohol and substance abuse of the department of social and health~~
32 ~~services. If the department finds that conditions of community custody~~
33 ~~have been willfully violated, the offender may be reclassified to serve~~
34 ~~the remaining balance of the original sentence. An offender who fails~~
35 ~~to complete the program or who is administratively terminated from the~~
36 ~~program shall be reclassified to serve the unexpired term of his or her~~
37 ~~sentence as ordered by the sentencing court;~~

1 ~~(c) Crime related prohibitions including a condition not to use~~
2 ~~illegal controlled substances;~~

3 ~~(d) A requirement to submit to urinalysis or other testing to~~
4 ~~monitor that status; and~~

5 ~~(e) A term of community custody pursuant to RCW 9.94A.701 to be~~
6 ~~imposed upon failure to complete or administrative termination from the~~
7 ~~special drug offender sentencing alternative program.~~

8 ~~(6) The residential chemical dependency treatment based alternative~~
9 ~~shall include:~~

10 ~~(a) A term of community custody equal to one half of the midpoint~~
11 ~~of the standard sentence range or two years, whichever is greater,~~
12 ~~conditioned on the offender entering and remaining in residential~~
13 ~~chemical dependency treatment certified under chapter 70.96A RCW for a~~
14 ~~period set by the court between three and six months. If the court~~
15 ~~imposes a term of community custody, the department shall, within~~
16 ~~available resources, make chemical dependency assessment and treatment~~
17 ~~services available to the offender during the term of community~~
18 ~~custody. The court shall impose, as conditions of community custody,~~
19 ~~treatment and other conditions as proposed in the plan under subsection~~
20 ~~(3)(b) of this section. The court shall schedule a progress hearing~~
21 ~~during the period of residential chemical dependency treatment, and~~
22 ~~schedule a treatment termination hearing for three months before the~~
23 ~~expiration of the term of community custody;~~

24 ~~(b) Before the progress hearing and treatment termination hearing,~~
25 ~~the treatment provider and the department shall submit written reports~~
26 ~~to the court and parties regarding the offender's compliance with~~
27 ~~treatment and monitoring requirements, and recommendations regarding~~
28 ~~termination from treatment. At the hearing, the court may:~~

29 ~~(i) Authorize the department to terminate the offender's community~~
30 ~~custody status on the expiration date determined under (a) of this~~
31 ~~subsection; or~~

32 ~~(ii) Continue the hearing to a date before the expiration date of~~
33 ~~community custody, with or without modifying the conditions of~~
34 ~~community custody; or~~

35 ~~(iii) Impose a term of total confinement equal to one half the~~
36 ~~midpoint of the standard sentence range, followed by a term of~~
37 ~~community custody under RCW 9.94A.701;~~

1 ~~(c) If the court imposes a term of total confinement under (b)(iii)~~
2 ~~of this subsection, the department shall, within available resources,~~
3 ~~make chemical dependency assessment and treatment services available to~~
4 ~~the offender during the terms of total confinement and community~~
5 ~~custody.~~

6 ~~(7) The~~) (5) When a court imposes a sentence of community custody
7 under this section:

8 (a) The court may impose conditions as provided in RCW 9.94A.703
9 and may impose other affirmative conditions as the court considers
10 appropriate. In addition, an offender may be required to pay thirty
11 dollars per month while on community custody to offset the cost of
12 monitoring for alcohol or controlled substances.

13 ~~((8) The court may impose any of the following conditions:~~

14 ~~(a) Pay all court-ordered legal financial obligations; or~~

15 ~~(b) Perform community restitution work.~~

16 ~~(9)(a))~~ (b) The department may impose conditions and sanctions as
17 authorized in RCW 9.94A.704 and RCW 9.94A.737.

18 (6)(a) The court may bring any offender sentenced under this
19 section back into court at any time on its own initiative to evaluate
20 the offender's progress in treatment or to determine if any violations
21 of the conditions of the sentence have occurred.

22 (b) If the offender is brought back to court, the court may modify
23 the conditions of the community custody or impose sanctions under (c)
24 of this subsection.

25 (c) The court may order the offender to serve a term of total
26 confinement within the standard range of the offender's current offense
27 at any time during the period of community custody if the offender
28 violates the conditions or requirements of the sentence or if the
29 offender is failing to make satisfactory progress in treatment.

30 (d) An offender ordered to serve a term of total confinement under
31 (c) of this subsection shall receive credit for any time previously
32 served under this section.

33 ~~((10))~~ (7) In serving a term of community custody imposed upon
34 failure to complete, or administrative termination from, the special
35 drug offender sentencing alternative program, the offender shall
36 receive no credit for time served in community custody prior to
37 termination of the offender's participation in the program.

1 ~~((11) If an offender sentenced to the prison-based alternative~~
2 ~~under subsection (5) of this section is found by the United States~~
3 ~~attorney general to be subject to a deportation order, a hearing shall~~
4 ~~be held by the department unless waived by the offender, and, if the~~
5 ~~department finds that the offender is subject to a valid deportation~~
6 ~~order, the department may administratively terminate the offender from~~
7 ~~the program and reclassify the offender to serve the remaining balance~~
8 ~~of the original sentence.~~

9 ~~(12))~~ (8) An offender sentenced under this section shall be
10 subject to all rules relating to earned release time with respect to
11 any period served in total confinement.

12 ~~((13))~~ (9) Costs of examinations and preparing treatment plans
13 under ~~((subsections (2) and (3) of this section))~~ a special drug
14 offender sentencing alternative may be paid, at the option of the
15 county, from funds provided to the county from the criminal justice
16 treatment account under RCW 70.96A.350.

17 NEW SECTION. Sec. 3. (1) A sentence for a prison-based special
18 drug offender sentencing alternative shall include:

19 (a) A period of total confinement in a state facility for one-half
20 the midpoint of the standard sentence range or twelve months, whichever
21 is greater;

22 (b) One-half the midpoint of the standard sentence 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 (c) Crime-related prohibitions, including a condition not to use
28 illegal controlled substances;

29 (d) A requirement to submit to urinalysis or other testing to
30 monitor that status; and

31 (e) A term of community custody pursuant to RCW 9.94A.701 to be
32 imposed upon the failure to complete or administrative termination from
33 the special drug offender sentencing alternative program.

34 (2) During incarceration in the state facility, offenders sentenced
35 under this section shall undergo a comprehensive substance abuse
36 assessment and receive, within available resources, treatment services
37 appropriate for the offender. The treatment services shall be designed

1 by the division of alcohol and substance abuse of the department of
2 social and health services, in cooperation with the department of
3 corrections.

4 (3) If the department finds that conditions of community custody
5 have been willfully violated, the offender may be reclassified to serve
6 the remaining balance of the original sentence. An offender who fails
7 to complete the program or who is administratively terminated from the
8 program shall be reclassified to serve the unexpired term of his or her
9 sentence as ordered by the sentencing court.

10 (4) If an offender sentenced to the prison-based alternative under
11 this section is found by the United States attorney general to be
12 subject to a deportation order, a hearing shall be held by the
13 department unless waived by the offender, and, if the department finds
14 that the offender is subject to a valid deportation order, the
15 department may administratively terminate the offender from the program
16 and reclassify the offender to serve the remaining balance of the
17 original sentence.

18 NEW SECTION. **Sec. 4.** (1) A sentence for a residential chemical
19 dependency treatment-based alternative shall include a term of
20 community custody equal to one-half the midpoint of the standard
21 sentence range or two years, whichever is greater, conditioned on the
22 offender entering and remaining in residential chemical dependency
23 treatment certified under chapter 70.96A RCW for a period set by the
24 court between three and six months.

25 (2)(a) The court shall impose, as conditions of community custody,
26 treatment and other conditions as proposed in the examination report
27 completed pursuant to RCW 9.94A.660.

28 (b) If the court imposes a term of community custody, the
29 department shall, within available resources, make chemical dependency
30 assessment and treatment services available to the offender during the
31 term of community custody.

32 (3)(a) If the court imposes a sentence under this section, the
33 treatment provider must send the treatment plan to the court within
34 thirty days of the offender's arrival to the residential chemical
35 dependency treatment program.

36 (b) Upon receipt of the plan, the court shall schedule a progress

1 hearing during the period of residential chemical dependency treatment,
2 and schedule a treatment termination hearing for three months before
3 the expiration of the term of community custody;

4 (c) Before the progress hearing and treatment termination hearing,
5 the treatment provider and the department shall submit written reports
6 to the court and parties regarding the offender's compliance with
7 treatment and monitoring requirements, and recommendations regarding
8 termination from treatment.

9 (4) At a progress hearing or treatment termination hearing, the
10 court may:

11 (a) Authorize the department to terminate the offender's community
12 custody status on the expiration date determined under subsection (1)
13 of this section;

14 (b) Continue the hearing to a date before the expiration date of
15 community custody, with or without modifying the conditions of
16 community custody; or

17 (c) Impose a term of total confinement equal to one-half the
18 midpoint of the standard sentence range, followed by a term of
19 community custody under RCW 9.94A.701.

20 (5) If the court imposes a term of total confinement, the
21 department shall, within available resources, make chemical dependency
22 assessment and treatment services available to the offender during the
23 term of total confinement and subsequent term of community custody.

24 NEW SECTION. **Sec. 5.** Sections 3 and 4 of this act are each added
25 to chapter 9.94A RCW.

26 NEW SECTION. **Sec. 6.** Section 1 of this act is necessary for the
27 immediate preservation of the public peace, health, or safety, or
28 support of the state government and its existing public institutions,
29 and takes effect immediately.

30 NEW SECTION. **Sec. 7.** Sections 2 through 4 of this act take effect
31 August 1, 2009.

32 NEW SECTION. **Sec. 8.** Section 1 of this act expires August 1,

1 2009.

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