

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6548

61st Legislature
2010 Regular Session

Passed by the Senate March 10, 2010
YEAS 48 NAYS 0

President of the Senate

Passed by the House March 9, 2010
YEAS 97 NAYS 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6548** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6548

AS AMENDED BY THE HOUSE

Passed Legislature - 2010 Regular Session

State of Washington 61st Legislature 2010 Regular Session

By Senate Human Services & Corrections (originally sponsored by Senators Hargrove, Carrell, Stevens, Kauffman, and Roach)

READ FIRST TIME 02/05/10.

1 AN ACT Relating to offenders on parole or probation; amending RCW
2 9.94A.633; adding a new section to chapter 9.94A RCW; creating new
3 sections; providing an effective date; and declaring an emergency.

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

5 **Sec. 1.** RCW 9.94A.633 and 2009 c 375 s 12 are each amended to read
6 as follows:

7 (1)(a) An offender who violates any condition or requirement of a
8 sentence may be sanctioned with up to sixty days' confinement for each
9 violation.

10 (b) In lieu of confinement, an offender may be sanctioned with work
11 release, home detention with electronic monitoring, work crew,
12 community restitution, inpatient treatment, daily reporting, curfew,
13 educational or counseling sessions, supervision enhanced through
14 electronic monitoring, or any other sanctions available in the
15 community.

16 (2) If an offender was under community custody pursuant to one of
17 the following statutes, the offender may be sanctioned as follows:

18 (a) If the offender was transferred to community custody in lieu of
19 earned early release in accordance with RCW 9.94A.728((+2)), the

1 offender may be transferred to a more restrictive confinement status to
2 serve up to the remaining portion of the sentence, less credit for any
3 period actually spent in community custody or in detention awaiting
4 disposition of an alleged violation.

5 (b) If the offender was sentenced under the drug offender
6 sentencing alternative set out in RCW 9.94A.660, the offender may be
7 sanctioned in accordance with that section.

8 (c) If the offender was sentenced under the special sexual [sex]
9 offender sentencing alternative set out in RCW 9.94A.670, the suspended
10 sentence may be revoked and the offender committed to serve the
11 original sentence of confinement.

12 (d) If the offender was sentenced to a work ethic camp pursuant to
13 RCW 9.94A.690, the offender may be reclassified to serve the unexpired
14 term of his or her sentence in total confinement.

15 (e) If a sex offender was sentenced pursuant to RCW 9.94A.507, the
16 offender may be transferred to a more restrictive confinement status to
17 serve up to the remaining portion of the sentence, less credit for any
18 period actually spent in community custody or in detention awaiting
19 disposition of an alleged violation.

20 (3) If a probationer is being supervised by the department pursuant
21 to RCW 9.92.060, 9.95.204, or 9.95.210, the probationer may be
22 sanctioned pursuant to subsection (1) of this section. The department
23 shall have authority to issue a warrant for the arrest of an offender
24 who violates a condition of community custody, as provided in RCW
25 9.94A.716. Any sanctions shall be imposed by the department pursuant
26 to RCW 9.94A.737. The department shall provide a copy of the violation
27 hearing report to the sentencing court in a timely manner. Nothing in
28 this subsection is intended to limit the power of the sentencing court
29 to respond to a probationer's violation of conditions.

30 (4) The parole or probation of an offender who is charged with a
31 new felony offense may be suspended and the offender placed in total
32 confinement pending disposition of the new criminal charges if:

33 (a) The offender is on parole pursuant to RCW 9.95.110(1); or

34 (b) The offender is being supervised pursuant to RCW 9.94A.745 and
35 is on parole or probation pursuant to the laws of another state.

36 NEW SECTION. Sec. 2. Section 1 of this act applies to all

1 offenders who committed their crimes before, on, or after the effective
2 date of section 1 of this act.

3 NEW SECTION. **Sec. 3.** The legislature has determined that it is
4 necessary to examine patterns related to the exchange of out-of-state
5 offenders needing supervision. The examination must assess the past
6 action and behavior of other states that send offenders to the state of
7 Washington for supervision to assure that the interstate compact for
8 adult offender supervision operates to protect the safety of the people
9 and communities of Washington and other individual states.

10 NEW SECTION. **Sec. 4.** A new section is added to chapter 9.94A RCW
11 to read as follows:

12 (1) The department shall identify the states from which it receives
13 adult offenders who need supervision and examine the feasibility and
14 cost of establishing memoranda of understanding with the states that
15 send the highest number of offenders for supervision to Washington
16 state with the goal of achieving more balanced and equitable
17 obligations under the interstate compact for adult offender
18 supervision.

19 (2) At the next meeting of the interstate compact commission,
20 Washington's representatives on the commission shall seek a resolution
21 by the commission regarding:

22 (a) Any inequitable distribution of costs, benefits, and
23 obligations affecting Washington under the interstate compact; and

24 (b) The scope of the mandatory acceptance policy and the authority
25 of the receiving state to determine when it is no longer able to
26 supervise an offender.

27 (3) The department shall examine the feasibility and cost of
28 withdrawal from the interstate compact for adult offender supervision.

29 (4) The department shall report to the legislature no later than
30 December 1, 2010, regarding:

31 (a) The development of memoranda of understanding with states that
32 send the highest numbers of offenders to Washington state for
33 supervision;

34 (b) The outcome of the resolution process with the interstate
35 commission; and

1 (c) The feasibility and cost of withdrawal from the interstate
2 compact for adult offender supervision.

3 NEW SECTION. **Sec. 5.** Sections 3 and 4 of this act are necessary
4 for the immediate preservation of the public peace, health, or safety,
5 or support of the state government and its existing public
6 institutions, and take effect June 1, 2010.

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