

**2E2SSB 6204** - H AMD 1430

By Representative Ross

WITHDRAWN 04/10/2012

1 On page 2, line 15, after "crime", insert ", except if the  
2 offense constitutes a felony offense listed in RCW 9.94A.737(2)(b),  
3 in which case the department will hold the offender for thirty days  
4 from the time of arrest or until a prosecuting attorney charges the  
5 offender with a crime, whichever occurs first"

6  
7 On page 8, line 7, after "crime" insert ", except if the offense  
8 constitutes a felony offense listed in RCW 9.94A.737(2)(b), in which  
9 case the department will hold the offender for thirty days from the  
10 time of arrest or until a prosecuting attorney charges the offender  
11 with a crime, whichever occurs first"

12  
13 On page 8, line 35, after "(b)" insert the following:

14 "Violation behavior which constitutes any of the following  
15 offenses must be addressed by the department as a high level  
16 violation:

17 (i) Assault in the first degree, as defined in RCW 9A.36.011;

18 (ii) Assault of a child in the first degree, as defined in RCW  
19 9A.36.120;

20 (iii) Assault of a child in the second degree, as defined in RCW  
21 9A.36.130;

22 (iv) Burglary in the first degree, as defined in RCW 9A.52.020;

23 (v) Child molestation in the first degree, as defined in RCW  
24 9A.44.083;

25 (vi) Commercial sexual abuse of a minor, as defined in RCW  
26 9.68A.100;

27

- 1 (v) Dealing in depictions of a minor engaged in sexually explicit  
2 conduct, as defined in RCW 9.68A.050;  
3 (vi) Homicide by abuse, as defined in RCW 9A.32.055;  
4 (vii) Indecent liberties with forcible compulsion, as defined in  
5 RCW 9A.44.100(1)(a);  
6 (viii) Indecent liberties with a person capable of consent, as  
7 defined in RCW 9A.44.100(1)(b);  
8 (ix) Kidnapping in the first degree, as defined in RCW 9A.40.020;  
9 (x) Murder in the first degree, as defined in RCW 9A.32.030;  
10 (xi) Murder in the second degree, as defined in RCW 9A.32.050;  
11 (xii) Promoting commercial sexual abuse of a minor, as defined in  
12 RCW 9.68A.101;  
13 (xiii) Rape in the first degree, as defined in RCW 9A.44.040;  
14 (xiv) Rape in the second degree, as defined in RCW 9A.44.050;  
15 (xv) Rape of a child in the first degree, as defined in RCW  
16 9A.44.073;  
17 (xvi) Rape of a child in the second degree, as defined in RCW  
18 9A.44.076;  
19 (xvii) Robbery in the first degree, as defined in RCW 9A.56.200;  
20 (xviii) Sexual exploitation of a minor, as defined in RCW  
21 9.68A.040; or  
22 (xix) Vehicular homicide while under the influence of intoxicating  
23 liquor or any drug, as defined in RCW 46.61.520(1)(a).  
24 (c) After an offender has committed and been sanctioned for five  
25 low level violations, all subsequent violations committed by that  
26 offender shall automatically be considered high level violations.  
27 (d)"  
28

29 On page 9, line 30, after "hearing" insert "except as described in  
30 (c) of this subsection"

31  
32 On page 9, after line 31, insert the following:

33 "(c) If the violation behavior constitutes a felony offense  
34 listed in subsection (2)(b) of this section, the offender shall be

1 held in total confinement pending a sanction hearing, and until the  
2 sanction expires or until if a prosecuting attorney files new  
3 charges against the offender, whichever occurs first.

4 (d) If the violation constitutes a felony offense listed in  
5 subsection (2)(b) of this section, the offender will be sanctioned  
6 with the maximum term of confinement."

EFFECT: Requires that, after an offender has received five low level violation sanctions, all subsequent violations shall be treated as high level violations. Additionally, violation behavior which constitutes a specified felony offense shall be sanctioned as a high level violation and the offender shall be held in total confinement pending the hearing and given the maximum sanction, unless and until a prosecuting attorney files new charges against the offender.

--- END ---