
HOUSE BILL 2143

State of Washington 62nd Legislature 2011 2nd Special Session

By Representatives Darneille and Hunter; by request of Department of Corrections

Read first time 12/01/11. Referred to Committee on Ways & Means.

1 AN ACT Relating to community supervision; amending RCW 9.94A.631,
2 9.94A.704, 9.94A.706, 9.94A.714, 9.94A.716, 9.94A.737, 9.94A.740, and
3 9.95.210; reenacting and amending RCW 9.94A.633 and 9.94A.701;
4 providing effective dates; and declaring an emergency.

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

6 **Sec. 1.** RCW 9.94A.631 and 2009 c 390 s 1 are each amended to read
7 as follows:

8 (1) If an offender violates any condition or requirement of a
9 sentence, a community corrections officer may arrest or cause the
10 arrest of the offender without a warrant, pending a determination by
11 the court or a department of corrections hearing officer. If there is
12 reasonable cause to believe that an offender has violated a condition
13 or requirement of the sentence, a community corrections officer may
14 require an offender to submit to a search and seizure of the offender's
15 person, residence, automobile, or other personal property.

16 (2) For the safety and security of department staff, an offender
17 may be required to submit to pat searches, or other limited security
18 searches, by community corrections officers, correctional officers, and
19 other agency approved staff, without reasonable cause, when in or on

1 department premises, grounds, or facilities, or while preparing to
2 enter department premises, grounds, facilities, or vehicles. Pat
3 searches of offenders shall be conducted only by staff who are the same
4 gender as the offender, except in emergency situations.

5 (3) A community corrections officer may also arrest an offender for
6 any crime committed in his or her presence. The facts and
7 circumstances of the conduct of the offender shall be reported by the
8 community corrections officer, with recommendations, to the court (~~(or~~
9 ~~department of corrections hearing officer)~~), local law enforcement, or
10 local prosecution for consideration of new charges. The community
11 corrections officer's report shall serve as the notice that the
12 department will hold the offender for not more than three days from the
13 time of arrest.

14 If a community corrections officer arrests or causes the arrest of
15 an offender under this section, the offender shall be confined and
16 detained in the county jail of the county in which the offender was
17 taken into custody, and the sheriff of that county shall receive and
18 keep in the county jail, where room is available, all prisoners
19 delivered to the jail by the community corrections officer, and such
20 offenders shall not be released from custody on bail or personal
21 recognizance, except upon approval of the court or authorized
22 department staff, pursuant to a written order.

23 **Sec. 2.** RCW 9.94A.633 and 2010 c 258 s 1 and 2010 c 224 s 12 are
24 each reenacted and amended to read as follows:

25 (1)(a) An offender who violates any condition or requirement of a
26 sentence may be sanctioned by the court with up to sixty days'
27 confinement for each violation or by the department as provided in RCW
28 9.94A.737.

29 (b) In lieu of confinement, an offender may be sanctioned with work
30 release, home detention with electronic monitoring, work crew,
31 community restitution, inpatient treatment, daily reporting, curfew,
32 educational or counseling sessions, supervision enhanced through
33 electronic monitoring, or any other community-based sanctions
34 (~~(available in the community)~~).

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

1 (a) If the offender was transferred to community custody in lieu of
2 earned early release in accordance with RCW 9.94A.728, the offender may
3 be transferred to a more restrictive confinement status to serve up to
4 the remaining portion of the sentence, less credit for any period
5 actually spent in community custody or in detention awaiting
6 disposition of an alleged violation.

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

10 (c) If the offender was sentenced under the parenting sentencing
11 alternative set out in RCW 9.94A.655, the offender may be sanctioned in
12 accordance with that section.

13 (d) If the offender was sentenced under the special sex offender
14 sentencing alternative set out in RCW 9.94A.670, the suspended sentence
15 may be revoked and the offender committed to serve the original
16 sentence of confinement.

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

20 (f) If a sex offender was sentenced pursuant to RCW 9.94A.507, the
21 offender may be transferred to a more restrictive confinement status to
22 serve up to the remaining portion of the sentence, less credit for any
23 period actually spent in community custody or in detention awaiting
24 disposition of an alleged violation.

25 (3) If a probationer is being supervised by the department pursuant
26 to RCW 9.92.060, 9.95.204, or 9.95.210, the probationer may be
27 sanctioned pursuant to subsection (1) of this section. The department
28 shall have authority to issue a warrant for the arrest of an offender
29 who violates a condition of community custody, as provided in RCW
30 9.94A.716. Any sanctions shall be imposed by the department pursuant
31 to RCW 9.94A.737. The department shall provide a copy of the violation
32 hearing report to the sentencing court in a timely manner. Nothing in
33 this subsection is intended to limit the power of the sentencing court
34 to respond to a probationer's violation of conditions.

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

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

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

3 **Sec. 3.** RCW 9.94A.701 and 2010 c 267 s 11 and 2010 c 224 s 5 are
4 each reenacted and amended to read as follows:

5 (1) If an offender is sentenced to the custody of the department
6 for ~~((one of the following crimes))~~ a sex offense not sentenced under
7 RCW 9.94A.507, the court shall, in addition to the other terms of the
8 sentence, sentence the offender to community custody for ~~((three))~~ two
9 years~~((÷~~

10 ~~(a) A sex offense not sentenced under RCW 9.94A.507; or~~

11 ~~(b) A serious violent offense))~~.

12 ~~(2) ((A court shall, in addition to the other terms of the~~
13 ~~sentence, sentence an offender to community custody for eighteen months~~
14 ~~when the court sentences the person to the custody of the department~~
15 ~~for a violent offense that is not considered a serious violent offense.~~

16 ~~(3))~~ A court shall, in addition to the other terms of the
17 sentence, sentence an offender to community custody for one year when
18 the court sentences the person to the custody of the department for:

19 (a) A violent offense;

20 (b) Any crime against persons under RCW 9.94A.411(2);

21 ~~((b))~~ (c) An offense involving the unlawful possession of a
22 firearm under RCW 9.41.040, where the offender is a criminal street
23 gang member or associate;

24 ~~((e))~~ (d) A felony offense under chapter 69.50 or 69.52 RCW,
25 committed on or after July 1, 2000; or

26 ~~((d))~~ (e) A felony violation of RCW 9A.44.132(1) (failure to
27 register) that is the offender's first violation for a felony failure
28 to register.

29 ~~((4))~~ (3) If an offender is sentenced under the drug offender
30 sentencing alternative, the court shall impose community custody as
31 provided in RCW 9.94A.660.

32 ~~((5))~~ (4) If an offender is sentenced under the special sex
33 offender sentencing alternative, the court shall impose community
34 custody as provided in RCW 9.94A.670.

35 ~~((6))~~ (5) If an offender is sentenced to a work ethic camp, the
36 court shall impose community custody as provided in RCW 9.94A.690.

1 ~~((7))~~ (6) If an offender is sentenced under the parenting
2 sentencing alternative, the court shall impose a term of community
3 custody as provided in RCW 9.94A.655.

4 ~~((8))~~ (7) If a sex offender is sentenced as a nonpersistent
5 offender pursuant to RCW 9.94A.507, the court shall impose community
6 custody as provided in that section.

7 ~~((9))~~ (8) The term of community custody specified by this section
8 shall be reduced by the court whenever an offender's standard range
9 term of confinement in combination with the term of community custody
10 exceeds the statutory maximum for the crime as provided in RCW
11 9A.20.021.

12 **Sec. 4.** RCW 9.94A.704 and 2009 c 375 s 6 are each amended to read
13 as follows:

14 (1) Every person who is sentenced to a period of community custody
15 shall report to and be placed under the supervision of the department,
16 subject to RCW 9.94A.501.

17 (2)(a) The department shall assess the offender's risk of reoffense
18 and may establish and modify additional conditions of community custody
19 based upon the risk to community safety.

20 (b) Within the funds available for community custody, the
21 department shall determine conditions on the basis of risk to community
22 safety, and shall supervise offenders during community custody on the
23 basis of risk to community safety and conditions imposed by the court.
24 The secretary shall adopt rules to implement the provisions of this
25 subsection (2)(b).

26 (3) If the offender is supervised by the department, the department
27 shall at a minimum instruct the offender to:

28 (a) Report as directed to a community corrections officer;

29 (b) Remain within prescribed geographical boundaries;

30 (c) Notify the community corrections officer of any change in the
31 offender's address or employment;

32 (d) Pay the supervision fee assessment; and

33 (e) Disclose the fact of supervision to any mental health or
34 chemical dependency treatment provider, as required by RCW 9.94A.722.

35 (4) The department may require the offender to participate in
36 rehabilitative programs, or otherwise perform affirmative conduct, and
37 to obey all laws.

1 (5) If the offender was sentenced pursuant to a conviction for a
2 sex offense, the department may impose electronic monitoring. Within
3 the resources made available by the department for this purpose, the
4 department shall carry out any electronic monitoring using the most
5 appropriate technology given the individual circumstances of the
6 offender. As used in this section, "electronic monitoring" means the
7 monitoring of an offender using an electronic offender tracking system
8 including, but not limited to, a system using radio frequency or active
9 or passive global positioning system technology.

10 (6) The department may not impose conditions that are contrary to
11 those ordered by the court and may not contravene or decrease court-
12 imposed conditions.

13 (7)(a) The department shall notify the offender in writing upon
14 intake of any additional conditions or modifications and the
15 department's violation process.

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

23 (8) The department may require offenders to pay for special
24 services rendered including electronic monitoring, day reporting, and
25 telephone reporting, dependent on the offender's ability to pay. The
26 department may pay for these services for offenders who are not able to
27 pay.

28 (9)(a) When a sex offender has been sentenced pursuant to RCW
29 9.94A.507, the department shall assess the offender's risk of
30 recidivism and shall recommend to the board any additional or modified
31 conditions based upon the offender's risk to community safety and may
32 recommend affirmative conduct or electronic monitoring consistent with
33 subsections (4) through (6) of this section.

34 (b) The board may impose conditions in addition to court-ordered
35 conditions. The board must consider and may impose department-
36 recommended conditions.

37 (c) By the close of the next business day, after receiving notice
38 of a condition imposed by the board or the department, an offender may

1 request an administrative hearing under rules adopted by the board.
2 The condition shall remain in effect unless the hearing examiner finds
3 that it is not reasonably related to any of the following:

- 4 (i) The crime of conviction;
- 5 (ii) The offender's risk of reoffending;
- 6 (iii) The safety of the community.

7 (d) If the department finds that an emergency exists requiring the
8 immediate imposition of additional conditions in order to prevent the
9 offender from committing a crime, the department may impose such
10 conditions. The department may not impose conditions that are contrary
11 to those set by the board or the court and may not contravene or
12 decrease court-imposed or board-imposed conditions. Conditions imposed
13 under this subsection shall take effect immediately after notice to the
14 offender by personal service, but shall not remain in effect longer
15 than seven working days unless approved by the board.

16 (10) In setting, modifying, and enforcing conditions of community
17 custody, the department shall be deemed to be performing a
18 quasi-judicial function.

19 **Sec. 5.** RCW 9.94A.706 and 2008 c 231 s 11 are each amended to read
20 as follows:

21 No offender sentenced to a term of community custody under the
22 supervision of the department may own, use, or possess firearms or
23 ammunition. (~~Offenders who own, use, or are found to be in~~) Actual
24 or constructive possession of firearms or ammunition shall be (~~subject~~
25 ~~to the violation process and~~) considered a high risk violation and
26 subject to sanctions under RCW 9.94A.633, 9.94A.716, and 9.94A.737.

27 "Constructive possession" as used in this section means the power
28 and intent to control the firearm or ammunition. "Firearm" as used in
29 this section has the same definition as in RCW 9.41.010.

30 **Sec. 6.** RCW 9.94A.714 and 2008 c 231 s 16 are each amended to read
31 as follows:

32 (1) If an offender has not completed his or her maximum term of
33 total confinement and is subject to a third or more high risk violation
34 hearing pursuant to RCW 9.94A.737 for any high risk violation of
35 community custody and is found to have committed the violation, the
36 department shall return the offender to total confinement in a state

1 correctional facility to serve up to the remaining portion of his or
2 her sentence, unless it is determined that returning the offender to a
3 state correctional facility would substantially interfere with the
4 offender's ability to maintain necessary community supports or to
5 participate in necessary treatment or programming and would
6 substantially increase the offender's likelihood of reoffending.

7 (2) The department may work with the Washington association of
8 sheriffs and police chiefs to establish and operate an electronic
9 monitoring program for low-risk offenders who violate the terms of
10 their community custody.

11 (3) Local governments, their subdivisions and employees, the
12 department and its employees, and the Washington association of
13 sheriffs and police chiefs and its employees are immune from civil
14 liability for damages arising from incidents involving low-risk
15 offenders who are placed on electronic monitoring unless it is shown
16 that an employee acted with gross negligence or bad faith.

17 **Sec. 7.** RCW 9.94A.716 and 2008 c 231 s 21 are each amended to read
18 as follows:

19 (1) The secretary may issue warrants for the arrest of any offender
20 who violates a condition of community custody. The arrest warrants
21 shall authorize any law enforcement or peace officer or community
22 corrections officer of this state or any other state where such
23 offender may be located, to arrest the offender and place him or her in
24 total confinement pending disposition of the alleged violation pursuant
25 to RCW 9.94A.737.

26 (2) A community corrections officer, if he or she has reasonable
27 cause to believe an offender has violated a condition of community
28 custody, may suspend the person's community custody status and arrest
29 or cause the arrest and detention in total confinement of the offender,
30 pending the determination of the secretary as to whether the violation
31 has occurred. The community corrections officer shall report to the
32 secretary all facts and circumstances and the reasons for the action of
33 suspending community custody status.

34 (3) If an offender has been arrested by the department for a new
35 felony offense while under community custody, ~~the ((department shall~~
36 ~~hold the offender in total confinement until a hearing before the~~
37 ~~department as provided in this section or until the offender has been~~

1 ~~formally charged for the new felony offense, whichever is earlier))~~
2 facts and circumstances of the conduct of the offender shall be
3 reported by the community corrections officer to local law enforcement
4 or local prosecution for consideration of new charges. The community
5 corrections officer's report shall serve as notice that the department
6 will hold the offender in total confinement for not more than three
7 days from the time of arrest. Nothing in this subsection shall be
8 construed as to permit the department to hold an offender past his or
9 her maximum term of total confinement if the offender has not completed
10 the maximum term of total confinement or to permit the department to
11 hold an offender past the offender's term of community custody.

12 (4) A violation of a condition of community custody shall be deemed
13 a violation of the sentence for purposes of RCW 9.94A.631. The
14 authority granted to community corrections officers under this section
15 shall be in addition to that set forth in RCW 9.94A.631.

16 **Sec. 8.** RCW 9.94A.737 and 2008 c 231 s 20 are each amended to read
17 as follows:

18 (1) If an offender is accused of violating any condition or
19 requirement of community custody, he or she (~~is entitled to a hearing~~
20 ~~before the department prior to the imposition of sanctions. The~~
21 ~~hearing shall be considered as~~) shall be sanctioned through an
22 offender disciplinary proceeding((s)) and shall not be subject to
23 chapter 34.05 RCW. The department shall develop ((hearing procedures
24 and a structure of graduated sanctions)) and notify the offender in
25 writing of the violation processes.

26 (2) The sanction imposed by the department shall be determined
27 based on the offender's violation behavior. The department shall adopt
28 a rule defining the violations as either a low risk violation or a high
29 risk violation, the structured violation process, the presumptive
30 sanctions, and aggravating and mitigating factors.

31 (3) The department shall intervene when an offender commits a low
32 risk violation as follows:

33 (a) For the first low risk violation, the offender shall be
34 sanctioned to one or more community-based interventions. The
35 department shall adopt a rule prescribing community-based
36 interventions.

1 (b) For the second or subsequent low risk violation, the offender
2 shall be sanctioned to not more than three days in total confinement.
3 The department shall adopt a rule prescribing at which point subsequent
4 low risk violations will be addressed as a high risk violation.

5 (4) If an offender is accused of committing a high risk violation
6 they are entitled to a hearing prior to impositions of sanctions. The
7 hearing shall be considered an offender disciplinary proceeding and
8 shall not be subject to chapter 34.05 RCW. The hearing procedures
9 ((required under subsection (1) of this section)) for all high risk
10 violations shall be developed by rule and include the following:

11 (a) Hearing officers shall report through a chain of command
12 separate from that of community corrections officers;

13 (b) The department shall provide the offender with written notice
14 of the violation, the evidence relied upon, and the reasons the
15 particular sanction was imposed. The notice shall include a statement
16 of the rights specified in this subsection, and the offender's right to
17 file a personal restraint petition under court rules after the final
18 decision of the department;

19 (c) The hearing shall be held unless waived by the offender, and
20 shall be electronically recorded. For offenders not in total
21 confinement, the hearing shall be held within fifteen ~~((working))~~
22 business days, but not less than twenty-four hours, after written
23 notice of the violation. For offenders in total confinement, the high
24 risk violation hearing shall be held within five ~~((working))~~ business
25 days, but not less than twenty-four hours, after written notice of the
26 violation;

27 (d) The offender shall have the right to: (i) Be present at the
28 hearing; (ii) have the assistance of a person qualified to assist the
29 offender in the hearing, appointed by the hearing officer if the
30 offender has a language or communications barrier; (iii) testify or
31 remain silent; (iv) call witnesses and present documentary evidence;
32 and (v) question witnesses who appear and testify; ~~((and))~~

33 (e) The sanction shall take effect if affirmed by the hearing
34 officer. Within seven days after the hearing officer's decision, the
35 offender may appeal the decision to a panel of three reviewing officers
36 designated by the secretary or by the secretary's designee. The
37 sanction shall be reversed or modified if a majority of the panel finds

1 that the sanction was not reasonably related to any of the following:
2 (i) The crime of conviction; (ii) the violation committed; (iii) the
3 offender's risk of reoffending; or (iv) the safety of the community;

4 (f) The department shall sanction an offender to not more than
5 thirty days in total confinement when an offender commits a high risk
6 violation.

7 ~~((+3))~~ (5) For purposes of this section, no finding of a violation
8 of conditions may be based on unconfirmed or unconfirmable allegations.

9 **Sec. 9.** RCW 9.94A.740 and 2008 c 231 s 22 are each amended to read
10 as follows:

11 (1) When an offender is arrested pursuant to RCW 9.94A.631,
12 9.94A.633, 9.94A.716, and 9.94A.737, if the department retains
13 jurisdiction then until the department releases its detainer, the
14 department shall compensate the local jurisdiction at the office of
15 financial management's adjudicated rate, in accordance with RCW
16 70.48.440.

17 (2) Inmates, as defined in RCW 72.09.015, who have been transferred
18 to community custody and who are detained in a local correctional
19 facility are the financial responsibility of the department of
20 corrections, except as provided in subsection (3) of this section.

21 (3) For confinement sanctions imposed by the department under RCW
22 9.94A.670, the local correctional facility shall be financially
23 responsible.

24 (4) The department, in consultation with the Washington association
25 of sheriffs and police chiefs and those counties in which the sheriff
26 does not operate a correctional facility, shall establish a methodology
27 for determining the department's local correctional facilities bed
28 utilization rate, for each county in calendar year 1998, for offenders
29 being held for violations of conditions of community custody.

30 (5) Except as provided in subsections (1) and (2) of this section,
31 the local correctional facility shall continue to be financially
32 responsible to the extent of the calendar year 1998 bed utilization
33 rate for confinement sanctions imposed by the department pursuant to
34 RCW 9.94A.737. If the department's use of bed space in local
35 correctional facilities of any county for such confinement sanctions
36 exceeds the 1998 bed utilization rate for the county, the department

1 shall compensate the county for the excess use at the per diem rate
2 equal to the lowest rate charged by the county under its contract with
3 a municipal government during the year in which the use occurs.

4 **Sec. 10.** RCW 9.95.210 and 2011 1st sp.s. c 40 s 7 are each amended
5 to read as follows:

6 (1) In granting probation, the superior court may suspend the
7 imposition or the execution of the sentence and may direct that the
8 suspension may continue upon such conditions and for such time as it
9 shall designate, not exceeding the maximum term of sentence or two
10 years, whichever is longer.

11 (2) In the order granting probation and as a condition thereof, the
12 superior court may in its discretion imprison the defendant in the
13 county jail for a period not exceeding one year and may fine the
14 defendant any sum not exceeding the statutory limit for the offense
15 committed, and court costs. As a condition of probation, the superior
16 court shall require the payment of the penalty assessment required by
17 RCW 7.68.035. The superior court may also require the defendant to
18 make such monetary payments, on such terms as it deems appropriate
19 under the circumstances, as are necessary: (a) To comply with any
20 order of the court for the payment of family support; (b) to make
21 restitution to any person or persons who may have suffered loss or
22 damage by reason of the commission of the crime in question or when the
23 offender pleads guilty to a lesser offense or fewer offenses and agrees
24 with the prosecutor's recommendation that the offender be required to
25 pay restitution to a victim of an offense or offenses which are not
26 prosecuted pursuant to a plea agreement; (c) to pay such fine as may be
27 imposed and court costs, including reimbursement of the state for costs
28 of extradition if return to this state by extradition was required; (d)
29 following consideration of the financial condition of the person
30 subject to possible electronic monitoring, to pay for the costs of
31 electronic monitoring if that monitoring was required by the court as
32 a condition of release from custody or as a condition of probation; (e)
33 to contribute to a county or interlocal drug fund; and (f) to make
34 restitution to a public agency for the costs of an emergency response
35 under RCW 38.52.430, and may require bonds for the faithful observance
36 of any and all conditions imposed in the probation.

1 (3) The superior court shall order restitution in all cases where
2 the victim is entitled to benefits under the crime victims'
3 compensation act, chapter 7.68 RCW. If the superior court does not
4 order restitution and the victim of the crime has been determined to be
5 entitled to benefits under the crime victims' compensation act, the
6 department of labor and industries, as administrator of the crime
7 victims' compensation program, may petition the superior court within
8 one year of imposition of the sentence for entry of a restitution
9 order. Upon receipt of a petition from the department of labor and
10 industries, the superior court shall hold a restitution hearing and
11 shall enter a restitution order.

12 (4) In granting probation, the superior court may order the
13 probationer to report to the secretary of corrections or such officer
14 as the secretary may designate and as a condition of the probation to
15 follow the instructions of the secretary for up to twelve months. If
16 the county legislative authority has elected to assume responsibility
17 for the supervision of superior court misdemeanor probationers within
18 its jurisdiction, the superior court misdemeanor probationer shall
19 report to a probation officer employed or contracted for by the county.
20 In cases where a superior court misdemeanor probationer is sentenced
21 in one county, but resides within another county, there must be
22 provisions for the probationer to report to the agency having
23 supervision responsibility for the probationer's county of residence.

24 (5) If the probationer has been ordered to make restitution and the
25 superior court has ordered supervision, the officer supervising the
26 probationer shall make a reasonable effort to ascertain whether
27 restitution has been made. If the superior court has ordered
28 supervision and restitution has not been made as ordered, the officer
29 shall inform the prosecutor of that violation of the terms of probation
30 not less than three months prior to the termination of the probation
31 period. The secretary of corrections will promulgate rules and
32 regulations for the conduct of the person during the term of probation.
33 For defendants found guilty in district court, like functions as the
34 secretary performs in regard to probation may be performed by probation
35 officers employed for that purpose by the county legislative authority
36 of the county wherein the court is located.

37 (6) The provisions of RCW 9.94A.501 and 9.94A.5011 apply to
38 sentences imposed under this section.

1 NEW SECTION. **Sec. 11.** Sections 1, 2, and 4 through 9 of this act
2 are necessary for the immediate preservation of the public peace,
3 health, or safety, or support of the state government and its existing
4 public institutions, and take effect March 1, 2012.

5 NEW SECTION. **Sec. 12.** Sections 3 and 10 of this act take effect
6 May 1, 2012.

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