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SENATE BILL 5875

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State of Washington

62nd Legislature

2011 Regular Session

By Senator Hargrove

Read first time 03/14/11. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to terms of supervision for offenders sentenced to  
2 a first time offender waiver; amending RCW 9.94A.650; and creating a  
3 new section.

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

5 **Sec. 1.** RCW 9.94A.650 and 2008 c 231 s 29 are each amended to read  
6 as follows:

7 (1) This section applies to offenders who have never been  
8 previously convicted of a felony in this state, federal court, or  
9 another state, and who have never participated in a program of deferred  
10 prosecution for a felony, and who are convicted of a felony that is  
11 not:

12 (a) Classified as a violent offense or a sex offense under this  
13 chapter;

14 (b) Manufacture, delivery, or possession with intent to manufacture  
15 or deliver a controlled substance classified in Schedule I or II that  
16 is a narcotic drug or flunitrazepam classified in Schedule IV;

17 (c) Manufacture, delivery, or possession with intent to deliver a  
18 methamphetamine, its salts, isomers, and salts of its isomers as  
19 defined in RCW 69.50.206(d)(2);

1 (d) The selling for profit of any controlled substance or  
2 counterfeit substance classified in Schedule I, RCW 69.50.204, except  
3 leaves and flowering tops of marihuana; or

4 (e) Felony driving while under the influence of intoxicating liquor  
5 or any drug or felony physical control of a vehicle while under the  
6 influence of intoxicating liquor or any drug.

7 (2) In sentencing a first-time offender the court may waive the  
8 imposition of a sentence within the standard sentence range and impose  
9 a sentence which may include up to ninety days of confinement in a  
10 facility operated or utilized under contract by the county and a  
11 requirement that the offender refrain from committing new offenses.

12 (3) The court may impose up to (~~one year~~) six months of community  
13 custody unless treatment is ordered, in which case the period of  
14 community custody may include up to the period of treatment, but shall  
15 not exceed (~~two years~~) one year.

16 (4) As a condition of community custody, in addition to any  
17 conditions authorized in RCW 9.94A.703, the court may order the  
18 offender to pay all court-ordered legal financial obligations and/or  
19 perform community restitution work.

20 NEW SECTION. **Sec. 2.** By January 1, 2012, consistent with the  
21 provisions of RCW 9.94A.650, the department of corrections shall  
22 recalculate the term of community custody for each offender sentenced  
23 to a first time offender waiver under RCW 9.94A.650 and currently in  
24 confinement or serving a term of community custody. The department of  
25 corrections shall reset the date that community custody will end for  
26 those offenders. The recalculation shall not extend a term of  
27 community custody beyond that to which an offender is currently  
28 subject.

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