
SENATE BILL 5140

State of Washington

63rd Legislature

2013 Regular Session

By Senators Pearson and Carrell

Read first time 01/21/13. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to limiting alternatives to confinement for certain
2 offenders who violate terms of community custody; and amending RCW
3 9.94A.633.

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

5 **Sec. 1.** RCW 9.94A.633 and 2012 1st sp.s. c 6 s 2 are each amended
6 to read as follows:

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

11 (b) In lieu of confinement, an offender may be sanctioned with work
12 release, home detention with electronic monitoring, work crew,
13 community restitution, inpatient treatment, daily reporting, curfew,
14 educational or counseling sessions, supervision enhanced through
15 electronic monitoring, or any other community-based sanctions, except
16 for an offender:

17 (i) Who is being supervised for a domestic violence offense as
18 provided in RCW 10.99.020; or

1 (ii) Who commits a violation while armed with a deadly weapon as
2 defined in RCW 9.94A.825.

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

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

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

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

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

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

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

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

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

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

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

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