S-1203.1

SENATE BILL 5755

State of Washington 64th Legislature 2015 Regular Session

By Senators Hargrove, Hill, Ranker, Dammeier, Braun, Keiser, Billig, Becker, Brown, Kohl-Welles, Chase, Conway, Darneille, Hasegawa, Fain, Habib, Hewitt, Pedersen, Jayapal, and McAuliffe

Read first time 02/02/15. Referred to Committee on Law & Justice.

AN ACT Relating to addressing and mitigating the impacts of property crimes in Washington state; amending RCW 9.94A.030, 9.94A.501, 9.94A.505, 9.94A.506, 9.94A.585, 9.94A.702, 9.94A.171, 9.94A.860, 9.94A.8673, 9.94A.870, 9.94A.875, 43.15.020, 72.09.350, 10.98.160, and 70.96A.350; reenacting and amending RCW 9.94A.515 and 9.94A.701; adding a new section to chapter 43.88 RCW; adding new sections to chapter 9.94A RCW; adding new sections to chapter 43.131 RCW; creating new sections; prescribing penalties; making appropriations; and providing an effective date.

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

NEW SECTION. **Sec. 1.** (1) The legislature finds that:

(a) Washington has the highest property crime rate in the country.

(b) Washington's crime victims' compensation program does not provide victims with financial assistance for expenses associated with property crime.

(c) Funding for programs that notify victims when offenders are released from jail in three large counties is set to expire in 2016.

(d) In recent years, an increasing number of individuals convicted of property crimes have been sentenced to prison. Supervision paired with treatment including, but not limited to,

mental health and cognitive behavioral treatment and services, which can have a significant impact on reducing the likelihood of reoffending, is not available as a sentencing option for most people convicted of property offenses.

(e) Supervision practices in Washington are promising and the department of corrections continues to refine its approach to community supervision, but there is an opportunity to further strengthen the quality of supervision and extend it to property crime offenders.

(f) Pretrial detainees take up a significant portion of county jail space and a portion of these individuals will be rearrested upon release. Only a fraction of counties in Washington utilize risk assessments to inform decision making regarding pretrial release.

(g) Sustained policy development in juvenile and criminal justice would benefit from a more concerted, consistent, and visible form of governance.

(2) It is the intent of the legislature to respond to the findings of the Washington state justice reinvestment task force, which are outlined in subsection (1) of this section, by changing sentencing policy to require supervision of certain people convicted of property offenses; by providing treatment, if needed, and programs to reduce recidivism; and by providing additional support to local governments and victims of property crime. The legislature adopts this act with the goal of reducing property crime by at least fifteen percent by fiscal year 2021.

Sec. 2. RCW 9.94A.030 and 2012 c 143 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment

to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the ((~~sentencing guidelines~~)) Washington justice commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed as part of a sentence under this chapter and served in the community subject to controls placed on the offender's movement and activities by the department.

(6) "Community protection zone" means the area within eight hundred eighty feet of the facilities and grounds of a public or private school.

(7) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(8) "Confinement" means total or partial confinement.

(9) "Conviction" means an adjudication of guilt pursuant to Title 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(11) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640,

9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon.

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

(12) "Criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

(13) "Criminal street gang associate or member" means any person who actively participates in any criminal street gang and who intentionally promotes, furthers, or assists in any criminal act by the criminal street gang.

(14) "Criminal street gang-related offense" means any felony or misdemeanor offense, whether in this state or elsewhere, that is committed for the benefit of, at the direction of, or in association with any criminal street gang, or is committed with the intent to promote, further, or assist in any criminal conduct by the gang, or is committed for one or more of the following reasons:

(a) To gain admission, prestige, or promotion within the gang;

(b) To increase or maintain the gang's size, membership, prestige, dominance, or control in any geographical area;

(c) To exact revenge or retribution for the gang or any member of the gang;

(d) To obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang;

(e) To directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage for the gang, its reputation, influence, or membership; or

(f) To provide the gang with any advantage in, or any control or dominance over any criminal market sector, including, but not limited to, manufacturing, delivering, or selling any controlled substance

(chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter 9.68 RCW).

(15) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(16) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(17) "Department" means the department of corrections.

(18) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community custody, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(19) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(20) "Domestic violence" has the same meaning as defined in RCW 10.99.020 and 26.50.010.

(21) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense other than

a violent offense or a sex offense and who are eligible for the option under RCW 9.94A.660.

(22) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(23) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

(24) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(25) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-run injury-accident (RCW 46.52.020(4)), felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(26) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

(27) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

(28) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

(29) "Homelessness" or "homeless" means a condition where an individual lacks a fixed, regular, and adequate nighttime residence and who has a primary nighttime residence that is:

(a) A supervised, publicly or privately operated shelter designed to provide temporary living accommodations;

(b) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; or

(c) A private residence where the individual stays as a transient invitee.

(30) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

(31) "Minor child" means a biological or adopted child of the offender who is under age eighteen at the time of the offender's current offense.

(32) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Robbery in the second degree;

(p) Sexual exploitation;

(q) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(s) Any other class B felony offense with a finding of sexual motivation;

(t) Any other felony with a deadly weapon verdict under RCW 9.94A.825;

(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(v)(i) A prior conviction for indecent liberties under RCW 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997;

(w) Any out-of-state conviction for a felony offense with a finding of sexual motivation if the minimum sentence imposed was ten years or more; provided that the out-of-state felony offense must be comparable to a felony offense under this title and Title 9A RCW and the out-of-state definition of sexual motivation must be comparable to the definition of sexual motivation contained in this section.

(33) "Nonviolent offense" means an offense which is not a violent offense.

(34) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. In addition, for the purpose of community custody requirements under this chapter, "offender" also means a misdemeanant or gross misdemeanant probationer ordered by a superior court to probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and supervised by the department pursuant to RCW 9.94A.501 and 9.94A.5011. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(35) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court or home detention has been ordered by the department as part of the parenting program, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention.

(36) "Pattern of criminal street gang activity" means:

(a) The commission, attempt, conspiracy, or solicitation of, or any prior juvenile adjudication of or adult conviction of, two or more of the following criminal street gang-related offenses:

(i) Any "serious violent" felony offense as defined in this section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a Child 1 (RCW 9A.36.120);

(ii) Any "violent" offense as defined by this section, excluding Assault of a Child 2 (RCW 9A.36.130);

(iii) Deliver or Possession with Intent to Deliver a Controlled Substance (chapter 69.50 RCW);

(iv) Any violation of the firearms and dangerous weapon act (chapter 9.41 RCW);

(v) Theft of a Firearm (RCW 9A.56.300);

(vi) Possession of a Stolen Firearm (RCW 9A.56.310);

(vii) Malicious Harassment (RCW 9A.36.080);

(viii) Harassment where a subsequent violation or deadly threat is made (RCW 9A.46.020(2)(b));

(ix) Criminal Gang Intimidation (RCW 9A.46.120);

(x) Any felony conviction by a person eighteen years of age or older with a special finding of involving a juvenile in a felony offense under RCW 9.94A.833;

(xi) Residential Burglary (RCW 9A.52.025);

(xii) Burglary 2 (RCW 9A.52.030);

(xiii) Malicious Mischief 1 (RCW 9A.48.070);

(xiv) Malicious Mischief 2 (RCW 9A.48.080);

(xv) Theft of a Motor Vehicle (RCW 9A.56.065);

(xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);

(xvii) Taking a Motor Vehicle Without Permission 1 (RCW 9A.56.070);

(xviii) Taking a Motor Vehicle Without Permission 2 (RCW 9A.56.075);

(xix) Extortion 1 (RCW 9A.56.120);

(xx) Extortion 2 (RCW 9A.56.130);

(xxi) Intimidating a Witness (RCW 9A.72.110);

(xxii) Tampering with a Witness (RCW 9A.72.120);

(xxiii) Reckless Endangerment (RCW 9A.36.050);

(xxiv) Coercion (RCW 9A.36.070);

(xxv) Harassment (RCW 9A.46.020); or

(xxvi) Malicious Mischief 3 (RCW 9A.48.090);

(b) That at least one of the offenses listed in (a) of this subsection shall have occurred after July 1, 2008;

(c) That the most recent committed offense listed in (a) of this subsection occurred within three years of a prior offense listed in (a) of this subsection; and

(d) Of the offenses that were committed in (a) of this subsection, the offenses occurred on separate occasions or were committed by two or more persons.

(37) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection (37)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

(38) "Predatory" means: (a) The perpetrator of the crime was a stranger to the victim, as defined in this section; (b) the perpetrator established or promoted a relationship with the victim prior to the offense and the victimization of the victim was a significant reason the perpetrator established or promoted the relationship; or (c) the perpetrator was: (i) A teacher, counselor, volunteer, or other person in authority in any public or private school and the victim was a student of the school under his or her authority or supervision. For purposes of this subsection, "school"

does not include home-based instruction as defined in RCW 28A.225.010; (ii) a coach, trainer, volunteer, or other person in authority in any recreational activity and the victim was a participant in the activity under his or her authority or supervision; (iii) a pastor, elder, volunteer, or other person in authority in any church or religious organization, and the victim was a member or participant of the organization under his or her authority; or (iv) a teacher, counselor, volunteer, or other person in authority providing home-based instruction and the victim was a student receiving home-based instruction while under his or her authority or supervision. For purposes of this subsection: (A) "Home-based instruction" has the same meaning as defined in RCW 28A.225.010; and (B) "teacher, counselor, volunteer, or other person in authority" does not include the parent or legal guardian of the victim.

(39) "Private school" means a school regulated under chapter 28A.195 or 28A.205 RCW.

(40) "Property offense" means:

(a)(i) Counterfeiting (RCW 9.16.035(4));

(ii) Identity Theft 1 (RCW 9.35.020(2));

(iii) Theft of Livestock 1 (RCW 9A.56.080);

(iv) Trafficking in Stolen Property 1 (RCW 9A.82.050);

(v) Unlawful Factoring of a Credit Card or Payment Card Transaction (RCW 9A.56.290(4)(b));

(vi) Burglary 2 (RCW 9A.52.030);

(vii) Organized Retail Theft 1 (RCW 9A.56.350(2));

(viii) Retail Theft with Special Circumstances 1 (RCW 9A.56.360(2));

(ix) Theft of Livestock 2 (RCW 9A.56.083);

(x) Theft with the Intent to Resell 1 (RCW 9A.56.340(2));

(xi) Trafficking in Stolen Property 2 (RCW 9A.82.055);

(xii) Unlawful Hunting of Big Game 1 (RCW 77.15.410(3)(b));

(xiii) Commercial Fishing Without a License 1 (RCW 77.15.500(3)(b));

(xiv) Counterfeiting (RCW 9.16.035(3));

(xv) Engaging in Fish Dealing Activity Unlicensed 1 (RCW 77.15.620(3)(b));

(xvi) Health Care False Claims (RCW 48.80.030);

(xvii) Identity Theft 2 (RCW 9.35.020(3));

(xviii) Malicious Mischief 1 (RCW 9A.48.070);

(xix) Organized Retail Theft 2 (RCW 9A.56.350(3));

(xx) Possession of Stolen Property 1 (RCW 9A.56.150);

(xxi) Possession of a Stolen Vehicle (RCW 9A.56.068);

(xxii) Retail Theft with Special Circumstances 2 (RCW 9A.56.360(3));

(xxiii) Scrap Processing, Recycling, or Supplying Without a License (second or subsequent offense) (RCW 19.290.100(2)(b));

(xxiv) Theft 1 (RCW 9A.56.030);

(xxv) Theft of a Motor Vehicle (RCW 9A.56.065);

(xxvi) Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at five thousand dollars or more) (RCW 9A.56.096(5)(a));

(xxvii) Theft with the Intent to Resell 2 (RCW 9A.56.340(3));

(xxviii) Trafficking in Insurance Claims (RCW 48.30A.015);

(xxix) Unlawful Factoring of a Credit Card or Payment Card Transaction (RCW 9A.56.290(4)(a));

(xxx) False Verification for Welfare (RCW 74.08.055);

(xxxi) Forgery (RCW 9A.60.020);

(xxxii) Malicious Mischief 2 (RCW 9A.48.080);

(xxxiii) Possession of Stolen Property 2 (RCW 9A.56.160);

(xxxiv) Reckless Burning 1 (RCW 9A.48.040);

(xxxv) Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075);

(xxxvi) Theft 2 (RCW 9A.56.040);

(xxxvii) Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at seven hundred fifty dollars or more but less than five thousand dollars) (RCW 9A.56.096(5)(b));

(xxxviii) Unlawful Issuance of Checks or Drafts (RCW 9A.56.060);

(xxxix) Unlawful Possession of Fictitious Identification (RCW 9A.56.320(4));

(xl) Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320(5));

(xli) Unlawful Possession of Payment Instruments (RCW 9A.56.320(2));

(xlii) Unlawful Possession of a Personal Identification Device (RCW 9A.56.320(3));

(xliii) Unlawful Production of Payment Instruments (RCW 9A.56.320(1));

(xliv) Unlawful Trafficking in Food Stamps (RCW 9.91.142);

(xlv) Unlawful Use of Food Stamps (RCW 9.91.144);

(b) An attempt, criminal solicitation, or criminal conspiracy to commit a property offense under (a) of this subsection; or

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a property offense under (a) or (b) of this subsection.

(41) "Public school" has the same meaning as in RCW 28A.150.010.

((~~(41)~~)) (42) "Repetitive domestic violence offense" means any:

(a)(i) Domestic violence assault that is not a felony offense under RCW 9A.36.041;

(ii) Domestic violence violation of a no-contact order under chapter 10.99 RCW that is not a felony offense;

(iii) Domestic violence violation of a protection order under chapter 26.09, 26.10, 26.26, or 26.50 RCW that is not a felony offense;

(iv) Domestic violence harassment offense under RCW 9A.46.020 that is not a felony offense; or

(v) Domestic violence stalking offense under RCW 9A.46.110 that is not a felony offense; or

(b) Any federal, out-of-state, tribal court, military, county, or municipal conviction for an offense that under the laws of this state would be classified as a repetitive domestic violence offense under (a) of this subsection.

((~~(42)~~)) (43) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

((~~(43)~~)) (44) "Risk assessment" means the application of the risk instrument recommended to the department by the Washington state institute for public policy as having the highest degree of predictive accuracy for assessing an offender's risk of reoffense.

((~~(44)~~)) (45) "Serious traffic offense" means:

(a) Nonfelony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), nonfelony actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

((~~(45)~~)) (46) "Serious violent offense" is a subcategory of violent offense and means:

(a)(i) Murder in the first degree;

(ii) Homicide by abuse;

(iii) Murder in the second degree;

(iv) Manslaughter in the first degree;

(v) Assault in the first degree;

(vi) Kidnapping in the first degree;

(vii) Rape in the first degree;

(viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

((~~(46)~~)) (47) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.132;

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.080;

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes; or

(v) A felony violation of RCW 9A.44.132(1) (failure to register) if the person has been convicted of violating RCW 9A.44.132(1) (failure to register) on at least one prior occasion;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

((~~(47)~~)) (48) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

((~~(48)~~)) (49) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

((~~(49)~~)) (50) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

((~~(50)~~)) (51) "Stranger" means that the victim did not know the offender twenty-four hours before the offense.

((~~(51)~~)) (52) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

((~~(52)~~)) (53) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

((~~(53)~~)) (54) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

((~~(54)~~)) (55) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

((~~(55)~~)) (56) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

((~~(56)~~)) (57) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

((~~(57)~~)) (58) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

Sec. 3. RCW 9.94A.501 and 2013 2nd sp.s. c 35 s 15 are each amended to read as follows:

(1) The department shall supervise the following offenders who are sentenced to probation in superior court, pursuant to RCW 9.92.060, 9.95.204, or 9.95.210:

(a) Offenders convicted of:

(i) Sexual misconduct with a minor second degree;

(ii) Custodial sexual misconduct second degree;

(iii) Communication with a minor for immoral purposes; and

(iv) Violation of RCW 9A.44.132(2) (failure to register); and

(b) Offenders who have:

(i) A current conviction for a repetitive domestic violence offense where domestic violence has been plead and proven after August 1, 2011; and

(ii) A prior conviction for a repetitive domestic violence offense or domestic violence felony offense where domestic violence has been plead and proven after August 1, 2011.

(2) Misdemeanor and gross misdemeanor offenders supervised by the department pursuant to this section shall be placed on community custody.

(3) The department shall supervise every felony offender sentenced to community custody pursuant to RCW 9.94A.701 or 9.94A.702 whose risk assessment classifies the offender as one who is at a high risk to reoffend.

(4) Notwithstanding any other provision of this section, the department shall supervise an offender sentenced to community custody regardless of risk classification if the offender:

(a) Has a current conviction for a sex offense or a serious violent offense and was sentenced to a term of community custody pursuant to RCW 9.94A.701, 9.94A.702, or 9.94A.507;

(b) Has been identified by the department as a dangerous mentally ill offender pursuant to RCW 72.09.370;

(c) Has an indeterminate sentence and is subject to parole pursuant to RCW 9.95.017;

(d) Has a current conviction for violating RCW 9A.44.132(1) (failure to register) and was sentenced to a term of community custody pursuant to RCW 9.94A.701;

(e) Has a current conviction for a domestic violence felony offense where domestic violence has been plead and proven after August 1, 2011, and a prior conviction for a repetitive domestic violence offense or domestic violence felony offense where domestic violence has been plead and proven after August 1, 2011;

(f) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660, or 9.94A.670;

(g) Is subject to supervision pursuant to RCW 9.94A.745; ((~~or~~))

(h) Was convicted and sentenced under RCW 46.61.520 (vehicular homicide), RCW 46.61.522 (vehicular assault), RCW 46.61.502(6) (felony DUI), or RCW 46.61.504(6) (felony physical control)<u>; or</u>

<u>(i) Has a current conviction for a property offense as defined in RCW 9.94A.030, and has an offender score of two points or more</u>.

(5) The department is not authorized to, and may not, supervise any offender sentenced to a term of community custody or any probationer unless the offender or probationer is one for whom supervision is required under this section or RCW 9.94A.5011.

(6) The department shall conduct a risk assessment for every felony offender sentenced to a term of community custody who may be subject to supervision under this section or RCW 9.94A.5011.

Sec. 4. RCW 9.94A.505 and 2010 c 224 s 4 are each amended to read as follows:

(1) When a person is convicted of a felony, the court shall impose punishment as provided in this chapter.

(2)(a) The court shall impose a sentence as provided in the following sections and as applicable in the case:

(i) Unless another term of confinement applies, a sentence within the standard sentence range established in RCW 9.94A.510 ((~~or~~)), 9.94A.517, or section 7 of this act;

(ii) RCW 9.94A.701 and 9.94A.702, relating to community custody;

(iii) RCW 9.94A.570, relating to persistent offenders;

(iv) RCW 9.94A.540, relating to mandatory minimum terms;

(v) RCW 9.94A.650, relating to the first-time offender waiver;

(vi) RCW 9.94A.660, relating to the drug offender sentencing alternative;

(vii) RCW 9.94A.670, relating to the special sex offender sentencing alternative;

(viii) RCW 9.94A.655, relating to the parenting sentencing alternative;

(ix) RCW 9.94A.507, relating to certain sex offenses;

(x) RCW 9.94A.535, relating to exceptional sentences;

(xi) RCW 9.94A.589, relating to consecutive and concurrent sentences;

(xii) RCW 9.94A.603, relating to felony driving while under the influence of intoxicating liquor or any drug and felony physical control of a vehicle while under the influence of intoxicating liquor or any drug.

(b) If a standard sentence range has not been established for the offender's crime, the court shall impose a determinate sentence which may include not more than one year of confinement; community restitution work; a term of community custody under RCW 9.94A.702 not to exceed one year; and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement and a community custody term under RCW 9.94A.701 if the court finds reasons justifying an exceptional sentence as provided in RCW 9.94A.535.

(3) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(4) If a sentence imposed includes payment of a legal financial obligation, it shall be imposed as provided in RCW 9.94A.750, 9.94A.753, 9.94A.760, and 43.43.7541.

(5) Except as provided under RCW 9.94A.750(4) and 9.94A.753(4), a court may not impose a sentence providing for a term of confinement or community custody that exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(6) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(7) The court shall order restitution as provided in RCW 9.94A.750 and 9.94A.753.

(8) As a part of any sentence, the court may impose and enforce crime-related prohibitions and affirmative conditions as provided in this chapter.

(9) In any sentence of partial confinement, the court may require the offender to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

Sec. 5. RCW 9.94A.506 and 2011 1st sp.s. c 40 s 26 are each amended to read as follows:

The standard sentence ranges of total and partial confinement under this chapter, except as provided in RCW 9.94A.517 and section 7 of this act, are subject to the following limitations:

(1) If the maximum term in the range is one year or less, the minimum term in the range shall be no less than one-third of the maximum term in the range, except that if the maximum term in the range is ninety days or less, the minimum term may be less than one-third of the maximum;

(2) If the maximum term in the range is greater than one year, the minimum term in the range shall be no less than seventy-five percent of the maximum term in the range, except that for murder in

the second degree in seriousness level XIV under RCW 9.94A.510, the minimum term in the range shall be no less than fifty percent of the maximum term in the range; and

(3) The maximum term of confinement in a range may not exceed the statutory maximum for the crime as provided in RCW 9A.20.021.

Sec. 6. RCW 9.94A.515 and 2013 c 322 s 26, 2013 c 290 s 8, 2013 c 267 s 2, and 2013 c 153 s 2 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN
EACH SERIOUSNESS LEVEL

XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055)
	Malicious explosion 1 (RCW 70.74.280(1))
	Murder 1 (RCW 9A.32.030)
XIV	Murder 2 (RCW 9A.32.050)
	Trafficking 1 (RCW 9A.40.100(1))
XIII	Malicious explosion 2 (RCW 70.74.280(2))
	Malicious placement of an explosive 1 (RCW 70.74.270(1))
XII	Assault 1 (RCW 9A.36.011)
	Assault of a Child 1 (RCW 9A.36.120)
	Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
	Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101)
	Rape 1 (RCW 9A.44.040)
	Rape of a Child 1 (RCW 9A.44.073)
	Trafficking 2 (RCW 9A.40.100(((~~(2)~~))) (3))
XI	Manslaughter 1 (RCW 9A.32.060)

		Rape 2 (RCW 9A.44.050)
		Rape of a Child 2 (RCW 9A.44.076)
		Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
	X	Child Molestation 1 (RCW 9A.44.083)
		Criminal Mistreatment 1 (RCW 9A.42.020)
		Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
		Kidnapping 1 (RCW 9A.40.020)
		Leading Organized Crime (RCW 9A.82.060(1)(a))
		Malicious explosion 3 (RCW 70.74.280(3))
		Sexually Violent Predator Escape (RCW 9A.76.115)
	IX	Abandonment of Dependent Person 1 (RCW 9A.42.060)
		Assault of a Child 2 (RCW 9A.36.130)
		Explosive devices prohibited (RCW 70.74.180)
		Hit and Run—Death (RCW 46.52.020(4)(a))
		Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)
		Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
		Malicious placement of an explosive 2 (RCW 70.74.270(2))
		Robbery 1 (RCW 9A.56.200)
		Sexual Exploitation (RCW 9.68A.040)

VIII	Arson 1 (RCW 9A.48.020)
	Commercial Sexual Abuse of a Minor (RCW 9.68A.100)
	Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)
	Manslaughter 2 (RCW 9A.32.070)
	Promoting Prostitution 1 (RCW 9A.88.070)
	Theft of Ammonia (RCW 69.55.010)
	Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
VII	Burglary 1 (RCW 9A.52.020)
	Child Molestation 2 (RCW 9A.44.086)
	Civil Disorder Training (RCW 9A.48.120)
	Dealing in depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.050(1))
	Drive-by Shooting (RCW 9A.36.045)
	Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)
	Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
	Introducing Contraband 1 (RCW 9A.76.140)
	Malicious placement of an explosive 3 (RCW 70.74.270(3))
	Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)

		Sending, bringing into state depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.060(1))
		Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))
		Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)
		Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
	VI	Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))
		Bribery (RCW 9A.68.010)
		Incest 1 (RCW 9A.64.020(1))
		Intimidating a Judge (RCW 9A.72.160)
		Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
		Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
		Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.070(1))
		Rape of a Child 3 (RCW 9A.44.079)
		Theft of a Firearm (RCW 9A.56.300)
		Unlawful Storage of Ammonia (RCW 69.55.020)
	V	Abandonment of Dependent Person 2 (RCW 9A.42.070)
		Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
		Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))
		Child Molestation 3 (RCW 9A.44.089)

Criminal Mistreatment 2 (RCW 9A.42.030)

Custodial Sexual Misconduct 1 (RCW 9A.44.160)

Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.050(2))

Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)

Driving While Under the Influence (RCW 46.61.502(6))

Extortion 1 (RCW 9A.56.120)

Extortionate Extension of Credit (RCW 9A.82.020)

Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)

Incest 2 (RCW 9A.64.020(2))

Kidnapping 2 (RCW 9A.40.030)

Perjury 1 (RCW 9A.72.020)

Persistent prison misbehavior (RCW 9.94.070)

Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))

Possession of a Stolen Firearm (RCW 9A.56.310)

Rape 3 (RCW 9A.44.060)

Rendering Criminal Assistance 1 (RCW 9A.76.070)

		Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.060(2))
		Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
		Sexually Violating Human Remains (RCW 9A.44.105)
		Stalking (RCW 9A.46.110)
		Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)
	IV	Arson 2 (RCW 9A.48.030)
		Assault 2 (RCW 9A.36.021)
		Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))
		Assault by Watercraft (RCW 79A.60.060)
		Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
		Cheating 1 (RCW 9.46.1961)
		Commercial Bribery (RCW 9A.68.060)
		((~~Counterfeiting (RCW 9.16.035(4))~~))
		Endangerment with a Controlled Substance (RCW 9A.42.100)
		Escape 1 (RCW 9A.76.110)
		Hit and Run—Injury (RCW 46.52.020(4)(b))
		Hit and Run with Vessel—Injury Accident (RCW 79A.60.200(3))
		((~~Identity Theft 1 (RCW 9.35.020(2))~~))

Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)

Influencing Outcome of Sporting Event (RCW 9A.82.070)

Malicious Harassment (RCW 9A.36.080)

Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.070(2))

Residential Burglary (RCW 9A.52.025)

Robbery 2 (RCW 9A.56.210)

((~~Theft of Livestock 1 (RCW 9A.56.080)~~))

Threats to Bomb (RCW 9.61.160)

((~~Trafficking in Stolen Property 1 (RCW 9A.82.050)~~

~~Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))~~))

Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))

Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))

Unlawful transaction of insurance business (RCW 48.15.023(3))

Unlicensed practice as an insurance professional (RCW 48.17.063(2))

Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))

		Vehicle Prowling 2 (third or subsequent offense) (RCW 9A.52.100(3))
		Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)
		Viewing of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.075(1))
		Willful Failure to Return from Furlough (RCW 72.66.060)
	III	Animal Cruelty 1 (Sexual Conduct or Contact) (RCW 16.52.205(3))
		Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))
		Assault of a Child 3 (RCW 9A.36.140)
		Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))
		((~~Burglary 2 (RCW 9A.52.030)~~))
		Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
		Criminal Gang Intimidation (RCW 9A.46.120)
		Custodial Assault (RCW 9A.36.100)
		Cyberstalking (subsequent conviction or threat of death) (RCW 9.61.260(3))
		Escape 2 (RCW 9A.76.120)
		Extortion 2 (RCW 9A.56.130)
		Harassment (RCW 9A.46.020)

Intimidating a Public Servant (RCW 9A.76.180)

Introducing Contraband 2 (RCW 9A.76.150)

Malicious Injury to Railroad Property (RCW 81.60.070)

Mortgage Fraud (RCW 19.144.080)

Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)

((~~Organized Retail Theft 1 (RCW 9A.56.350(2))~~))

Perjury 2 (RCW 9A.72.030)

Possession of Incendiary Device (RCW 9.40.120)

Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)

Promoting Prostitution 2 (RCW 9A.88.080)

((~~Retail Theft with Special Circumstances 1 (RCW 9A.56.360(2))~~))

Securities Act violation (RCW 21.20.400)

Tampering with a Witness (RCW 9A.72.120)

Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))

((~~Theft of Livestock 2 (RCW 9A.56.083)~~

~~Theft with the Intent to Resell 1 (RCW 9A.56.340(2))~~

~~Trafficking in Stolen Property 2 (RCW 9A.82.055)~~

~~Unlawful Hunting of Big Game 1 (RCW 77.15.410(3)(b)))~~

Unlawful Imprisonment (RCW 9A.40.040)

Unlawful Misbranding of Food Fish or Shellfish 1 (RCW 69.04.938(3))

Unlawful possession of firearm in the second degree (RCW 9.41.040(2))

Unlawful Taking of Endangered Fish or Wildlife 1 (RCW 77.15.120(3)(b))

Unlawful Trafficking in Fish, Shellfish, or Wildlife 1 (RCW 77.15.260(3)(b))

Unlawful Use of a Nondesignated Vessel (RCW 77.15.530(4))

Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)

Willful Failure to Return from Work Release (RCW 72.65.070)

II ((~~Commercial Fishing Without a License 1 (RCW 77.15.500(3)(b))~~))

Computer Trespass 1 (RCW 9A.52.110)

((~~Counterfeiting (RCW 9.16.035(3))~~

~~Engaging in Fish Dealing Activity Unlicensed 1 (RCW 77.15.620(3))~~))

Escape from Community Custody (RCW 72.09.310)

Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.132)

((~~Health Care False Claims (RCW 48.80.030)~~

~~Identity Theft 2 (RCW 9.35.020(3))~~))

Improperly Obtaining Financial Information (RCW 9.35.010)

((~~Malicious Mischief 1 (RCW 9A.48.070)~~

~~Organized Retail Theft 2 (RCW 9A.56.350(3))~~

~~Possession of Stolen Property 1 (RCW 9A.56.150)~~

~~Possession of a Stolen Vehicle (RCW 9A.56.068)~~

~~Retail Theft with Special Circumstances 2 (RCW 9A.56.360(3))~~

~~Scrap Processing, Recycling, or Supplying Without a License (second or subsequent offense) (RCW 19.290.100)~~

~~Theft 1 (RCW 9A.56.030)~~

~~Theft of a Motor Vehicle (RCW 9A.56.065)~~

~~Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(5)(a))~~

~~Theft with the Intent to Resell 2 (RCW 9A.56.340(3))~~

~~Trafficking in Insurance Claims (RCW 48.30A.015)~~

~~Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a)))~~

Unlawful Participation of Non-Indians in Indian Fishery (RCW 77.15.570(2))

Unlawful Practice of Law (RCW 2.48.180)

Unlawful Purchase or Use of a License (RCW 77.15.650(3)(b))

Unlawful Trafficking in Fish, Shellfish, or Wildlife 2 (RCW 77.15.260(3)(a))

Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))

Voyeurism (RCW 9A.44.115)

I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)

((~~False Verification for Welfare (RCW 74.08.055)~~

~~Forgery (RCW 9A.60.020)~~))

Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)

((~~Malicious Mischief 2 (RCW 9A.48.080)~~))

Mineral Trespass (RCW 78.44.330)

((~~Possession of Stolen Property 2 (RCW 9A.56.160)~~

~~Reckless Burning 1 (RCW 9A.48.040)~~))

Spotlighting Big Game 1 (RCW 77.15.450(3)(b))

Suspension of Department Privileges 1 (RCW 77.15.670(3)(b))

((~~Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)~~

~~Theft 2 (RCW 9A.56.040)~~

~~Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(5)(b))~~))

Transaction of insurance business beyond the scope of licensure (RCW 48.17.063)

Unlawful Fish and Shellfish Catch Accounting (RCW 77.15.630(3)(b))

((~~Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)~~

~~Unlawful Possession of Fictitious Identification (RCW 9A.56.320)~~

~~Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)~~

~~Unlawful Possession of Payment Instruments (RCW 9A.56.320)~~

~~Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)~~

~~Unlawful Production of Payment Instruments (RCW 9A.56.320)~~

~~Unlawful Release of Deleterious Exotic Wildlife (RCW 77.15.250(2)(b))~~

~~Unlawful Trafficking in Food Stamps (RCW 9.91.142)~~

~~Unlawful Use of Food Stamps (RCW 9.91.144)~~))

Unlawful Use of Net to Take Fish 1 (RCW 77.15.580(3)(b))

Unlawful Use of Prohibited Aquatic Animal Species (RCW 77.15.253(3))

Unlawfully Releasing, Planting, Possessing, or Placing Deleterious Exotic Wildlife (RCW 77.15.250(2)(b)

Vehicle Prowl 1 (RCW 9A.52.095)

Violating Commercial Fishing Area or Time 1 (RCW 77.15.550(3)(b))

NEW SECTION. **Sec. 7.**

(1)

TABLE 5 - PROPERTY OFFENSE SENTENCING GRID

Seriousness Level	Offender Score									
	0	1	2	3	4	5	6	7	8	9 or more
4	15-180 days	30-240 days	30-300 days	30-365 days	12+-16 months	14-18 months	16-24 months	24-30 months	30-36.5 months	36.5-42 months
3	10-90 days	15-180 days	20-180 days	30-240 days	30-300 days	60-365 days	12+-16 months	14-18 months	16-24 months	24-30 months
2	5-90 days	10-120 days	15-180 days	20-180 days	30-240 days	30-300 days	60-365 days	12+-16 months	14-18 months	16-20 months
1	5-60 days	5-90 days	10-120 days	20-180 days	30-240 days	30-300 days	30-300 days	30-365 days	12+-16 months	14-18 months

References to months represent the standard sentence range. 12+ equals one year and one day.

(2) The court may utilize any other sanctions or alternatives as authorized by law, including but not limited to the special drug offender sentencing alternative under RCW 9.94A.660 or drug court under RCW 2.28.170.

(3) Nothing in this section creates an entitlement for a criminal defendant to any specific sanction, alternative, sentence option, or substance abuse treatment.

NEW SECTION. **Sec. 8.**

TABLE 6 - PROPERTY OFFENSES
INCLUDED WITHIN EACH SERIOUSNESS LEVEL

IV	Counterfeiting (RCW 9.16.035(4))
	Identity Theft 1 (RCW 9.35.020(2))
	Theft of Livestock 1 (RCW 9A.56.080)
	Trafficking in Stolen Property 1 (RCW 9A.82.050)
	Unlawful Factoring of a Credit Card or Payment Card Transaction (RCW 9A.56.290(4)(b))
III	Burglary 2 (RCW 9A.52.030)
	Organized Retail Theft 1 (RCW 9A.56.350(2))
	Retail Theft with Special Circumstances 1 (RCW 9A.56.360(2))
	Theft of Livestock 2 (RCW 9A.56.083)
	Theft with the Intent to Resell 1 (RCW 9A.56.340(2))
	Trafficking in Stolen Property 2 (RCW 9A.82.055)
	Unlawful Hunting of Big Game 1 (RCW 77.15.410(3)(b))
II	Commercial Fishing Without a License 1 (RCW 77.15.500(3)(b))
	Counterfeiting (RCW 9.16.035(3))
	Engaging in Fish Dealing Activity Unlicensed 1 (RCW 77.15.620(3)(b))
	Health Care False Claims (RCW 48.80.030)
	Identity Theft 2 (RCW 9.35.020(3))
	Malicious Mischief 1 (RCW 9A.48.070)

	Organized Retail Theft 2 (RCW 9A.56.350(3))
	Possession of Stolen Property 1 (RCW 9A.56.150)
	Possession of a Stolen Vehicle (RCW 9A.56.068)
	Retail Theft with Special Circumstances 2 (RCW 9A.56.360(3))
	Scrap Processing, Recycling, or Supplying Without a License (second or subsequent offense) (RCW 19.290.100(2)(b))
	Theft 1 (RCW 9A.56.030)
	Theft of a Motor Vehicle (RCW 9A.56.065)
	Theft of Rental, Leased, or Lease-purchased, or Loaned Property (valued at five thousand dollars or more) (RCW 9A.56.096(5)(a))
	Theft with the Intent to Resell 2 (RCW 9A.56.340(3))
	Trafficking in Insurance Claims (RCW 48.30A.015)
	Unlawful Factoring of a Credit Card or Payment Card Transaction (RCW 9A.56.290(4)(a))
I	False Verification for Welfare (RCW 74.08.055)
	Forgery (RCW 9A.60.020)
	Malicious Mischief 2 (RCW 9A.48.080)
	Possession of Stolen Property 2 (RCW 9A.56.160)
	Reckless Burning 1 (RCW 9A.48.040)
	Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)
	Theft 2 (RCW 9A.56.040)

Theft of Rental, Leased, Lease-purchased, or Loan Property (valued at seven hundred fifty dollars or more but less than five thousand dollars) (RCW 9A.56.096(5)(b))

Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)

Unlawful Possession of Fictitious Identification (RCW 9A.56.320(4))

Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320(5))

Unlawful Possession of Payment Instruments (RCW 9A.56.320(2))

Unlawful Possession of a Personal Identification Device (RCW 9A.56.320(3))

Unlawful Production of Payment Instruments (RCW 9A.56.320(1))

Unlawful Trafficking in Food Stamps (RCW 9.91.142)

Unlawful Use of Food Stamps (RCW 9.91.144)

Sec. 9. RCW 9.94A.585 and 2002 c 290 s 19 are each amended to read as follows:

(1) A sentence within the standard sentence range, under RCW 9.94A.510 ((~~or~~)), 9.94A.517, or section 7 of this act, for an offense shall not be appealed. For purposes of this section, a sentence imposed on a first-time offender under RCW 9.94A.650 shall also be deemed to be within the standard sentence range for the offense and shall not be appealed.

(2) A sentence outside the standard sentence range for the offense is subject to appeal by the defendant or the state. The appeal shall be to the court of appeals in accordance with rules adopted by the supreme court.

(3) Pending review of the sentence, the sentencing court or the court of appeals may order the defendant confined or placed on conditional release, including bond.

(4) To reverse a sentence which is outside the standard sentence range, the reviewing court must find: (a) Either that the reasons supplied by the sentencing court are not supported by the record which was before the judge or that those reasons do not justify a sentence outside the standard sentence range for that offense; or (b) that the sentence imposed was clearly excessive or clearly too lenient.

(5) A review under this section shall be made solely upon the record that was before the sentencing court. Written briefs shall not be required and the review and decision shall be made in an expedited manner according to rules adopted by the supreme court.

(6) The court of appeals shall issue a written opinion in support of its decision whenever the judgment of the sentencing court is reversed and may issue written opinions in any other case where the court believes that a written opinion would provide guidance to sentencing courts and others in implementing this chapter and in developing a common law of sentencing within the state.

(7) The department may petition for a review of a sentence committing an offender to the custody or jurisdiction of the department. The review shall be limited to errors of law. Such petition shall be filed with the court of appeals no later than ninety days after the department has actual knowledge of terms of the sentence. The petition shall include a certification by the department that all reasonable efforts to resolve the dispute at the superior court level have been exhausted.

Sec. 10. RCW 9.94A.701 and 2010 c 267 s 11 and 2010 c 224 s 5 are each reenacted and amended to read as follows:

(1) If an offender is sentenced to the custody of the department for one of the following crimes, the court shall, in addition to the other terms of the sentence, sentence the offender to community custody for three years:

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

(b) A serious violent offense.

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

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

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

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

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

(d) A felony violation of RCW 9A.44.132(1) (failure to register) that is the offender's first violation for a felony failure to register; or

(e) Any property offense, as defined in RCW 9.94A.030 if the offender has an offender score of two points or more.

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

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

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

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

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

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

Sec. 11. RCW 9.94A.702 and 2010 c 267 s 12 are each amended to read as follows:

(1) If an offender is sentenced to a term of confinement for one year or less for one of the following offenses, the court may impose up to one year of community custody:

(a) A sex offense;

(b) A violent offense;

(c) A crime against a person under RCW 9.94A.411;

(d) A felony violation of chapter 69.50 or 69.52 RCW, or an attempt, conspiracy, or solicitation to commit such a crime; or

(e) A felony violation of RCW 9A.44.132(1) (failure to register).

(2) If an offender is sentenced to a term of confinement for one year or less for a property offense, as defined in RCW 9.94A.030, and the offender has an offender score of two points or more, the court shall impose one year of community custody.

(3) If an offender is sentenced to a first-time offender waiver, the court may impose community custody as provided in RCW 9.94A.650.

Sec. 12. RCW 9.94A.171 and 2011 1st sp.s. c 40 s 1 are each amended to read as follows:

(1) A term of confinement ordered in a sentence pursuant to this chapter shall be tolled by any period of time during which the offender has absented himself or herself from confinement without the prior approval of the entity in whose custody the offender has been placed. A term of partial confinement shall be tolled during any period of time spent in total confinement pursuant to a new conviction.

(2) Any term of community custody shall be tolled by any period of time during which the offender has absented himself or herself from supervision without prior approval of the entity under whose supervision the offender has been placed.

(3)(a) For offenders other than sex offenders serving a sentence for a sex offense as defined in RCW 9.94A.030, any period of community custody shall be tolled during any period of time the offender is in confinement for any reason unless the offender is detained pursuant to RCW 9.94A.740 or 9.94A.631 for the period of time prior to the hearing or for confinement pursuant to sanctions imposed for violation of sentence conditions, in which case, the period of community custody shall not toll. However, sanctions that result in the imposition of the remaining sentence or the original sentence will continue to toll the period of community custody. In addition, inpatient treatment ordered by the court in lieu of jail time shall not toll the period of community custody.

(b) For sex offenders serving a sentence for a sex offense as defined in RCW 9.94A.030, any period of community custody shall be tolled during any period of time the sex offender is in confinement for any reason.

(c) For offenders serving a sentence for a property offense, as defined in RCW 9.94A.030, any period of community custody shall be tolled during any period of time the offender is in confinement for any reason.

(4) For terms of confinement or community custody, the date for the tolling of the sentence shall be established by the entity responsible for the confinement or supervision.

(5) For the purposes of this section, "tolling" means the period of time in which community custody or confinement time is paused and for which the offender does not receive credit towards the term ordered.

Sec. 13. RCW 9.94A.860 and 2011 1st sp.s. c 40 s 36 are each amended to read as follows:

(1) The ((~~sentencing guidelines~~)) commission is hereby created((~~, located within the office of financial management. Except as provided in RCW 9.94A.875, the commission shall serve to advise the governor and the legislature as necessary on issues relating to adult and juvenile sentencing~~)). The commission may meet, as necessary, to accomplish these purposes within funds appropriated.

(2) The commission consists of twenty voting members, one of whom the governor shall designate as chairperson. With the exception of ex officio voting members, the voting members of the commission shall be appointed by the governor, or his or her designee, subject to confirmation by the senate.

(3) The voting membership consists of the following:

(a) The ((~~head of the state agency having general responsibility for adult correction programs~~)) director of the department, as an ex officio member;

(b) The director of financial management or designee, as an ex officio member;

(c) The chair of the indeterminate sentence review board, as an ex officio member;

(d) The head of the state agency, or the agency head's designee, having responsibility for juvenile corrections programs, as an ex officio member;

(e) Two prosecuting attorneys;

(f) Two attorneys with particular expertise in defense work;

(g) ((~~Four~~)) Two persons who are superior court judges;

(h) One person who is the chief law enforcement officer of a county ((~~or~~)) and one person who is the chief law enforcement officer of a city;

(i) Four members of the public who are not prosecutors, defense attorneys, judges, or law enforcement officers, one of whom is a victim of crime or a crime victims' advocate;

(j) One person who is an elected official of a county government, other than a prosecuting attorney or sheriff;

(k) One person who is an elected official of a city government;

(l) One person who is an administrator of juvenile court services;

(m) The chief justice of the supreme court or the chief justice's designee, as an ex officio member.

In making the appointments, the governor shall endeavor to assure that the commission membership includes adequate representation and expertise relating to both the adult criminal justice system and the juvenile justice system. In making the appointments, the governor shall seek the recommendations of Washington prosecutors in respect to the prosecuting attorney members, of the Washington state bar association in respect to the defense attorney members, of the association of superior court judges in respect to the members who are judges, of the Washington association of sheriffs and police chiefs in respect to the member who is a law enforcement officer, of the Washington state association of counties in respect to the member who is a county official, of the association of Washington cities in respect to the member who is a city official, of the office of crime victims advocacy and other organizations of crime victims in respect to the member who is a victim of crime or a crime victims' advocate, and of the Washington association of juvenile court administrators in respect to the member who is an administrator of juvenile court services.

(4)(a) All voting members of the commission, except ex officio voting members, shall serve terms of three years and until their successors are appointed and confirmed.

(b) The governor shall stagger the terms of the members appointed under subsection (3)(j), (k), and (l) of this section by appointing one of them for a term of one year, one for a term of two years, and one for a term of three years.

(5) The speaker of the house of representatives and the president of the senate may each appoint two nonvoting members to the

commission, one from each of the two largest caucuses in each house. The members so appointed shall serve two-year terms, or until they cease to be members of the house from which they were appointed, whichever occurs first.

(6) The executive director of the caseload forecast council or his or her designee shall be an ex officio, nonvoting member of the commission.

(7) The members of the commission may be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Legislative members may be reimbursed by their respective houses as provided under RCW 44.04.120. Except for the reimbursement of travel expenses, members shall not be compensated.

NEW SECTION. **Sec. 14.** (1) The duties and functions of the sentencing guidelines commission are transferred to the Washington justice commission on the effective date of this section.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written materials in the possession of the sentencing guidelines commission shall be delivered to the custody of the Washington justice commission. All funds, credits, or other assets held by the office of financial management specifically for the sentencing guidelines commission shall be assigned to the Washington justice commission.

(b) If any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All rules and all pending business before the sentencing guidelines commission on the effective date of this section shall be continued and acted upon by the Washington justice commission. All existing contracts and obligations shall remain in full force and shall be performed by the Washington justice commission.

(4) The transfer of the powers, duties, functions, and personnel of the sentencing guidelines commission shall not affect the validity of any act performed before the effective date of this section.

(5) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected,

the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. **Sec. 15.** (1)(a) In addition to the functions and duties as provided in section 14(1) of this act, the commission is to help improve the state justice system by providing a centralized forum for developing statewide policy recommendations related to the overall justice system in Washington state in general and implementing this act in particular. Any recommendations approved by the commission shall be forwarded to the governor and appropriate committees of the legislature in December of each year and shared with the organizations that comprise the commission and the public.

(b) The commission shall periodically review property crime seriousness levels and the classification of offenses as felonies or misdemeanors and include any recommendations for changes in this area with the recommendations submitted under (a) of this subsection.

(2)(a) The commission is created to develop and update a policy vision and comprehensive, long-range plan for recommendation to the governor and legislature that promotes and coordinates a state justice system that encompasses public safety, offender accountability, crime reduction and prevention, and offender treatment and rehabilitation. State and local agencies may implement portions of the plan that are within their existing authority.

(b) The plan under subsection (1) of this section must include, but is not limited to, recommendations regarding:

(i) Capacity, utilization, and type of state and local prison, juvenile detention, and jail facilities;

(ii) Implementation of noncustodial programs and services;

(iii) Additional alternatives to the use of prison, juvenile detention, and jail facilities;

(iv) Appropriate use of existing facilities and programs;

(v) Whether additional or different facilities and programs are necessary;

(vi) Methods of assessing the effectiveness of juvenile and adult correctional programs, devices, and sanctions in reducing future criminal conduct by juvenile and adult offenders;

(vii) Methods of reducing the risk of future criminal conduct; and

(viii) The effective utilization of law and justice committees.

(c) The commission shall recommend its first strategic plan to the governor and appropriate committees of the legislature by December 1, 2016, and provide any recommended changes to the plan every two years thereafter.

(3) The commission also:

(a) May conduct joint studies by agreement with the judicial agencies, the department of corrections, the caseload forecast council, or other state agencies, boards, or commissions on any matter within the jurisdiction of the commission;

(b) May assist the caseload forecast council in providing Washington criminal justice analytical and statistical information to federal agencies;

(c) May provide technical assistance and support to local law and justice committees;

(d) May provide an annual state adult sentencing guidelines manual and biannual juvenile disposition guidelines manual;

(e) Shall prepare racial and ethnic impact statements as provided under section 26 of this act;

(f) May apply for and receive gifts and grants from any public or private source;

(g) Shall enter into an interagency agreement with the department of commerce or the department of labor and industries, or establish its own program if necessary, to provide assistance to victims of property crimes to the extent appropriations are specifically provided for this purpose;

(h) Shall award grants from funds appropriated by the legislature to the commission for that purpose or from funds otherwise available from any other source, for the purpose of carrying out the duties of the commission.

(4)(a) Not less than once per biennium, the commission shall identify:

(i) Property crime rates;

(ii) The impact on supervision, jail, and prison populations of sentencing under the property crime grid in this chapter;

(iii) Recidivism rates, as measured by rearrest among other outcomes, of supervision, jail, and prison populations; and

(iv) New programs implemented through grant funding from the commission.

(b) No later than January 1st of each odd-numbered year, the commission shall submit a report to the appropriate committees of the

legislature that includes the determinations described in (a) of this subsection and describes the methodology employed by the commission in reaching those determinations.

(5) Within appropriation levels, the commission may hire an executive director and staff to carry out its mission. The commission may request assistance from other state agencies including, but not limited to, the caseload forecast council, the department of corrections, the department of social and health services, and other agencies.

NEW SECTION. **Sec. 16.** (1) The commission shall establish a law enforcement grant program. To be eligible for a grant, local law enforcement agencies shall submit proposals to the commission that focus on increasing the capacity of the law enforcement agency to address property crime within their jurisdiction through one of the following strategies:

(a) Focusing on intervention and enforcement through the use of increased staffing resources, including with overtime funds, to target property crime with evidence driven approaches;

(b) Increasing technological capacity to support intervention and enforcement with the purchase of technology for crime prevention and criminal justice problem solving. Technology shall include, but not be limited to, crime mapping software, global positioning systems technology, and smart phone tools;

(c) Enhancing analytical capacity through the development or expansion of analytical capabilities that focus on crime mapping, analysis of crime trends, and developing data driven strategies that focus on property crime reduction through the employment of civilian crime analysts;

(d) Engaging with community partners in order to develop projects that focus on preventing property crime in the community. Community partners may include, but are not limited to, public and private service providers, the courts, and probation services;

(e) Increasing direct services to property crime victims through local law enforcement efforts.

(2) Preference shall be given to grant applicants that can demonstrate a commitment to regional, multijurisdictional strategies and that can clearly outline a comprehensive plan for municipalities to work with law enforcement, community-based organizations, and government agencies to address property crime.

(3) The commission shall attempt to utilize national resources and expertise on policing.

(4) The commission shall utilize an advisory committee to evaluate grant applications and monitor the effectiveness of grant projects in terms of property crime reduction. The advisory committee shall include one representative of each of the following entities:

(a) Governor's office;

(b) Washington state association of counties;

(c) Washington association of prosecuting attorneys;

(d) Administrative office of the courts;

(e) Washington association of sheriffs and police chiefs;

(f) Crime victims' compensation commission;

(g) Department of corrections;

(h) Washington state patrol;

(i) Washington auto theft prevention authority; and

(j) Criminal justice training commission.

NEW SECTION. **Sec. 17.** The commission shall establish a pretrial grant program. To be eligible for a grant, counties shall submit proposals to the commission that provide for a local pretrial program that meets the following criteria. The pretrial program must:

(1) Establish a procedure for screening those persons detained following arrest, and information from the screening must be provided to the judge who is setting the bond and conditions of release. The information must provide the judge with the ability to make an appropriate initial bond decision that is based upon facts relating to the person's risk of failure to appear for court and risk of danger to the community;

(2) Implement an empirically developed pretrial risk assessment tool and a structured decision-making design based upon the person's charge and risk assessment score;

(3) Establish a community advisory board with membership including a representative of the judiciary, a representative of local law enforcement, a representative of a prosecuting attorney, a representative of a public defender or other defense counsel, and a representative of a sheriff;

(4) Provide mental health and cognitive behavioral treatment and services to each person, as needed, in order to address and reduce criminal behavior;

(5) Use community supervision as a condition of release in order to decrease unnecessary pretrial detention;

(6) Agree to provide an annual report to the commission that includes:

(a) The total number of pretrial assessments performed by the program and submitted to the court;

(b) The total number of closed cases in which the person was released from custody and supervised by the program;

(c) The total number of closed cases in which the person was released from custody, was supervised by the program, and, while under supervision, appeared for all scheduled court appearances on the case;

(d) The total number of closed cases in which the person was released from custody, was supervised by the program, and was not charged with a new criminal offense while under supervision;

(e) The total number of closed cases in which the person was released from custody, was supervised by the program, and the person's bond was not revoked by the court;

(f) The total number of persons released from custody to the supervision of the program and also on a commercial surety bond, a cash private surety or property bond, or a personal recognizance bond; and

(g) Any additional information required by the commission;

The commission shall identify at least one county to receive a grant that will test the impact of providing defendants with earlier access to pretrial defense counsel on pretrial outcomes and county budgets.

NEW SECTION. **Sec. 18.** (1) Grants awarded under sections 16 and 17 of this act shall be considered one-time grants and may be renewed for effective programs as determined by the Washington justice commission. The commission shall consult with counties and local law enforcement agencies when determining grant eligibility requirements and criteria. The commission shall publish guidelines and an application for the competitive portion of the grant programs no later than January 1, 2016.

(2) The commission shall monitor and enforce grant compliance, including enforcement by withdrawing grant funds or requiring reimbursement of grant funds.

(3) The commission may adopt rules and procedures as necessary to carry out sections 16 and 17 of this act.

(4) A grantee may not supplant current local funds for pretrial services or law enforcement with funds provided by the commission under sections 16 and 17 of this act.

Sec. 19. RCW 9.94A.8673 and 2011 1st sp.s. c 40 s 37 are each amended to read as follows:

(1) Within funds appropriated for this purpose, the ((~~sentencing guidelines~~)) commission shall establish and maintain a sex offender policy board.

(2)(a) The board shall serve to advise the governor and the legislature as necessary on issues relating to sex offender management.

(b) At such times as the governor or a legislative committee of jurisdiction may request, the sex offender policy board may be convened to:

(i) Undertake projects to assist policymakers in making informed judgments about issues relating to sex offender policy; and

(ii) Conduct case reviews of sex offense incidents to understand performance of Washington's sex offender prevention and response systems.

(3) The sex offender policy board shall consist of thirteen voting members. Unless the member is specifically named in this section, the following organizations shall designate a person to sit on the board. The voting membership shall consist of the following:

(a) A representative of the Washington association of sheriffs and police chiefs;

(b) A representative of the Washington association of prosecuting attorneys;

(c) A representative of the Washington association of criminal defense lawyers;

(d) The chair of the indeterminate sentence review board or his or her designee;

(e) A representative of the Washington association for the treatment of sex abusers;

(f) The secretary of the department of corrections or his or her designee;

(g) A representative of the Washington state superior court judges' association;

(h) The assistant secretary of the juvenile rehabilitation administration or his or her designee;

(i) The office of crime victims advocacy in the department of commerce;

(j) A representative of the Washington state association of counties;

(k) A representative of the association of Washington cities;

(l) A representative of the Washington association of sexual assault programs; and

(m) The director of the special commitment center or his or her designee.

(4) The board shall choose its chair by majority vote from among its voting membership. The chair's term shall be two years.

(5) As appropriate, the board shall consult with the criminal justice division in the attorney general's office and the Washington institute for public policy.

(6) Members of the board shall receive no compensation but may be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

Sec. 20. RCW 9.94A.870 and 1999 c 143 s 13 are each amended to read as follows:

If the governor finds that an emergency exists in that the population of a state residential correctional facility exceeds its reasonable, maximum capacity, then the governor may do any one or more of the following:

(1) Call the ((~~sentencing guidelines~~)) commission into an emergency meeting for the purpose of evaluating the standard ranges and other standards. The commission may adopt any revision or amendment to the standard ranges or other standards that it believes appropriate to deal with the emergency situation. The revision or amendment shall be adopted in conformity with chapter 34.05 RCW and shall take effect on the date prescribed by the commission. The legislature shall approve or modify the commission's revision or amendment at the next legislative session after the revision or amendment takes effect. Failure of the legislature to act shall be deemed as approval of the revision or amendment;

(2) Call the clemency and pardons board into an emergency meeting for the purpose of recommending whether the governor's commutation or pardon power should be exercised to meet the present emergency.

Sec. 21. RCW 9.94A.875 and 1984 c 209 s 9 are each amended to read as follows:

If the governor finds that an emergency exists in that the populations of county jails exceed their reasonable, maximum capacity in a significant manner as a result of increases in the sentenced felon population due to implementation of chapter 9.94A RCW, the governor may do any one or more of the following:

(1) Call the ((~~sentencing guidelines~~)) commission into an emergency meeting for the purpose of evaluating the standard ranges and other standards. The commission may adopt any revision or amendment to the standard ranges or other standards that it believes appropriate to deal with the emergency situation. The revision or amendment shall be adopted in conformity with chapter 34.05 RCW and shall take effect on the date prescribed by the commission. The legislature shall approve or modify the commission's revision or amendment at the next legislative session after the revision or amendment takes effect. Failure of the legislature to act shall be deemed as approval of the revision or amendment. The commission shall also analyze how alternatives to total confinement are being provided and used and may recommend other emergency measures that may relieve the overcrowding.

(2) Call the clemency and pardons board into an emergency meeting for the purpose of recommending whether the governor's commutation or pardon power should be exercised to meet the present emergency.

Sec. 22. RCW 43.15.020 and 2011 c 158 s 12 are each amended to read as follows:

The lieutenant governor serves as president of the senate and is responsible for making appointments to, and serving on, the committees and boards as set forth in this section.

(1) The lieutenant governor serves on the following boards and committees:

(a) Capitol furnishings preservation committee, RCW 27.48.040;

(b) Washington higher education facilities authority, RCW 28B.07.030;

(c) Productivity board, also known as the employee involvement and recognition board, RCW 41.60.015;

(d) State finance committee, RCW 43.33.010;

(e) State capitol committee, RCW 43.34.010;

(f) Washington health care facilities authority, RCW 70.37.030;

(g) State medal of merit nominating committee, RCW 1.40.020;

(h) Medal of valor committee, RCW 1.60.020; and

(i) Association of Washington generals, RCW 43.15.030.

(2) The lieutenant governor, and when serving as president of the senate, appoints members to the following boards and committees:

(a) Civil legal aid oversight committee, RCW 2.53.010;

(b) Office of public defense advisory committee, RCW 2.70.030;

(c) Washington state gambling commission, RCW 9.46.040;

(d) ((~~Sentencing guidelines~~)) Washington justice commission, RCW 9.94A.860;

(e) State building code council, RCW 19.27.070;

(f) Financial education public-private partnership, RCW 28A.300.450;

(g) Joint administrative rules review committee, RCW 34.05.610;

(h) Capital projects advisory review board, RCW 39.10.220;

(i) Select committee on pension policy, RCW 41.04.276;

(j) Legislative ethics board, RCW 42.52.310;

(k) Washington citizens' commission on salaries, RCW 43.03.305;

(l) Legislative oral history committee, RCW 44.04.325;

(m) State council on aging, RCW 43.20A.685;

(n) State investment board, RCW 43.33A.020;

(o) Capitol campus design advisory committee, RCW 43.34.080;

(p) Washington state arts commission, RCW 43.46.015;

(q) Information services board, RCW 43.105.032;

(r) Council for children and families, RCW 43.121.020;

(s) PNWER-Net working subgroup under chapter 43.147 RCW;

(t) Community economic revitalization board, RCW 43.160.030;

(u) Washington economic development finance authority, RCW 43.163.020;

(v) Life sciences discovery fund authority, RCW 43.350.020;

(w) Legislative children's oversight committee, RCW 44.04.220;

(x) Joint legislative audit and review committee, RCW 44.28.010;

(y) Joint committee on energy supply and energy conservation, RCW 44.39.015;

(z) Legislative evaluation and accountability program committee, RCW 44.48.010;

(aa) Agency council on coordinated transportation, RCW 47.06B.020;

(bb) Washington horse racing commission, RCW 67.16.014;

(cc) Correctional industries board of directors, RCW 72.09.080;

(dd) Joint committee on veterans' and military affairs, RCW 73.04.150;

(ee) Joint legislative committee on water supply during drought, RCW 90.86.020;

(ff) Statute law committee, RCW 1.08.001; and

(gg) Joint legislative oversight committee on trade policy, RCW 44.55.020.

Sec. 23. RCW 72.09.350 and 2014 c 225 s 94 are each amended to read as follows:

(1) The department of corrections and the University of Washington may enter into a collaborative arrangement to provide improved services for offenders with mental illness with a focus on prevention, treatment, and reintegration into society. The participants in the collaborative arrangement may develop a strategic plan within sixty days after May 17, 1993, to address the management of offenders with mental illness within the correctional system, facilitating their reentry into the community and the mental health system, and preventing the inappropriate incarceration of individuals with mental illness. The collaborative arrangement may also specify the establishment and maintenance of a corrections mental health center located at McNeil Island corrections center. The collaborative arrangement shall require that an advisory panel of key stakeholders be established and consulted throughout the development and implementation of the center. The stakeholders advisory panel shall include a broad array of interest groups drawn from representatives of mental health, criminal justice, and correctional systems. The stakeholders advisory panel shall include, but is not limited to, membership from: The department of corrections, the department of social and health services mental health division and division of juvenile rehabilitation, behavioral health organizations, local and regional law enforcement agencies, the ((~~sentencing guidelines~~)) Washington justice commission, county and city jails, mental health advocacy groups for individuals with mental illness or developmental disabilities, ((~~and~~)) the traumatically brain-injured, and the general public. The center established by the department of corrections and University of Washington, in consultation with the stakeholder advisory groups, shall have the authority to:

(a) Develop new and innovative treatment approaches for corrections mental health clients;

(b) Improve the quality of mental health services within the department and throughout the corrections system;

(c) Facilitate mental health staff recruitment and training to meet departmental, county, and municipal needs;

(d) Expand research activities within the department in the area of treatment services, the design of delivery systems, the development of organizational models, and training for corrections mental health care professionals;

(e) Improve the work environment for correctional employees by developing the skills, knowledge, and understanding of how to work with offenders with special chronic mental health challenges;

(f) Establish a more positive rehabilitative environment for offenders;

(g) Strengthen multidisciplinary mental health collaboration between the University of Washington, other groups committed to the intent of this section, and the department of corrections;

(h) Strengthen department linkages between institutions of higher education, public sector mental health systems, and county and municipal corrections;

(i) Assist in the continued formulation of corrections mental health policies;

(j) Develop innovative and effective recruitment and training programs for correctional personnel working with offenders with mental illness;

(k) Assist in the development of a coordinated continuum of mental health care capable of providing services from corrections entry to community return; and

(l) Evaluate all current and innovative approaches developed within this center in terms of their effective and efficient achievement of improved mental health of inmates, development and utilization of personnel, the impact of these approaches on the functioning of correctional institutions, and the relationship of the corrections system to mental health and criminal justice systems. Specific attention should be paid to evaluating the effects of programs on the reintegration of offenders with mental illness into the community and the prevention of inappropriate incarceration of persons with mental illness.

(2) The corrections mental health center may conduct research, training, and treatment activities for the offender with mental illness within selected sites operated by the department. The

department shall provide support services for the center such as food services, maintenance, perimeter security, classification, offender supervision, and living unit functions. The University of Washington may develop, implement, and evaluate the clinical, treatment, research, and evaluation components of the mentally ill offender center. The institute of for public policy and management may be consulted regarding the development of the center and in the recommendations regarding public policy. As resources permit, training within the center shall be available to state, county, and municipal agencies requiring the services. Other state colleges, state universities, and mental health providers may be involved in activities as required on a subcontract basis. Community mental health organizations, research groups, and community advocacy groups may be critical components of the center's operations and involved as appropriate to annual objectives. Clients with mental illness may be drawn from throughout the department's population and transferred to the center as clinical need, available services, and department jurisdiction permits.

(3) The department shall prepare a report of the center's progress toward the attainment of stated goals and provide the report to the legislature annually.

Sec. 24. RCW 10.98.160 and 2011 1st sp.s. c 40 s 33 are each amended to read as follows:

In the development and modification of the procedures, definitions, and reporting capabilities of the section, the department, the office of financial management, and the responsible agencies and persons shall consider the needs of other criminal justice agencies such as the administrative office of the courts, local law enforcement agencies, local jails, the Washington justice commission, the indeterminate sentence review board, the clemency board, prosecuting attorneys, and affected state agencies such as the office of financial management and legislative committees dealing with criminal justice issues. The Washington integrated justice information board shall review and provide recommendations to state justice agencies and the courts for development and modification of the statewide justice information network.

Sec. 25. RCW 70.96A.350 and 2013 2nd sp.s. c 4 s 990 are each amended to read as follows:

(1) The criminal justice treatment account is created in the state treasury. Moneys in the account may be expended solely for: (a) Substance abuse treatment and treatment support services for offenders with an addiction or a substance abuse problem that, if not treated, would result in addiction, against whom charges are filed by a prosecuting attorney in Washington state; (b) the provision of drug and alcohol treatment services and treatment support services for nonviolent offenders within a drug court program; (c) the administrative and overhead costs associated with the operation of a drug court; and (d) during the 2011-2013 biennium, the legislature may appropriate up to three million dollars from the account in order to offset reductions in the state general fund for treatment services provided by counties. This amount is not subject to the requirements of subsections (5) through (9) of this section. During the 2013-2015 fiscal biennium, the legislature may transfer from the criminal justice treatment account to the state general fund amounts as reflect the state savings associated with the implementation of the medicaid expansion of the federal affordable care act. Moneys in the account may be spent only after appropriation.

(2) For purposes of this section:

(a) "Treatment" means services that are critical to a participant's successful completion of his or her substance abuse treatment program, but does not include the following services: Housing other than that provided as part of an inpatient substance abuse treatment program, vocational training, and mental health counseling; and

(b) "Treatment support" means transportation to or from inpatient or outpatient treatment services when no viable alternative exists, and child care services that are necessary to ensure a participant's ability to attend outpatient treatment sessions.

(3) Revenues to the criminal justice treatment account consist of: (a) Funds transferred to the account pursuant to this section; and (b) any other revenues appropriated to or deposited in the account.

(4)(a) For the fiscal biennium beginning July 1, 2003, the state treasurer shall transfer eight million nine hundred fifty thousand dollars from the general fund into the criminal justice treatment account, divided into eight equal quarterly payments. For the fiscal year beginning July 1, 2005, and each subsequent fiscal year, the state treasurer shall transfer eight million two hundred fifty

thousand dollars from the general fund to the criminal justice treatment account, divided into four equal quarterly payments. For the fiscal year beginning July 1, 2006, and each subsequent fiscal year, the amount transferred shall be increased on an annual basis by the implicit price deflator as published by the federal bureau of labor statistics.

(b) In each odd-numbered year, the legislature shall appropriate the amount transferred to the criminal justice treatment account in (a) of this subsection to the division of alcohol and substance abuse for the purposes of subsection (5) of this section.

(5) Moneys appropriated to the division of alcohol and substance abuse from the criminal justice treatment account shall be distributed as specified in this subsection. The department shall serve as the fiscal agent for purposes of distribution. Until July 1, 2004, the department may not use moneys appropriated from the criminal justice treatment account for administrative expenses and shall distribute all amounts appropriated under subsection (4)(b) of this section in accordance with this subsection. Beginning in July 1, 2004, the department may retain up to three percent of the amount appropriated under subsection (4)(b) of this section for its administrative costs.

(a) Seventy percent of amounts appropriated to the division from the account shall be distributed to counties pursuant to the distribution formula adopted under this section. The division of alcohol and substance abuse, in consultation with the department of corrections, the Washington justice commission, the Washington state association of counties, the Washington state association of drug court professionals, the superior court judges' association, the Washington association of prosecuting attorneys, representatives of the criminal defense bar, representatives of substance abuse treatment providers, and any other person deemed by the division to be necessary, shall establish a fair and reasonable methodology for distribution to counties of moneys in the criminal justice treatment account. County or regional plans submitted for the expenditure of formula funds must be approved by the panel established in (b) of this subsection.

(b) Thirty percent of the amounts appropriated to the division from the account shall be distributed as grants for purposes of treating offenders against whom charges are filed by a county prosecuting attorney. The division shall appoint a panel of

representatives from the Washington association of prosecuting attorneys, the Washington association of sheriffs and police chiefs, the superior court judges' association, the Washington state association of counties, the Washington defender's association or the Washington association of criminal defense lawyers, the department of corrections, the Washington state association of drug court professionals, substance abuse treatment providers, and the division. The panel shall review county or regional plans for funding under (a) of this subsection and grants approved under this subsection. The panel shall attempt to ensure that treatment as funded by the grants is available to offenders statewide.

(6) The county alcohol and drug coordinator, county prosecutor, county sheriff, county superior court, a substance abuse treatment provider appointed by the county legislative authority, a member of the criminal defense bar appointed by the county legislative authority, and, in counties with a drug court, a representative of the drug court shall jointly submit a plan, approved by the county legislative authority or authorities, to the panel established in subsection (5)(b) of this section, for disposition of all the funds provided from the criminal justice treatment account within that county. The funds shall be used solely to provide approved alcohol and substance abuse treatment pursuant to RCW 70.96A.090, treatment support services, and for the administrative and overhead costs associated with the operation of a drug court.

(a) No more than ten percent of the total moneys received under subsections (4) and (5) of this section by a county or group of counties participating in a regional agreement shall be spent on the administrative and overhead costs associated with the operation of a drug court.

(b) No more than ten percent of the total moneys received under subsections (4) and (5) of this section by a county or group of counties participating in a regional agreement shall be spent for treatment support services.

(7) Counties are encouraged to consider regional agreements and submit regional plans for the efficient delivery of treatment under this section.

(8) Moneys allocated under this section shall be used to supplement, not supplant, other federal, state, and local funds used for substance abuse treatment.

(9) Counties must meet the criteria established in RCW 2.28.170(3)(b).

(10) The authority under this section to use funds from the criminal justice treatment account for the administrative and overhead costs associated with the operation of a drug court expires June 30, 2015.

NEW SECTION. **Sec. 26.** A new section is added to chapter 43.88 RCW to read as follows:

(1) If one member from each of the major two caucuses in the house of representatives or the senate request in writing a racial and ethnic impact statement under this section regarding legislation that has been introduced in that chamber, the Washington justice commission shall prepare a racial and ethnic impact analysis that describes the effects of proposed legislation on the racial and ethnic composition of:

(a) The criminal offender population; or

(b) Recipients of human services.

(2) A racial and ethnic impact statement must be impartial, simple, and understandable, and must include, for racial and ethnic groups for which data are available, the following:

(a) An estimate of how the proposed legislation would change the racial and ethnic composition of the criminal offender population or recipients of human services;

(b) A statement of the methodologies and assumptions used in preparing the estimate; and

(c) If the racial and ethnic impact statement addresses the effect of proposed legislation on the criminal offender population, an estimate of the racial and ethnic composition of the crime victims who may be affected by the proposed legislation.

(3) As used in this section:

(a) "Criminal offender population" means all persons who are convicted of a crime or adjudicated for an act that, if committed by an adult, would constitute a crime.

(b) "Recipients of human services" means all persons who are found to be within the jurisdiction of the juvenile court or who receive child welfare services.

NEW SECTION. **Sec. 27.** The Washington justice commission account is created in the custody of the state treasurer. All receipts from

gifts, donations, and grants shall be deposited into the account. Expenditures from the account may be used only for implementing the mission and duties of the Washington justice commission. Only the commission chair or the chair's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. **Sec. 28. FOR THE WASHINGTON JUSTICE COMMISSION**

General Fund—State Appropriation (FY 2016). $3,000,000
General Fund—State Appropriation (FY 2017). $3,000,000
TOTAL APPROPRIATION. $6,000,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $2,000,000 in each fiscal year is provided solely for law enforcement property crime reduction grants;

(2) $400,000 in each fiscal year is provided solely for new victim compensation benefits for victims of property crimes;

(3) $100,000 in each fiscal year is provided solely for victim notification in King, Pierce, and Snohomish counties; and

(4) $500,000 in each fiscal year is provided solely for county pretrial improvement grants.

NEW SECTION. **Sec. 29. FOR THE DEPARTMENT OF CORRECTIONS**

General Fund—State Appropriation (FY 2016). $414,000
General Fund—State Appropriation (FY 2017). $8,620,000
TOTAL APPROPRIATION. $9,034,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for mandatory supervision of property offenders, community violator bed impacts, and mental health and cognitive behavioral treatment and services under chapter ....., Laws of 2015 (this act).

NEW SECTION. **Sec. 30.** A new section is added to chapter 43.131 RCW to read as follows:

The Washington justice commission as established in sections 2 and 13 through 28 of this act, and its powers and duties, is terminated on June 30, 2021, as provided in section 31 of this act.

NEW SECTION. **Sec. 31.** A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2022:

(1) Section 1 of this act;

(2) Section 2 of this act;

(3) Section 3 of this act;

(4) Section 4 of this act;

(5) Section 5 of this act;

(6) Section 6 of this act;

(7) Section 7 of this act;

(8) Section 8 of this act;

(9) Section 9 of this act;

(10) Section 10 of this act;

(11) Section 11 of this act;

(12) Section 12 of this act;

(13) Section 13 of this act;

(14) Section 14 of this act;

(15) Section 15 of this act;

(16) Section 16 of this act;

(17) Section 17 of this act;

(18) Section 18 of this act;

(19) Section 19 of this act;

(20) Section 20 of this act;

(21) Section 21 of this act;

(22) Section 22 of this act;

(23) Section 23 of this act;

(24) Section 24 of this act;

(25) Section 25 of this act;

(26) Section 26 of this act;

(27) Section 27 of this act;

(28) Section 28 of this act; and

(29) Section 29 of this act.

NEW SECTION. **Sec. 32.** Sections 7, 8, 14 through 17, and 27 of this act are each added to chapter 9.94A RCW.

NEW SECTION. **Sec. 33.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not

provided by June 30, 2015, in the omnibus appropriations act, this act is null and void.

--- END ---