
SECOND SUBSTITUTE HOUSE BILL 1126

State of Washington

67th Legislature

2021 Regular Session

By House Appropriations (originally sponsored by Representatives Goodman, Simmons, Ormsby, and Davis; by request of Department of Corrections)

READ FIRST TIME 02/15/21.

1 AN ACT Relating to limiting tolling of community custody terms;
2 amending RCW 9.94A.171; and creating a new section.

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

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

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

13 (2) (a) Any term of community custody shall be tolled by the
14 department for any period of time during which ~~((the offender has~~
15 ~~absented himself or herself from supervision without prior approval~~
16 ~~of the entity under whose supervision the offender has been placed))~~
17 a secretary's warrant has been issued.

18 ~~((3) (a) For offenders other than sex offenders serving a~~
19 ~~sentence for a sex offense as defined in RCW 9.94A.030, any period of~~
20 ~~community custody shall be tolled during any period of time the~~
21 ~~offender is in confinement for any reason unless the offender is~~

1 ~~detained pursuant to RCW 9.94A.740 or 9.94A.631 for the period of~~
2 ~~time prior to the hearing or for confinement pursuant to sanctions~~
3 ~~imposed for violation of sentence conditions, in which case, the~~
4 ~~period of community custody shall not toll. However, sanctions that~~
5 ~~result in the imposition of the remaining sentence or the original~~
6 ~~sentence will continue to toll the period of community custody. In~~
7 ~~addition, inpatient))~~

8 (b) Any term of community custody shall be tolled by the
9 department for any period of time for which a bench warrant has been
10 issued as specified by the court.

11 (3) Any term of community custody shall be tolled while the
12 offender is serving confinement time as a part of his or her original
13 sentence, including time served on sanctions that result in the
14 imposition of the remaining sentence.

15 (4) Any term of community custody shall be tolled by the
16 department while the offender is serving confinement time for a
17 subsequent felony conviction, including presentence confinement as
18 confirmed by the detaining facility.

19 (5) Inpatient treatment and alternatives served in the community
20 as ordered by the court in lieu of jail time shall not toll the
21 period of community custody.

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

26 ~~(4))~~ (6) For terms of confinement or community custody, the date
27 for the tolling of the sentence shall be established by the entity
28 responsible for the confinement or supervision.

29 ~~((5))~~ (7) For the purposes of this section, "tolling" means the
30 period of time in which community custody or confinement time is
31 paused and for which the offender does not receive credit towards the
32 term ordered.

33 NEW SECTION. Sec. 2. If specific funding for the purposes of
34 this act, referencing this act by bill or chapter number, is not
35 provided by June 30, 2021, in the omnibus appropriations act, this
36 act is null and void.

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