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**SENATE BILL 6070**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** Senators Short, Fortunato, and L. Wilson

Read first time 01/09/24. Referred to Committee on Law & Justice.

1 AN ACT Relating to the most serious offenses; and amending RCW  
2 9.94A.030.

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

4 **Sec. 1.** RCW 9.94A.030 and 2022 c 231 s 11 are each amended to  
5 read as follows:

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

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

10 (2) "Collect," or any derivative thereof, "collect and remit," or  
11 "collect and deliver," when used with reference to the department,  
12 means that the department, either directly or through a collection  
13 agreement authorized by RCW 9.94A.760, is responsible for monitoring  
14 and enforcing the offender's sentence with regard to the legal  
15 financial obligation, receiving payment thereof from the offender,  
16 and, consistent with current law, delivering daily the entire payment  
17 to the superior court clerk without depositing it in a departmental  
18 account.

19 (3) "Commission" means the sentencing guidelines commission.

20 (4) "Community corrections officer" means an employee of the  
21 department who is responsible for carrying out specific duties in

1 supervision of sentenced offenders and monitoring of sentence  
2 conditions.

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

8 (6) "Community protection zone" means the area within 880 feet of  
9 the facilities and grounds of a public or private school.

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

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

14 (9) "Conviction" means an adjudication of guilt pursuant to Title  
15 10 or 13 RCW and includes a verdict of guilty, a finding of guilty,  
16 and acceptance of a plea of guilty.

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

25 (11) "Criminal history" means the list of a defendant's prior  
26 convictions and juvenile adjudications, whether in this state, in  
27 federal court, or elsewhere, and any issued certificates of  
28 restoration of opportunity pursuant to RCW 9.97.020.

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

33 (b) A conviction may be removed from a defendant's criminal  
34 history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640,  
35 9.95.240, or a similar out-of-state statute, or if the conviction has  
36 been vacated pursuant to a governor's pardon. However, when a  
37 defendant is charged with a recidivist offense, "criminal history"  
38 includes a vacated prior conviction for the sole purpose of  
39 establishing that such vacated prior conviction constitutes an

1 element of the present recidivist offense as provided in RCW  
2 9.94A.640(4)(b) and 9.96.060(~~(7)~~) (8)(c).

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

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

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

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

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

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

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

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

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

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

1 (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen  
2 property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88  
3 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual  
4 abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter  
5 9.68 RCW).

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

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

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

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

24 (19) "Disposable earnings" means that part of the earnings of an  
25 offender remaining after the deduction from those earnings of any  
26 amount required by law to be withheld. For the purposes of this  
27 definition, "earnings" means compensation paid or payable for  
28 personal services, whether denominated as wages, salary, commission,  
29 bonuses, or otherwise, and, notwithstanding any other provision of  
30 law making the payments exempt from garnishment, attachment, or other  
31 process to satisfy a court-ordered legal financial obligation,  
32 specifically includes periodic payments pursuant to pension or  
33 retirement programs, or insurance policies of any type, but does not  
34 include payments made under Title 50 RCW, except as provided in RCW  
35 50.40.020 and 50.40.050, or Title 74 RCW.

36 (20)(a) "Domestic violence" has the same meaning as defined in  
37 RCW 10.99.020.

38 (b) "Domestic violence" also means: (i) Physical harm, bodily  
39 injury, assault, or the infliction of fear of imminent physical harm,  
40 bodily injury, or assault, sexual assault, or stalking, as defined in

1 RCW 9A.46.110, of one intimate partner by another intimate partner as  
2 defined in RCW 10.99.020; or (ii) physical harm, bodily injury,  
3 assault, or the infliction of fear of imminent physical harm, bodily  
4 injury, or assault, sexual assault, or stalking, as defined in RCW  
5 9A.46.110, of one family or household member by another family or  
6 household member as defined in RCW 10.99.020.

7 (21) "Drug offender sentencing alternative" is a sentencing  
8 option available to persons convicted of a felony offense who are  
9 eligible for the option under RCW 9.94A.660.

10 (22) "Drug offense" means:

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

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

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

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

22 (24) "Electronic monitoring" means tracking the location of an  
23 individual through the use of technology that is capable of  
24 determining or identifying the monitored individual's presence or  
25 absence at a particular location including, but not limited to:

26 (a) Radio frequency signaling technology, which detects if the  
27 monitored individual is or is not at an approved location and  
28 notifies the monitoring agency of the time that the monitored  
29 individual either leaves the approved location or tampers with or  
30 removes the monitoring device; or

31 (b) Active or passive global positioning system technology, which  
32 detects the location of the monitored individual and notifies the  
33 monitoring agency of the monitored individual's location and which  
34 may also include electronic monitoring with victim notification  
35 technology that is capable of notifying a victim or protected party,  
36 either directly or through a monitoring agency, if the monitored  
37 individual enters within the restricted distance of a victim or  
38 protected party, or within the restricted distance of a designated  
39 location.

40 (25) "Escape" means:

1 (a) Sexually violent predator escape (RCW 9A.76.115), escape in  
2 the first degree (RCW 9A.76.110), escape in the second degree (RCW  
3 9A.76.120), willful failure to return from furlough (RCW 72.66.060),  
4 willful failure to return from work release (RCW 72.65.070), or  
5 willful failure to be available for supervision by the department  
6 while in community custody (RCW 72.09.310); or

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

10 (26) "Felony traffic offense" means:

11 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW  
12 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-  
13 run injury-accident (RCW 46.52.020(4)), felony driving while under  
14 the influence of intoxicating liquor or any drug (RCW 46.61.502(6)),  
15 or felony physical control of a vehicle while under the influence of  
16 intoxicating liquor or any drug (RCW 46.61.504(6)); or

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

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

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

26 (29) "Home detention" is a subset of electronic monitoring and  
27 means a program of partial confinement available to offenders wherein  
28 the offender is confined in a private residence 24 hours a day,  
29 unless an absence from the residence is approved, authorized, or  
30 otherwise permitted in the order by the court or other supervising  
31 agency that ordered home detention, and the offender is subject to  
32 electronic monitoring.

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

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

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

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

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

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

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

22 (b) Assault in the second degree;

23 (c) Assault in the third degree;

24 (d) Assault of a child in the second degree;

25 ~~((d))~~ (e) Child molestation in the second degree;

26 ~~((e))~~ (f) Burglary in the second degree;

27 (g) Controlled substance homicide;

28 ~~((f))~~ (h) Extortion in the first degree;

29 ~~((g))~~ (i) Incest when committed against a child under age 14;

30 ~~((h))~~ (j) Indecent liberties;

31 ~~((i))~~ (k) Kidnapping in the second degree;

32 ~~((j))~~ (l) Leading organized crime;

33 ~~((k))~~ (m) Manslaughter in the first degree;

34 ~~((l))~~ (n) Manslaughter in the second degree;

35 ~~((m))~~ (o) Promoting prostitution in the first degree;

36 ~~((n))~~ (p) Rape in the third degree;

37 ~~((o))~~ (q) Residential burglary;

38 (r) Robbery in the second degree;

39 (s) Sexual exploitation;

1       (~~(p)~~) (t) Vehicular assault, when caused by the operation or  
2 driving of a vehicle by a person while under the influence of  
3 intoxicating liquor or any drug or by the operation or driving of a  
4 vehicle in a reckless manner;

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

9       (~~(r)~~) (v) Any other class B felony offense with a finding of  
10 sexual motivation;

11       (~~(s)~~) (w) Any other felony with a deadly weapon verdict under  
12 RCW 9.94A.825;

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

18       (~~(u)~~) (y)(i) A prior conviction for indecent liberties under  
19 RCW 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex.  
20 sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b),  
21 and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW  
22 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986,  
23 until July 1, 1988;

24       (ii) A prior conviction for indecent liberties under RCW  
25 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988,  
26 if: (A) The crime was committed against a child under the age of 14;  
27 or (B) the relationship between the victim and perpetrator is  
28 included in the definition of indecent liberties under RCW  
29 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27,  
30 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25,  
31 1993, through July 27, 1997;

32       (~~(v)~~) (z) Any out-of-state conviction for a felony offense with  
33 a finding of sexual motivation if the minimum sentence imposed was 10  
34 years or more; provided that the out-of-state felony offense must be  
35 comparable to a felony offense under this title and Title 9A RCW and  
36 the out-of-state definition of sexual motivation must be comparable  
37 to the definition of sexual motivation contained in this section.

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



1 (34) "Offender" means a person who has committed a felony  
2 established by state law and is 18 years of age or older or is less  
3 than 18 years of age but whose case is under superior court  
4 jurisdiction under RCW 13.04.030 or has been transferred by the  
5 appropriate juvenile court to a criminal court pursuant to RCW  
6 13.40.110. In addition, for the purpose of community custody  
7 requirements under this chapter, "offender" also means a misdemeanor  
8 or gross misdemeanor probationer ordered by a superior court to  
9 probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and  
10 supervised by the department pursuant to RCW 9.94A.501 and  
11 9.94A.5011. Throughout this chapter, the terms "offender" and  
12 "defendant" are used interchangeably.

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

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

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

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

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

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

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

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

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

38 (vii) Hate Crime (RCW 9A.36.080);

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

1 (ix) Criminal Gang Intimidation (RCW 9A.46.120);  
2 (x) Any felony conviction by a person 18 years of age or older  
3 with a special finding of involving a juvenile in a felony offense  
4 under RCW 9.94A.833;  
5 (xi) Residential Burglary (RCW 9A.52.025);  
6 (xii) Burglary 2 (RCW 9A.52.030);  
7 (xiii) Malicious Mischief 1 (RCW 9A.48.070);  
8 (xiv) Malicious Mischief 2 (RCW 9A.48.080);  
9 (xv) Theft of a Motor Vehicle (RCW 9A.56.065);  
10 (xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);  
11 (xvii) Taking a Motor Vehicle Without Permission 1 (RCW  
12 9A.56.070);  
13 (xviii) Taking a Motor Vehicle Without Permission 2 (RCW  
14 9A.56.075);  
15 (xix) Extortion 1 (RCW 9A.56.120);  
16 (xx) Extortion 2 (RCW 9A.56.130);  
17 (xxi) Intimidating a Witness (RCW 9A.72.110);  
18 (xxii) Tampering with a Witness (RCW 9A.72.120);  
19 (xxiii) Reckless Endangerment (RCW 9A.36.050);  
20 (xxiv) Coercion (RCW 9A.36.070);  
21 (xxv) Harassment (RCW 9A.46.020); or  
22 (xxvi) Malicious Mischief 3 (RCW 9A.48.090);  
23 (b) That at least one of the offenses listed in (a) of this  
24 subsection shall have occurred after July 1, 2008;  
25 (c) That the most recent committed offense listed in (a) of this  
26 subsection occurred within three years of a prior offense listed in  
27 (a) of this subsection; and  
28 (d) Of the offenses that were committed in (a) of this  
29 subsection, the offenses occurred on separate occasions or were  
30 committed by two or more persons.  
31 (37) "Persistent offender" is an offender who:  
32 (a) (i) Has been convicted in this state of any felony considered  
33 a most serious offense; and  
34 (ii) Has, before the commission of the offense under (a) of this  
35 subsection, been convicted as an offender on at least two separate  
36 occasions, whether in this state or elsewhere, of felonies that under  
37 the laws of this state would be considered most serious offenses and  
38 would be included in the offender score under RCW 9.94A.525; provided  
39 that of the two or more previous convictions, at least one conviction

1 must have occurred before the commission of any of the other most  
2 serious offenses for which the offender was previously convicted; or

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

14 (ii) Has, before the commission of the offense under (b) (i) of  
15 this subsection, been convicted as an offender on at least one  
16 occasion, whether in this state or elsewhere, of an offense listed in  
17 (b) (i) of this subsection or any federal or out-of-state offense or  
18 offense under prior Washington law that is comparable to the offenses  
19 listed in (b) (i) of this subsection. A conviction for rape of a child  
20 in the first degree constitutes a conviction under (b) (i) of this  
21 subsection only when the offender was 16 years of age or older when  
22 the offender committed the offense. A conviction for rape of a child  
23 in the second degree constitutes a conviction under (b) (i) of this  
24 subsection only when the offender was 18 years of age or older when  
25 the offender committed the offense.

26 (38) "Predatory" means: (a) The perpetrator of the crime was a  
27 stranger to the victim, as defined in this section; (b) the  
28 perpetrator established or promoted a relationship with the victim  
29 prior to the offense and the victimization of the victim was a  
30 significant reason the perpetrator established or promoted the  
31 relationship; or (c) the perpetrator was: (i) A teacher, counselor,  
32 volunteer, or other person in authority in any public or private  
33 school and the victim was a student of the school under his or her  
34 authority or supervision. For purposes of this subsection, "school"  
35 does not include home-based instruction as defined in RCW  
36 28A.225.010; (ii) a coach, trainer, volunteer, or other person in  
37 authority in any recreational activity and the victim was a  
38 participant in the activity under his or her authority or  
39 supervision; (iii) a pastor, elder, volunteer, or other person in  
40 authority in any church or religious organization, and the victim was

1 a member or participant of the organization under his or her  
2 authority; or (iv) a teacher, counselor, volunteer, or other person  
3 in authority providing home-based instruction and the victim was a  
4 student receiving home-based instruction while under his or her  
5 authority or supervision. For purposes of this subsection: (A) "Home-  
6 based instruction" has the same meaning as defined in RCW  
7 28A.225.010; and (B) "teacher, counselor, volunteer, or other person  
8 in authority" does not include the parent or legal guardian of the  
9 victim.

10 (39) "Private school" means a school regulated under chapter  
11 28A.195 or 28A.205 RCW.

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

13 (41) "Recidivist offense" means a felony offense where a prior  
14 conviction of the same offense or other specified offense is an  
15 element of the crime including, but not limited to:

16 (a) Assault in the fourth degree where domestic violence is  
17 pleaded and proven, RCW 9A.36.041(3);

18 (b) Cyber harassment, RCW 9A.90.120(2)(b)(i);

19 (c) Harassment, RCW 9A.46.020(2)(b)(i);

20 (d) Indecent exposure, RCW 9A.88.010(2)(c);

21 (e) Stalking, RCW 9A.46.110(5)(b)(i) and (iii);

22 (f) Telephone harassment, RCW 9.61.230(2)(a); and

23 (g) Violation of a no-contact or protection order, RCW 7.105.450  
24 or former RCW 26.50.110(5).

25 (42) "Repetitive domestic violence offense" means any:

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

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

30 (iii) Domestic violence violation of a protection order under  
31 chapter 26.09, 26.26A, or 26.26B RCW or former chapter 26.50 RCW, or  
32 violation of a domestic violence protection order under chapter 7.105  
33 RCW, that is not a felony offense;

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

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

38 (b) Any federal, out-of-state, tribal court, military, county, or  
39 municipal conviction for an offense that under the laws of this state

1 would be classified as a repetitive domestic violence offense under  
2 (a) of this subsection.

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

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

11 (45) "Serious traffic offense" means:

12 (a) Nonfelony driving while under the influence of intoxicating  
13 liquor or any drug (RCW 46.61.502), nonfelony actual physical control  
14 while under the influence of intoxicating liquor or any drug (RCW  
15 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an  
16 attended vehicle (RCW 46.52.020(5)); or

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

20 (46) "Serious violent offense" is a subcategory of violent  
21 offense and means:

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

23 (ii) Homicide by abuse;

24 (iii) Murder in the second degree;

25 (iv) Manslaughter in the first degree;

26 (v) Assault in the first degree;

27 (vi) Kidnapping in the first degree;

28 (vii) Rape in the first degree;

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

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

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

35 (47) "Sex offense" means:

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

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

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

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

4 (v) A felony violation of RCW 9A.44.132(1) (failure to register  
5 as a sex offender) if the person has been convicted of violating RCW  
6 9A.44.132(1) (failure to register as a sex offender) or 9A.44.130  
7 prior to June 10, 2010, on at least one prior occasion;

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

11 (c) A felony with a finding of sexual motivation under RCW  
12 9.94A.835 or 13.40.135; or

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

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

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

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

26 (51) "Stranger" means that the victim did not know the offender  
27 24 hours before the offense.

28 (52) "Total confinement" means confinement inside the physical  
29 boundaries of a facility or institution operated or utilized under  
30 contract by the state or any other unit of government for 24 hours a  
31 day, or pursuant to RCW 72.64.050 and 72.64.060.

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

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

1 (55) "Victim of domestic violence" means an intimate partner or  
2 household member who has been subjected to the infliction of physical  
3 harm or sexual and psychological abuse by an intimate partner or  
4 household member as part of a pattern of assaultive, coercive, and  
5 controlling behaviors directed at achieving compliance from or  
6 control over that intimate partner or household member. Domestic  
7 violence includes, but is not limited to, the offenses listed in RCW  
8 10.99.020 and 26.50.010 committed by an intimate partner or household  
9 member against a victim who is an intimate partner or household  
10 member.

11 (56) "Victim of sex trafficking, prostitution, or commercial  
12 sexual abuse of a minor" means a person who has been forced or  
13 coerced to perform a commercial sex act including, but not limited  
14 to, being a victim of offenses defined in RCW 9A.40.100, 9A.88.070,  
15 9.68A.101, and the trafficking victims protection act of 2000, 22  
16 U.S.C. Sec. 7101 et seq.; or a person who was induced to perform a  
17 commercial sex act when they were less than 18 years of age including  
18 but not limited to the offenses defined in chapter 9.68A RCW.

19 (57) "Victim of sexual assault" means any person who is a victim  
20 of a sexual assault offense, nonconsensual sexual conduct, or  
21 nonconsensual sexual penetration and as a result suffers physical,  
22 emotional, financial, or psychological impacts. Sexual assault  
23 offenses include, but are not limited to, the offenses defined in  
24 chapter 9A.44 RCW.

25 (58) "Violent offense" means:

26 (a) Any of the following felonies:

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

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

31 (iii) Manslaughter in the first degree;

32 (iv) Manslaughter in the second degree;

33 (v) Indecent liberties if committed by forcible compulsion;

34 (vi) Kidnapping in the second degree;

35 (vii) Arson in the second degree;

36 (viii) Assault in the second degree;

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

38 (x) Extortion in the first degree;

39 (xi) Robbery in the second degree;

40 (xii) Drive-by shooting;

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

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

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

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

15 (59) "Work crew" means a program of partial confinement  
16 consisting of civic improvement tasks for the benefit of the  
17 community that complies with RCW 9.94A.725.

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

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

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