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**SENATE BILL 5219**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Senators C. Wilson, Frame, Lovick, Nobles, and Wellman; by request of Office of the Governor

Prefiled 01/10/25. Read first time 01/13/25. Referred to Committee on Human Services.

1 AN ACT Relating to partial confinement eligibility and alignment;  
2 amending RCW 9.94A.030, 9.94A.030, 9.94A.6551, 9.94A.733, and  
3 9.94A.728; creating a new section; providing an effective date; and  
4 providing an expiration date.

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

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

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

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

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

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

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

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

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

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

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

16 (9) "Conviction" means an adjudication of guilt pursuant to Title  
17 10 or 13 RCW and includes a verdict of guilty, a finding of guilty,  
18 and acceptance of a plea of guilty.

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

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

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

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

1 establishing that such vacated prior conviction constitutes an  
2 element of the present recidivist offense as provided in RCW  
3 9.94A.640(4)(b) and 9.96.060(~~(7)~~) (8)(c).

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

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

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

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

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

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

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

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

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

39 (f) To provide the gang with any advantage in, or any control or  
40 dominance over any criminal market sector, including, but not limited

1 to, manufacturing, delivering, or selling any controlled substance  
2 (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen  
3 property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88  
4 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual  
5 abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter  
6 9.68 RCW).

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

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

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

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

25 (19) "Disposable earnings" means that part of the earnings of an  
26 offender remaining after the deduction from those earnings of any  
27 amount required by law to be withheld. For the purposes of this  
28 definition, "earnings" means compensation paid or payable for  
29 personal services, whether denominated as wages, salary, commission,  
30 bonuses, or otherwise, and, notwithstanding any other provision of  
31 law making the payments exempt from garnishment, attachment, or other  
32 process to satisfy a court-ordered legal financial obligation,  
33 specifically includes periodic payments pursuant to pension or  
34 retirement programs, or insurance policies of any type, but does not  
35 include payments made under Title 50 RCW, except as provided in RCW  
36 50.40.020 and 50.40.050, or Title 74 RCW.

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

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

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

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

11 (22) "Drug offense" means:

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

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

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

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

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

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

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

1 (25) "Escape" means:

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

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

11 (26) "Felony traffic offense" means:

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

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

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

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

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

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

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

39 (b) A public or private place not designed for, or ordinarily  
40 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 of a child in the second degree;

24 (d) Child molestation in the second degree;

25 (e) Controlled substance homicide;

26 (f) Extortion in the first degree;

27 (g) Incest when committed against a child under age 14;

28 (h) Indecent liberties;

29 (i) Kidnapping in the second degree;

30 (j) Leading organized crime;

31 (k) Manslaughter in the first degree;

32 (l) Manslaughter in the second degree;

33 (m) Promoting prostitution in the first degree;

34 (n) Rape in the third degree;

35 (o) Sexual exploitation;

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

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

5 (r) Any other class B felony offense with a finding of sexual  
6 motivation;

7 (s) Any other felony with a deadly weapon verdict under RCW  
8 9.94A.825;

9 (t) Any felony offense in effect at any time prior to December 2,  
10 1993, that is comparable to a most serious offense under this  
11 subsection, or any federal or out-of-state conviction for an offense  
12 that under the laws of this state would be a felony classified as a  
13 most serious offense under this subsection;

14 (u)(i) A prior conviction for indecent liberties under RCW  
15 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex.  
16 sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b),  
17 and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW  
18 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986,  
19 until July 1, 1988;

20 (ii) A prior conviction for indecent liberties under RCW  
21 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988,  
22 if: (A) The crime was committed against a child under the age of 14;  
23 or (B) the relationship between the victim and perpetrator is  
24 included in the definition of indecent liberties under RCW  
25 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27,  
26 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25,  
27 1993, through July 27, 1997;

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

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

36 (34) "Offender" means a person who has committed a felony  
37 established by state law and is 18 years of age or older or is less  
38 than 18 years of age but whose case is under superior court  
39 jurisdiction under RCW 13.04.030 or has been transferred by the  
40 appropriate juvenile court to a criminal court pursuant to RCW



1 13.40.110. In addition, for the purpose of community custody  
2 requirements under this chapter, "offender" also means a misdemeanor  
3 or gross misdemeanor probationer ordered by a superior court to  
4 probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and  
5 supervised by the department pursuant to RCW 9.94A.501 and  
6 9.94A.5011. Throughout this chapter, the terms "offender" and  
7 "defendant" are used interchangeably.

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

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

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

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

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

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

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

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

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

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

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

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

38 (x) Any felony conviction by a person 18 years of age or older  
39 with a special finding of involving a juvenile in a felony offense  
40 under RCW 9.94A.833;

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

1 degree, or indecent liberties by forcible compulsion; (B) any of the  
2 following offenses with a finding of sexual motivation: Murder in the  
3 first degree, murder in the second degree, homicide by abuse,  
4 kidnapping in the first degree, kidnapping in the second degree,  
5 assault in the first degree, assault in the second degree, assault of  
6 a child in the first degree, assault of a child in the second degree,  
7 or burglary in the first degree; or (C) an attempt to commit any  
8 crime listed in this subsection (37)(b)(i); and

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

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

1 based instruction" has the same meaning as defined in RCW  
2 28A.225.010; and (B) "teacher, counselor, volunteer, or other person  
3 in authority" does not include the parent or legal guardian of the  
4 victim.

5 (39) "Private school" means a school regulated under chapter  
6 28A.195 or 28A.205 RCW.

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

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

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

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

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

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

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

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

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

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

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

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

25 (iii) Domestic violence violation of a protection order under  
26 chapter 26.09, 26.26A, or 26.26B RCW or former chapter 26.50 RCW, or  
27 violation of a domestic violence protection order under chapter 7.105  
28 RCW, that is not a felony offense;

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

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

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

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

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

5 (45) "Serious traffic offense" means:

6 (a) Nonfelony driving while under the influence of intoxicating  
7 liquor or any drug (RCW 46.61.502), nonfelony actual physical control  
8 while under the influence of intoxicating liquor or any drug (RCW  
9 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an  
10 attended vehicle (RCW 46.52.020(5)); or

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

14 (46) "Serious violent offense" is a subcategory of violent  
15 offense and means:

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

17 (ii) Homicide by abuse;

18 (iii) Murder in the second degree;

19 (iv) Manslaughter in the first degree;

20 (v) Assault in the first degree;

21 (vi) Kidnapping in the first degree;

22 (vii) Rape in the first degree;

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

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

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

29 (47) "Sex offense" means:

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

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

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

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

38 (v) A felony violation of RCW 9A.44.132(1) (failure to register  
39 as a sex offender) if the person has been convicted of violating RCW

1 9A.44.132(1) (failure to register as a sex offender) or 9A.44.130  
2 prior to June 10, 2010, on at least one prior occasion;

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

6 (c) A felony with a finding of sexual motivation under RCW  
7 9.94A.835 or 13.40.135; or

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

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

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

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

21 (51) "Stranger" means that the victim did not know the offender  
22 24 hours before the offense.

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

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

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

36 (55) "Victim of domestic violence" means an intimate partner or  
37 household member who has been subjected to the infliction of physical  
38 harm or sexual and psychological abuse by an intimate partner or  
39 household member as part of a pattern of assaultive, coercive, and  
40 controlling behaviors directed at achieving compliance from or

1 control over that intimate partner or household member. Domestic  
2 violence includes, but is not limited to, the offenses listed in RCW  
3 10.99.020 and 26.50.010 committed by an intimate partner or household  
4 member against a victim who is an intimate partner or household  
5 member.

6 (56) "Victim of sex trafficking, prostitution, or commercial  
7 sexual abuse of a minor" means a person who has been forced or  
8 coerced to perform a commercial sex act including, but not limited  
9 to, being a victim of offenses defined in RCW 9A.40.100, 9A.88.070,  
10 9.68A.101, and the trafficking victims protection act of 2000, 22  
11 U.S.C. Sec. 7101 et seq.; or a person who was induced to perform a  
12 commercial sex act when they were less than 18 years of age including  
13 but not limited to the offenses defined in chapter 9.68A RCW.

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

20 (58) "Violent offense" means:

21 (a) Any of the following felonies:

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

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

26 (iii) Manslaughter in the first degree;

27 (iv) Manslaughter in the second degree;

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

29 (vi) Kidnapping in the second degree;

30 (vii) Arson in the second degree;

31 (viii) Assault in the second degree;

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

33 (x) Extortion in the first degree;

34 (xi) Robbery in the second degree;

35 (xii) Drive-by shooting;

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

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

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

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

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

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

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

24 **Sec. 2.** RCW 9.94A.030 and 2024 c 306 s 2 are each amended to  
25 read as follows:

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

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

30 (2) "Collect," or any derivative thereof, "collect and remit," or  
31 "collect and deliver," when used with reference to the department,  
32 means that the department, either directly or through a collection  
33 agreement authorized by RCW 9.94A.760, is responsible for monitoring  
34 and enforcing the offender's sentence with regard to the legal  
35 financial obligation, receiving payment thereof from the offender,  
36 and, consistent with current law, delivering daily the entire payment  
37 to the superior court clerk without depositing it in a departmental  
38 account.

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



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

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

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

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

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

16 (9) "Conviction" means an adjudication of guilt pursuant to Title  
17 10 or 13 RCW and includes a verdict of guilty, a finding of guilty,  
18 and acceptance of a plea of guilty.

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

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

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

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

1 establishing that such vacated prior conviction constitutes an  
2 element of the present recidivist offense as provided in RCW  
3 9.94A.640(4)(b) and 9.96.060(~~(7)~~) (8)(c).

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

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

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

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

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

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

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

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

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

39 (f) To provide the gang with any advantage in, or any control or  
40 dominance over any criminal market sector, including, but not limited

1 to, manufacturing, delivering, or selling any controlled substance  
2 (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen  
3 property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88  
4 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual  
5 abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter  
6 9.68 RCW).

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

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

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

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

25 (19) "Disposable earnings" means that part of the earnings of an  
26 offender remaining after the deduction from those earnings of any  
27 amount required by law to be withheld. For the purposes of this  
28 definition, "earnings" means compensation paid or payable for  
29 personal services, whether denominated as wages, salary, commission,  
30 bonuses, or otherwise, and, notwithstanding any other provision of  
31 law making the payments exempt from garnishment, attachment, or other  
32 process to satisfy a court-ordered legal financial obligation,  
33 specifically includes periodic payments pursuant to pension or  
34 retirement programs, or insurance policies of any type, but does not  
35 include payments made under Title 50 RCW, except as provided in RCW  
36 50.40.020 and 50.40.050, or Title 74 RCW.

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

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

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

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

11 (22) "Drug offender sentencing alternative for driving under the  
12 influence" is a sentencing option available to persons convicted of  
13 felony driving while under the influence of intoxicating liquor or  
14 any drug under RCW 46.61.502(6), or felony physical control of a  
15 vehicle while under the influence of intoxicating liquor or any drug  
16 under RCW 46.61.504(6) who are eligible under RCW 9.94A.661.

17 (23) "Drug offense" means:

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

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

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

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

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

33 (a) Radio frequency signaling technology, which detects if the  
34 monitored individual is or is not at an approved location and  
35 notifies the monitoring agency of the time that the monitored  
36 individual either leaves the approved location or tampers with or  
37 removes the monitoring device; or

38 (b) Active or passive global positioning system technology, which  
39 detects the location of the monitored individual and notifies the  
40 monitoring agency of the monitored individual's location and which

1 may also include electronic monitoring with victim notification  
2 technology that is capable of notifying a victim or protected party,  
3 either directly or through a monitoring agency, if the monitored  
4 individual enters within the restricted distance of a victim or  
5 protected party, or within the restricted distance of a designated  
6 location.

7 (26) "Escape" means:

8 (a) Sexually violent predator escape (RCW 9A.76.115), escape in  
9 the first degree (RCW 9A.76.110), escape in the second degree (RCW  
10 9A.76.120), willful failure to return from furlough (RCW 72.66.060),  
11 willful failure to return from work release (RCW 72.65.070), or  
12 willful failure to be available for supervision by the department  
13 while in community custody (RCW 72.09.310); or

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

17 (27) "Felony traffic offense" means:

18 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW  
19 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-  
20 run injury-accident (RCW 46.52.020(4)), felony driving while under  
21 the influence of intoxicating liquor or any drug (RCW 46.61.502(6)),  
22 or felony physical control of a vehicle while under the influence of  
23 intoxicating liquor or any drug (RCW 46.61.504(6)); or

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

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

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

33 (30) "Home detention" is a subset of electronic monitoring and  
34 means a program of partial confinement available to offenders wherein  
35 the offender is confined in a private residence 24 hours a day,  
36 unless an absence from the residence is approved, authorized, or  
37 otherwise permitted in the order by the court or other supervising  
38 agency that ordered home detention, and the offender is subject to  
39 electronic monitoring.

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

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

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

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

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

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

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

29 (b) Assault in the second degree;

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

31 (d) Child molestation in the second degree;

32 (e) Controlled substance homicide;

33 (f) Extortion in the first degree;

34 (g) Incest when committed against a child under age 14;

35 (h) Indecent liberties;

36 (i) Kidnapping in the second degree;

37 (j) Leading organized crime;

38 (k) Manslaughter in the first degree;

39 (l) Manslaughter in the second degree;

40 (m) Promoting prostitution in the first degree;

1 (n) Rape in the third degree;  
2 (o) Sexual exploitation;  
3 (p) Vehicular assault, when caused by the operation or driving of  
4 a vehicle by a person while under the influence of intoxicating  
5 liquor or any drug or by the operation or driving of a vehicle in a  
6 reckless manner;  
7 (q) Vehicular homicide, when proximately caused by the driving of  
8 any vehicle by any person while under the influence of intoxicating  
9 liquor or any drug as defined by RCW 46.61.502, or by the operation  
10 of any vehicle in a reckless manner;  
11 (r) Any other class B felony offense with a finding of sexual  
12 motivation;  
13 (s) Any other felony with a deadly weapon verdict under RCW  
14 9.94A.825;  
15 (t) Any felony offense in effect at any time prior to December 2,  
16 1993, that is comparable to a most serious offense under this  
17 subsection, or any federal or out-of-state conviction for an offense  
18 that under the laws of this state would be a felony classified as a  
19 most serious offense under this subsection;  
20 (u)(i) A prior conviction for indecent liberties under RCW  
21 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex.  
22 sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b),  
23 and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW  
24 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986,  
25 until July 1, 1988;  
26 (ii) A prior conviction for indecent liberties under RCW  
27 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988,  
28 if: (A) The crime was committed against a child under the age of 14;  
29 or (B) the relationship between the victim and perpetrator is  
30 included in the definition of indecent liberties under RCW  
31 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27,  
32 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25,  
33 1993, through July 27, 1997;  
34 (v) Any out-of-state conviction for a felony offense with a  
35 finding of sexual motivation if the minimum sentence imposed was 10  
36 years or more; provided that the out-of-state felony offense must be  
37 comparable to a felony offense under this title and Title 9A RCW and  
38 the out-of-state definition of sexual motivation must be comparable  
39 to the definition of sexual motivation contained in this section.

1 (34) "Nonviolent offense" means an offense which is not a violent  
2 offense.

3 (35) "Offender" means a person who has committed a felony  
4 established by state law and is 18 years of age or older or is less  
5 than 18 years of age but whose case is under superior court  
6 jurisdiction under RCW 13.04.030 or has been transferred by the  
7 appropriate juvenile court to a criminal court pursuant to RCW  
8 13.40.110. In addition, for the purpose of community custody  
9 requirements under this chapter, "offender" also means a misdemeanor  
10 or gross misdemeanor probationer ordered by a superior court to  
11 probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and  
12 supervised by the department pursuant to RCW 9.94A.501 and  
13 9.94A.5011. Throughout this chapter, the terms "offender" and  
14 "defendant" are used interchangeably.

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

26 (37) "Pattern of criminal street gang activity" means:

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

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

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

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

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

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

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



1 (vii) Hate Crime (RCW 9A.36.080);  
2 (viii) Harassment where a subsequent violation or deadly threat  
3 is made (RCW 9A.46.020(2)(b));  
4 (ix) Criminal Gang Intimidation (RCW 9A.46.120);  
5 (x) Any felony conviction by a person 18 years of age or older  
6 with a special finding of involving a juvenile in a felony offense  
7 under RCW 9.94A.833;  
8 (xi) Residential Burglary (RCW 9A.52.025);  
9 (xii) Burglary 2 (RCW 9A.52.030);  
10 (xiii) Malicious Mischief 1 (RCW 9A.48.070);  
11 (xiv) Malicious Mischief 2 (RCW 9A.48.080);  
12 (xv) Theft of a Motor Vehicle (RCW 9A.56.065);  
13 (xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);  
14 (xvii) Taking a Motor Vehicle Without Permission 1 (RCW  
15 9A.56.070);  
16 (xviii) Taking a Motor Vehicle Without Permission 2 (RCW  
17 9A.56.075);  
18 (xix) Extortion 1 (RCW 9A.56.120);  
19 (xx) Extortion 2 (RCW 9A.56.130);  
20 (xxi) Intimidating a Witness (RCW 9A.72.110);  
21 (xxii) Tampering with a Witness (RCW 9A.72.120);  
22 (xxiii) Reckless Endangerment (RCW 9A.36.050);  
23 (xxiv) Coercion (RCW 9A.36.070);  
24 (xxv) Harassment (RCW 9A.46.020); or  
25 (xxvi) Malicious Mischief 3 (RCW 9A.48.090);  
26 (b) That at least one of the offenses listed in (a) of this  
27 subsection shall have occurred after July 1, 2008;  
28 (c) That the most recent committed offense listed in (a) of this  
29 subsection occurred within three years of a prior offense listed in  
30 (a) of this subsection; and  
31 (d) Of the offenses that were committed in (a) of this  
32 subsection, the offenses occurred on separate occasions or were  
33 committed by two or more persons.  
34 (38) "Persistent offender" is an offender who:  
35 (a) (i) Has been convicted in this state of any felony considered  
36 a most serious offense; and  
37 (ii) Has, before the commission of the offense under (a) of this  
38 subsection, been convicted as an offender on at least two separate  
39 occasions, whether in this state or elsewhere, of felonies that under  
40 the laws of this state would be considered most serious offenses and

1 would be included in the offender score under RCW 9.94A.525; provided  
2 that of the two or more previous convictions, at least one conviction  
3 must have occurred before the commission of any of the other most  
4 serious offenses for which the offender was previously convicted; or

5 (b) (i) Has been convicted of: (A) Rape in the first degree, rape  
6 of a child in the first degree, child molestation in the first  
7 degree, rape in the second degree, rape of a child in the second  
8 degree, or indecent liberties by forcible compulsion; (B) any of the  
9 following offenses with a finding of sexual motivation: Murder in the  
10 first degree, murder in the second degree, homicide by abuse,  
11 kidnapping in the first degree, kidnapping in the second degree,  
12 assault in the first degree, assault in the second degree, assault of  
13 a child in the first degree, assault of a child in the second degree,  
14 or burglary in the first degree; or (C) an attempt to commit any  
15 crime listed in this subsection (38) (b) (i); and

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

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

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

12 (40) "Private school" means a school regulated under chapter  
13 28A.195 or 28A.205 RCW.

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

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

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

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

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

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

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

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

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

27 (43) "Repetitive domestic violence offense" means any:

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

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

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

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

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

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

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

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

13 (46) "Serious traffic offense" means:

14 (a) (i) Nonfelony driving while under the influence of  
15 intoxicating liquor or any drug (RCW 46.61.502);

16 (ii) Nonfelony actual physical control while under the influence  
17 of intoxicating liquor or any drug (RCW 46.61.504);

18 (iii) Reckless driving (RCW 46.61.500);

19 (iv) Negligent driving if the conviction is the result of a  
20 charge that was originally filed as a violation of RCW 46.61.502 or  
21 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or  
22 46.61.522 while under the influence of intoxicating liquor or any  
23 drug (RCW 46.61.5249);

24 (v) Reckless endangerment if the conviction is the result of a  
25 charge that was originally filed as a violation of RCW 46.61.502 or  
26 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or  
27 46.61.522 while under the influence of intoxicating liquor or any  
28 drug (RCW 9A.36.050); or

29 (vi) Hit-and-run an attended vehicle (RCW 46.52.020(5)); or

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

33 (c) This definition applies for the purpose of a personal  
34 driver's license only and does not apply to violations related to a  
35 commercial motor vehicle under RCW 46.25.090.

36 (47) "Serious violent offense" is a subcategory of violent  
37 offense and means:

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

39 (ii) Homicide by abuse;

40 (iii) Murder in the second degree;

1 (iv) Manslaughter in the first degree;  
2 (v) Assault in the first degree;  
3 (vi) Kidnapping in the first degree;  
4 (vii) Rape in the first degree;  
5 (viii) Assault of a child in the first degree; or  
6 (ix) An attempt, criminal solicitation, or criminal conspiracy to  
7 commit one of these felonies; or

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

11 (48) "Sex offense" means:

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

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

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

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

20 (v) A felony violation of RCW 9A.44.132(1) (failure to register  
21 as a sex offender) if the person has been convicted of violating RCW  
22 9A.44.132(1) (failure to register as a sex offender) or 9A.44.130  
23 prior to June 10, 2010, on at least one prior occasion;

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

27 (c) A felony with a finding of sexual motivation under RCW  
28 9.94A.835 or 13.40.135; or

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

32 (49) "Sexual motivation" means that one of the purposes for which  
33 the defendant committed the crime was for the purpose of his or her  
34 sexual gratification.

35 (50) "Standard sentence range" means the sentencing court's  
36 discretionary range in imposing a nonappealable sentence.

37 (51) "Statutory maximum sentence" means the maximum length of  
38 time for which an offender may be confined as punishment for a crime  
39 as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute

1 defining the crime, or other statute defining the maximum penalty for  
2 a crime.

3 (52) "Stranger" means that the victim did not know the offender  
4 24 hours before the offense.

5 (53) "Total confinement" means confinement inside the physical  
6 boundaries of a facility or institution operated or utilized under  
7 contract by the state or any other unit of government for 24 hours a  
8 day, or pursuant to RCW 72.64.050 and 72.64.060.

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

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

18 (56) "Victim of domestic violence" means an intimate partner or  
19 household member who has been subjected to the infliction of physical  
20 harm or sexual and psychological abuse by an intimate partner or  
21 household member as part of a pattern of assaultive, coercive, and  
22 controlling behaviors directed at achieving compliance from or  
23 control over that intimate partner or household member. Domestic  
24 violence includes, but is not limited to, the offenses listed in RCW  
25 10.99.020 and 26.50.010 committed by an intimate partner or household  
26 member against a victim who is an intimate partner or household  
27 member.

28 (57) "Victim of sex trafficking, prostitution, or commercial  
29 sexual abuse of a minor" means a person who has been forced or  
30 coerced to perform a commercial sex act including, but not limited  
31 to, being a victim of offenses defined in RCW 9A.40.100, 9A.88.070,  
32 9.68A.101, and the trafficking victims protection act of 2000, 22  
33 U.S.C. Sec. 7101 et seq.; or a person who was induced to perform a  
34 commercial sex act when they were less than 18 years of age including  
35 but not limited to the offenses defined in chapter 9.68A RCW.

36 (58) "Victim of sexual assault" means any person who is a victim  
37 of a sexual assault offense, nonconsensual sexual conduct, or  
38 nonconsensual sexual penetration and as a result suffers physical,  
39 emotional, financial, or psychological impacts. Sexual assault

1 offenses include, but are not limited to, the offenses defined in  
2 chapter 9A.44 RCW.

3 (59) "Violent offense" means:

4 (a) Any of the following felonies:

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

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

9 (iii) Manslaughter in the first degree;

10 (iv) Manslaughter in the second degree;

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

12 (vi) Kidnapping in the second degree;

13 (vii) Arson in the second degree;

14 (viii) Assault in the second degree;

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

16 (x) Extortion in the first degree;

17 (xi) Robbery in the second degree;

18 (xii) Drive-by shooting;

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

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

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

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

33 (60) "Work crew" means a program of partial confinement  
34 consisting of civic improvement tasks for the benefit of the  
35 community that complies with RCW 9.94A.725.

36 (61) "Work ethic camp" means an alternative incarceration program  
37 as provided in RCW 9.94A.690 designed to reduce recidivism and lower  
38 the cost of corrections by requiring offenders to complete a  
39 comprehensive array of real-world job and vocational experiences,  
40 character-building work ethics training, life management skills

1 development, substance abuse rehabilitation, counseling, literacy  
2 training, and basic adult education.

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

6 **Sec. 3.** RCW 9.94A.6551 and 2024 c 193 s 1 are each amended to  
7 read as follows:

8 (1) ~~((a) Except as provided in (b) of this subsection, for))~~ For  
9 an incarcerated individual not sentenced under RCW 9.94A.655, but  
10 otherwise eligible under this section, no more than the final ~~((12))~~  
11 18 months of the incarcerated individual's term of confinement may be  
12 served in partial confinement as home detention as part of the  
13 parenting program developed by the department.

14 ~~((b) For an incarcerated individual not sentenced under RCW  
15 9.94A.655, but otherwise eligible under this section, who is  
16 participating in the residential parenting program at the department,  
17 no more than the final 18 months of the incarcerated individual's  
18 term of confinement may be served in partial confinement as home  
19 detention as part of the parenting program developed by the  
20 department.))~~

21 (2) The secretary may transfer an incarcerated individual from a  
22 correctional facility to home detention in the community if it is  
23 determined that the parenting program is an appropriate placement and  
24 when all of the following conditions exist:

25 (a) The incarcerated individual is serving a sentence in which  
26 the high end of the range is greater than one year;

27 (b) The incarcerated individual has no current conviction for a  
28 felony that is classified as a sex offense or a serious violent  
29 offense;

30 (c) The incarcerated individual has no current conviction for a  
31 violent offense, or where the incarcerated individual has a current  
32 conviction for a violent offense, he or she has not been determined  
33 to be a high risk to reoffend;

34 (d) The incarcerated individual signs any release of information  
35 waivers required to allow information regarding current or prior  
36 child welfare cases to be shared with the department and the court;

37 (e) The incarcerated individual is:

38 (i) A parent with guardianship or legal custody of a minor child;

39 (ii) An expectant parent; ~~((e))~~



1 (iii) A biological parent, adoptive parent, custodian, or  
2 stepparent with a proven, established, ongoing, and substantial  
3 relationship with a minor child (~~(that existed at the time of the~~  
4 ~~offense)~~); or

5 (iv) An individual expected to take over the duties of a parent  
6 and be responsible for exercising the day-to-day care and control of  
7 a minor child; and

8 (f) The department determines that the incarcerated individual's  
9 participation in the parenting program is in the best interests of  
10 the child. Nothing in this section provides the department with  
11 authority to determine placement of a minor child.

12 (3) Except for sex offenses and serious violent offenses, prior  
13 juvenile adjudications are not considered offenses when considering  
14 eligibility for the parenting program developed by the department.

15 (4) When the department is considering partial confinement as  
16 part of the parenting program for an incarcerated individual, the  
17 department shall inquire of the individual and the department of  
18 children, youth, and families whether the agency has an open child  
19 welfare case or prior substantiated referral for abuse or neglect  
20 involving the incarcerated individual.

21 (5) If the department of children, youth, and families or a  
22 tribal jurisdiction has an open child welfare case, the department  
23 will seek input from the department of children, youth, and families  
24 or the involved tribal jurisdiction as to: (a) The status of the  
25 child welfare case; and (b) recommendations regarding placement of  
26 the incarcerated individual, services agreed to by the incarcerated  
27 individual working voluntarily with the department, or services  
28 ordered by the court within the incarcerated individual's child  
29 welfare case. The department and its officers, agents, and employees  
30 are not liable for the acts of incarcerated individuals participating  
31 in the parenting program unless the department or its officers,  
32 agents, and employees acted with willful and wanton disregard.

33 (6) All incarcerated individuals placed on home detention as part  
34 of the parenting program shall provide an approved residence and  
35 living arrangement prior to transfer to home detention.

36 (7) While in the community on home detention as part of the  
37 parenting program, the department shall:

38 (a) Require the individual to be placed on electronic home  
39 monitoring;

1 (b) Require the individual to participate in programming and  
2 treatment that the department determines is needed after  
3 consideration of the individual's stated needs;

4 (c) Assign a community corrections officer who will monitor the  
5 individual's compliance with conditions of partial confinement and  
6 programming requirements; and

7 (d) If the individual has an open child welfare case with the  
8 department of children, youth, and families, collaborate and  
9 communicate with the identified social worker in the provision of  
10 services.

11 (8) The department has the authority to return any incarcerated  
12 individual serving partial confinement in the parenting program to  
13 total confinement if the individual is not complying with sentence  
14 requirements.

15 (9) If the incarcerated individual's earned release date changes  
16 after placement in partial confinement under this section, the  
17 department may extend the duration of participation in the  
18 alternative program by no more than six months or up to the earned  
19 release date, whichever comes first.

20 (10) For the purposes of this section:

21 (a) "Expectant parent" means a pregnant or other parent awaiting  
22 the birth of his or her child, or an adoptive parent or person in the  
23 process of a final adoption.

24 (b) "Minor child" means a child under the age of ~~((eighteen))~~ 18.

25 ~~((c) "Residential parenting program" means a correctional~~  
26 ~~nursery program administered by the department that allows pregnant,~~  
27 ~~minimum security incarcerated individuals that meet eligibility~~  
28 ~~criteria established by the department to keep their newborn children~~  
29 ~~with them after giving birth in a designated unit and receive support~~  
30 ~~and education in alliance with skilled early childhood educators.))~~

31 **Sec. 4.** RCW 9.94A.733 and 2023 c 405 s 1 are each amended to  
32 read as follows:

33 (1)(a) Except as provided in (b) of this subsection, an  
34 ~~((offender))~~ incarcerated individual may not participate in the  
35 graduated reentry program under this subsection unless he or she has  
36 served at least ~~((six))~~ three months in total confinement in a state  
37 correctional facility.

38 (i) An ~~((offender))~~ incarcerated individual subject to (a) of  
39 this subsection may serve no more than the final ~~((five))~~ nine months

1 of the (~~offender's~~) incarcerated individual's term of confinement  
2 in partial confinement as home detention as part of the graduated  
3 reentry program developed by the department.

4 (ii) Home detention under (a) of this subsection may not be  
5 imposed for individuals subject to a deportation order, civil  
6 commitment, or the interstate compact for adult offender supervision  
7 under RCW 9.94A.745.

8 (b) For (~~offenders~~) incarcerated individuals who meet the  
9 requirements of (b)(iii) of this subsection, an (~~offender~~)  
10 incarcerated individual may not participate in the graduated reentry  
11 program unless he or she has served at least (~~four~~) three months in  
12 total confinement in a state correctional facility.

13 (i) An (~~offender~~) incarcerated individual under this subsection  
14 (1)(b) may serve no more than the final 18 months of the  
15 (~~offender's~~) incarcerated individual's term of confinement in  
16 partial confinement as home detention as part of the graduated  
17 reentry program developed by the department.

18 (ii) Home detention under this subsection (1)(b) may not be  
19 imposed for individuals subject to a deportation order or subject to  
20 the jurisdiction of the indeterminate sentence review board.

21 (iii) Home detention under this subsection (1)(b) may not be  
22 imposed for (~~offenders~~) incarcerated individuals currently serving  
23 a term of confinement for the following offenses:

24 (A) Any sex offense;

25 (B) Any violent offense; or

26 (C) Any crime against a person offense in accordance with the  
27 categorization of crimes against persons outlined in RCW  
28 9.94A.411(2).

29 (2) The secretary of the department may transfer an (~~offender~~)  
30 incarcerated individual from a department correctional facility to  
31 home detention in the community if it is determined that the  
32 graduated reentry program is an appropriate placement and must assist  
33 the (~~offender's~~) incarcerated individual's transition from  
34 confinement to the community.

35 (3) The department and its officers, agents, and employees are  
36 not liable for the acts of (~~offenders~~) incarcerated individuals  
37 participating in the graduated reentry program unless the department  
38 or its officers, agents, and employees acted with willful and wanton  
39 disregard.

1 (4) (a) All ((~~offenders~~)) incarcerated individuals placed on home  
2 detention as part of the graduated reentry program must provide an  
3 approved residence and living arrangement prior to transfer to home  
4 detention.

5 (b) The department may not transfer an ((~~offender~~)) incarcerated  
6 individual to participate in the graduated reentry program until the  
7 department has ((~~conducted~~)) a ((~~comprehensive—assessment~~))  
8 clinically appropriate evaluation for substance use ((~~disorder~~))  
9 disorders. If the ((~~offender~~)) incarcerated individual is ((~~assessed~~  
10 ~~to have~~)) diagnosed with a substance use disorder, the department  
11 shall assist the ((~~offender~~)) incarcerated individual in ((~~enrolling~~  
12 ~~in~~)) accessing substance use disorder treatment services ((~~at the~~  
13 ~~level deemed appropriate by the assessment. Offenders transferred to~~  
14 ~~participate in the graduated reentry program must begin receiving~~  
15 ~~substance use disorder treatment services as soon as practicable~~  
16 ~~after transfer to avoid any delays in treatment. Substance use~~  
17 ~~disorder treatment services shall include, as deemed necessary by the~~  
18 ~~assessment, access to medication-assisted treatment and counseling~~  
19 ~~programs)), including medication treatment if appropriate, in  
20 accordance with recommended treatment for severity of disease  
21 determined during evaluation. Upon transfer to the graduated reentry  
22 program, when clinically appropriate, individuals must be provided  
23 with access to self-administered fentanyl testing supplies and  
24 medications designed to reverse the effects of opioid overdose.~~

25 (5) While in the community on home detention as part of the  
26 graduated reentry program, the department must:

27 (a) Require the ((~~offender~~)) incarcerated individual to be placed  
28 on electronic home monitoring;

29 (b) Require the ((~~offender~~)) incarcerated individual to  
30 participate in programming and treatment that the department shall  
31 assign based on an ((~~offender's~~)) incarcerated individual's assessed  
32 need; and

33 (c) Assign a community corrections officer who will monitor the  
34 ((~~offender's~~)) incarcerated individual's compliance with conditions  
35 of partial confinement and programming requirements.

36 (6) The department retains the authority to return any  
37 ((~~offender~~)) incarcerated individual serving partial confinement in  
38 the graduated reentry program to total confinement for any reason  
39 including, but not limited to, the ((~~offender's~~)) incarcerated  
40 individual's noncompliance with any sentence requirement.

1 (7) The department may issue rental vouchers for a period not to  
2 exceed six months for those transferring to partial confinement under  
3 this section if an approved address cannot be obtained without the  
4 assistance of a voucher.

5 (8) In the selection of (~~offenders~~) incarcerated individuals to  
6 participate in the graduated reentry program, and in setting,  
7 modifying, and enforcing the requirements of the graduated reentry  
8 program, the department is deemed to be performing a quasi-judicial  
9 function.

10 (9) The department shall publish a monthly report on its website  
11 with the number of (~~offenders~~) incarcerated individuals who were  
12 transferred during the month to home detention as part of the  
13 graduated reentry program. The department shall submit an annual  
14 report by December 1st to the appropriate committees of the  
15 legislature with the number of (~~offenders~~) incarcerated individuals  
16 who were transferred to home detention as part of the graduated  
17 reentry program during the prior year.

18 (10)(a) Beginning July 1, 2023, the following data must be  
19 collected and posted to the department's website on a monthly basis:

20 (i) The number of (~~offenders~~) incarcerated individuals who were  
21 transferred to the graduated reentry program who were assessed to  
22 have a substance use disorder during the prior calendar month; and

23 (ii) The number of (~~offenders~~) incarcerated individuals in the  
24 graduated reentry program who received during the prior 12 months:

25 (A) Outpatient substance use disorder treatment;

26 (B) Inpatient substance use disorder treatment; and

27 (C) Both outpatient and inpatient substance use disorder  
28 treatment.

29 (b) Beginning July 1, 2023, the health care authority must report  
30 monthly to the department on the number of (~~offenders~~) incarcerated  
31 individuals in the graduated reentry program who received substance  
32 use disorder outpatient treatment, while in the community, during the  
33 prior 12 months.

34 (11) The department must share data with the health care  
35 authority on (~~offenders~~) incarcerated individuals participating in  
36 the graduated reentry program.

37 **Sec. 5.** RCW 9.94A.728 and 2023 c 358 s 1 are each amended to  
38 read as follows:

1 (1) No incarcerated individual serving a sentence imposed  
2 pursuant to this chapter and committed to the custody of the  
3 department shall leave the confines of the correctional facility or  
4 be released prior to the expiration of the sentence except as  
5 follows:

6 (a) An incarcerated individual may earn early release time as  
7 authorized by RCW 9.94A.729;

8 (b) An incarcerated individual may leave a correctional facility  
9 pursuant to an authorized furlough or leave of absence. In addition,  
10 incarcerated individuals may leave a correctional facility when in  
11 the custody of a corrections officer or officers;

12 (c)(i) The secretary may authorize an extraordinary medical  
13 placement for an incarcerated individual when all of the following  
14 conditions exist:

15 (A) The incarcerated individual has been assessed by two  
16 physicians and is determined to be one of the following:

17 (I) Affected by a permanent or degenerative medical condition to  
18 such a degree that the individual does not presently, and likely will  
19 not in the future, pose a threat to public safety; or

20 (II) In ill health and is expected to die within six months and  
21 does not presently, and likely will not in the future, pose a threat  
22 to public safety;

23 (B) The incarcerated individual has been assessed as low risk to  
24 the community at the time of release; and

25 (C) It is expected that granting the extraordinary medical  
26 placement will result in a cost savings to the state.

27 (ii) An incarcerated individual sentenced to death or to life  
28 imprisonment without the possibility of release or parole is not  
29 eligible for an extraordinary medical placement.

30 (iii) The secretary shall require electronic monitoring for all  
31 individuals in extraordinary medical placement unless the electronic  
32 monitoring equipment is detrimental to the individual's health,  
33 interferes with the function of the individual's medical equipment,  
34 or results in the loss of funding for the individual's medical care,  
35 in which case, an alternative type of monitoring shall be utilized.  
36 The secretary shall specify who shall provide the monitoring services  
37 and the terms under which the monitoring shall be performed.

38 (iv) The secretary may revoke an extraordinary medical placement  
39 under this subsection (1)(c) at any time.

1 (v) Persistent offenders are not eligible for extraordinary  
2 medical placement;

3 (d) The governor, upon recommendation from the clemency and  
4 pardons board, may grant an extraordinary release for reasons of  
5 serious health problems, senility, advanced age, extraordinary  
6 meritorious acts, or other extraordinary circumstances;

7 (e) No more than the final (~~12~~) 18 months of the incarcerated  
8 individual's term of confinement may be served in partial confinement  
9 for aiding the incarcerated individual with: Finding work as part of  
10 the work release program under chapter 72.65 RCW; (~~or~~)  
11 reestablishing himself or herself in the community as part of the  
12 parenting program in RCW 9.94A.6551; or participating in outpatient  
13 behavioral health treatment. This is in addition to that period of  
14 earned early release time that may be exchanged for partial  
15 confinement pursuant to RCW 9.94A.729(5) (d);

16 (f) (i) No more than the final (~~five~~) nine months of the  
17 incarcerated individual's term of confinement may be served in  
18 partial confinement as home detention as part of the graduated  
19 reentry program developed by the department under RCW  
20 9.94A.733(1) (a);

21 (ii) For eligible incarcerated individuals under RCW  
22 9.94A.733(1) (b), after serving at least (~~four~~) three months in  
23 total confinement in a state correctional facility, an incarcerated  
24 individual may serve no more than the final 18 months of the  
25 incarcerated individual's term of confinement in partial confinement  
26 as home detention as part of the graduated reentry program developed  
27 by the department;

28 (g) The governor may pardon any incarcerated individual;

29 (h) The department may release an incarcerated individual from  
30 confinement any time within 10 days before a release date calculated  
31 under this section;

32 (i) An incarcerated individual may leave a correctional facility  
33 prior to completion of his or her sentence if the sentence has been  
34 reduced as provided in RCW 9.94A.870;

35 (j) Notwithstanding any other provisions of this section, an  
36 incarcerated individual sentenced for a felony crime listed in RCW  
37 9.94A.540 as subject to a mandatory minimum sentence of total  
38 confinement shall not be released from total confinement before the  
39 completion of the listed mandatory minimum sentence for that felony  
40 crime of conviction unless allowed under RCW 9.94A.540; and

1 (k) Any individual convicted of one or more crimes committed  
2 prior to the individual's 18th birthday may be released from  
3 confinement pursuant to RCW 9.94A.730.

4 (2) Notwithstanding any other provision of this section, an  
5 incarcerated individual entitled to vacation of a conviction or the  
6 recalculation of his or her offender score pursuant to *State v.*  
7 *Blake*, No. 96873-0 (Feb. 25, 2021), may be released from confinement  
8 pursuant to a court order if the incarcerated individual has already  
9 served a period of confinement that exceeds his or her new standard  
10 range. This provision does not create an independent right to release  
11 from confinement prior to resentencing.

12 (3) Individuals residing in a juvenile correctional facility  
13 placement pursuant to RCW 72.01.410(1)(a) are not subject to the  
14 limitations in this section.

15 NEW SECTION. **Sec. 6.** The changes to restrictions on the  
16 community parenting alternative and partial confinement under  
17 sections 1, 2, 3, and 4 of this act apply prospectively and  
18 retroactively to persons currently serving a sentence in any facility  
19 or institution either operated by the state or utilized under  
20 contract.

21 NEW SECTION. **Sec. 7.** Section 1 of this act expires January 1,  
22 2026.

23 NEW SECTION. **Sec. 8.** Section 2 of this act takes effect January  
24 1, 2026.

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