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SECOND SUBSTITUTE HOUSE BILL 1885

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State of Washington                      64th Legislature                      2015 Regular Session

By House Appropriations (originally sponsored by Representatives Klippert, Hudgins, Chandler, Hunter, MacEwen, Goodman, Ormsby, Tarleton, Fitzgibbon, Kagi, Ryu, Reykdal, Stanford, and Walkinshaw)

READ FIRST TIME 02/27/15.

1            AN ACT Relating to addressing and mitigating the impacts of  
2 property crimes in Washington state; amending RCW 9.94A.030,  
3 9.94A.501, 9.94A.505, 9.94A.506, 9.94A.585, 9.94A.702, 9.94A.171, and  
4 9.94A.860; reenacting and amending RCW 9.94A.515 and 9.94A.701;  
5 adding new sections to chapter 9.94A RCW; creating new sections;  
6 repealing 2015 c ... ss 1-25; prescribing penalties; and providing an  
7 effective date.

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

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

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

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

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

17            (d) In recent years, an increasing number of individuals  
18 convicted of property crimes have been sentenced to prison.  
19 Supervision paired with treatment including, but not limited to,  
20 chemical dependency services and mental health and cognitive  
21 behavioral treatment and services, which can have a significant

1 impact on reducing the likelihood of reoffending, is not available as  
2 a sentencing option for most people convicted of property offenses.

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

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

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

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

24 **Sec. 2.** RCW 9.94A.030 and 2012 c 143 s 1 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 eight  
11 hundred eighty feet of the facilities and grounds of a public or  
12 private school.

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

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

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

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

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

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.

39 (c) The determination of a defendant's criminal history is  
40 distinct from the determination of an offender score. A prior

1 conviction that was not included in an offender score calculated  
2 pursuant to a former version of the sentencing reform act remains  
3 part of the defendant's criminal history.

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

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

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

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

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

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

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

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

34 (f) To provide the gang with any advantage in, or any control or  
35 dominance over any criminal market sector, including, but not limited  
36 to, manufacturing, delivering, or selling any controlled substance  
37 (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen  
38 property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88  
39 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual

1 abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter  
2 9.68 RCW).

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

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

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

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

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

33 (20) "Domestic violence" has the same meaning as defined in RCW  
34 10.99.020 and 26.50.010.

35 (21) "Drug offender sentencing alternative" is a sentencing  
36 option available to persons convicted of a felony offense other than  
37 a violent offense or a sex offense and who are eligible for the  
38 option under RCW 9.94A.660.

39 (22) "Drug offense" means:

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

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

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

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

12 (24) "Escape" means:

13 (a) Sexually violent predator escape (RCW 9A.76.115), escape in  
14 the first degree (RCW 9A.76.110), escape in the second degree (RCW  
15 9A.76.120), willful failure to return from furlough (RCW 72.66.060),  
16 willful failure to return from work release (RCW 72.65.070), or  
17 willful failure to be available for supervision by the department  
18 while in community custody (RCW 72.09.310); or

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

22 (25) "Felony traffic offense" means:

23 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW  
24 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-  
25 run injury-accident (RCW 46.52.020(4)), felony driving while under  
26 the influence of intoxicating liquor or any drug (RCW 46.61.502(6)),  
27 or felony physical control of a vehicle while under the influence of  
28 intoxicating liquor or any drug (RCW 46.61.504(6)); or

29 (b) 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 felony  
31 traffic offense under (a) of this subsection.

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

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

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

1 (29) "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 (30) "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 (31) "Minor child" means a biological or adopted child of the  
25 offender who is under age eighteen at the time of the offender's  
26 current offense.

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

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

32 (b) Assault in the second degree;

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

34 (d) Child molestation in the second degree;

35 (e) Controlled substance homicide;

36 (f) Extortion in the first degree;

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

38 (h) Indecent liberties;

39 (i) Kidnapping in the second degree;

40 (j) Leading organized crime;

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



1 comparable to a felony offense under this title and Title 9A RCW and  
2 the out-of-state definition of sexual motivation must be comparable  
3 to the definition of sexual motivation contained in this section.

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

6 (34) "Offender" means a person who has committed a felony  
7 established by state law and is eighteen years of age or older or is  
8 less than eighteen years of age but whose case is under superior  
9 court jurisdiction under RCW 13.04.030 or has been transferred by the  
10 appropriate juvenile court to a criminal court pursuant to RCW  
11 13.40.110. In addition, for the purpose of community custody  
12 requirements under this chapter, "offender" also means a misdemeanor  
13 or gross misdemeanor probationer ordered by a superior court to  
14 probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and  
15 supervised by the department pursuant to RCW 9.94A.501 and  
16 9.94A.5011. Throughout this chapter, the terms "offender" and  
17 "defendant" are used interchangeably.

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

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

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

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

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

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

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

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

1 (vi) Possession of a Stolen Firearm (RCW 9A.56.310);  
2 (vii) Malicious Harassment (RCW 9A.36.080);  
3 (viii) Harassment where a subsequent violation or deadly threat  
4 is made (RCW 9A.46.020(2)(b));  
5 (ix) Criminal Gang Intimidation (RCW 9A.46.120);  
6 (x) Any felony conviction by a person eighteen years of age or  
7 older with a special finding of involving a juvenile in a felony  
8 offense under RCW 9.94A.833;  
9 (xi) Residential Burglary (RCW 9A.52.025);  
10 (xii) Burglary 2 (RCW 9A.52.030);  
11 (xiii) Malicious Mischief 1 (RCW 9A.48.070);  
12 (xiv) Malicious Mischief 2 (RCW 9A.48.080);  
13 (xv) Theft of a Motor Vehicle (RCW 9A.56.065);  
14 (xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);  
15 (xvii) Taking a Motor Vehicle Without Permission 1 (RCW  
16 9A.56.070);  
17 (xviii) Taking a Motor Vehicle Without Permission 2 (RCW  
18 9A.56.075);  
19 (xix) Extortion 1 (RCW 9A.56.120);  
20 (xx) Extortion 2 (RCW 9A.56.130);  
21 (xxi) Intimidating a Witness (RCW 9A.72.110);  
22 (xxii) Tampering with a Witness (RCW 9A.72.120);  
23 (xxiii) Reckless Endangerment (RCW 9A.36.050);  
24 (xxiv) Coercion (RCW 9A.36.070);  
25 (xxv) Harassment (RCW 9A.46.020); or  
26 (xxvi) Malicious Mischief 3 (RCW 9A.48.090);  
27 (b) That at least one of the offenses listed in (a) of this  
28 subsection shall have occurred after July 1, 2008;  
29 (c) That the most recent committed offense listed in (a) of this  
30 subsection occurred within three years of a prior offense listed in  
31 (a) of this subsection; and  
32 (d) Of the offenses that were committed in (a) of this  
33 subsection, the offenses occurred on separate occasions or were  
34 committed by two or more persons.  
35 (37) "Persistent offender" is an offender who:  
36 (a)(i) Has been convicted in this state of any felony considered  
37 a most serious offense; and  
38 (ii) Has, before the commission of the offense under (a) of this  
39 subsection, been convicted as an offender on at least two separate  
40 occasions, whether in this state or elsewhere, of felonies that under

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

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

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

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

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

13 (39) "Private school" means a school regulated under chapter  
14 28A.195 or 28A.205 RCW.

15 (40) "Property offense" means:

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

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

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

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

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

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

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

24 (viii) Retail Theft with Special Circumstances 1 (RCW  
25 9A.56.360(2));

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

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

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

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

30 (xiii) Commercial Fishing Without a License 1 (RCW  
31 77.15.500(3)(b));

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

33 (xv) Engaging in Fish Dealing Activity Unlicensed 1 (RCW  
34 77.15.620(3)(b));

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

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

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

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

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

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

1       (xxii) Retail Theft with Special Circumstances 2 (RCW  
2 9A.56.360(3));  
3       (xxiii) Scrap Processing, Recycling, or Supplying Without a  
4 License (second or subsequent offense) (RCW 19.290.100(2)(b));  
5       (xxiv) Theft 1 (RCW 9A.56.030);  
6       (xxv) Theft of a Motor Vehicle (RCW 9A.56.065);  
7       (xxvi) Theft of Rental, Leased, Lease-purchased, or Loaned  
8 Property (valued at five thousand dollars or more) (RCW  
9 9A.56.096(5)(a));  
10       (xxvii) Theft with the Intent to Resell 2 (RCW 9A.56.340(3));  
11       (xxviii) Trafficking in Insurance Claims (RCW 48.30A.015);  
12       (xxix) Unlawful Factoring of a Credit Card or Payment Card  
13 Transaction (RCW 9A.56.290(4)(a));  
14       (xxx) False Verification for Welfare (RCW 74.08.055);  
15       (xxxii) Forgery (RCW 9A.60.020);  
16       (xxxiii) Malicious Mischief 2 (RCW 9A.48.080);  
17       (xxxiiii) Possession of Stolen Property 2 (RCW 9A.56.160);  
18       (xxxv) Reckless Burning 1 (RCW 9A.48.040);  
19       (xxxvi) Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075);  
20       (xxxvii) Theft 2 (RCW 9A.56.040);  
21       (xxxviii) Theft of Rental, Leased, Lease-purchased, or Loaned  
22 Property (valued at seven hundred fifty dollars or more but less than  
23 five thousand dollars) (RCW 9A.56.096(5)(b));  
24       (xxxix) Unlawful Issuance of Checks or Drafts (RCW 9A.56.060);  
25       (xl) Unlawful Possession of Fictitious Identification (RCW  
26 9A.56.320(4));  
27       (xli) Unlawful Possession of Instruments of Financial Fraud (RCW  
28 9A.56.320(5));  
29       (xlii) Unlawful Possession of Payment Instruments (RCW  
30 9A.56.320(2));  
31       (xliii) Unlawful Possession of a Personal Identification Device  
32 (RCW 9A.56.320(3));  
33       (xliv) Unlawful Production of Payment Instruments (RCW  
34 9A.56.320(1));  
35       (xlv) Unlawful Trafficking in Food Stamps (RCW 9.91.142);  
36       (xlvi) Unlawful Use of Food Stamps (RCW 9.91.144);  
37       (b) An attempt, criminal solicitation, or criminal conspiracy to  
38 commit a property offense under (a) of this subsection; or

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

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

5        ~~((41))~~ (42) "Repetitive domestic violence offense" means any:

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

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

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

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

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

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

21        ~~((42))~~ (43) "Restitution" means a specific sum of money ordered  
22 by the sentencing court to be paid by the offender to the court over  
23 a specified period of time as payment of damages. The sum may include  
24 both public and private costs.

25        ~~((43))~~ (44) "Risk assessment" means the application of the risk  
26 instrument recommended to the department by the Washington state  
27 institute for public policy as having the highest degree of  
28 predictive accuracy for assessing an offender's risk of reoffense.

29        ~~((44))~~ (45) "Serious traffic offense" means:

30        (a) Nonfelony driving while under the influence of intoxicating  
31 liquor or any drug (RCW 46.61.502), nonfelony actual physical control  
32 while under the influence of intoxicating liquor or any drug (RCW  
33 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an  
34 attended vehicle (RCW 46.52.020(5)); or

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

38        ~~((45))~~ (46) "Serious violent offense" is a subcategory of  
39 violent offense and means:

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

- 1 (ii) Homicide by abuse;
- 2 (iii) Murder in the second degree;
- 3 (iv) Manslaughter in the first degree;
- 4 (v) Assault in the first degree;
- 5 (vi) Kidnapping in the first degree;
- 6 (vii) Rape in the first degree;
- 7 (viii) Assault of a child in the first degree; or
- 8 (ix) An attempt, criminal solicitation, or criminal conspiracy to
- 9 commit one of these felonies; or

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

13 (~~(46)~~) (47) "Sex offense" means:

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

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

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

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

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

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

28 (c) A felony with a finding of sexual motivation under RCW  
29 9.94A.835 or 13.40.135; or

30 (d) 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 sex  
32 offense under (a) of this subsection.

33 (~~(47)~~) (48) "Sexual motivation" means that one of the purposes  
34 for which the defendant committed the crime was for the purpose of  
35 his or her sexual gratification.

36 (~~(48)~~) (49) "Standard sentence range" means the sentencing  
37 court's discretionary range in imposing a nonappealable sentence.

38 (~~(49)~~) (50) "Statutory maximum sentence" means the maximum  
39 length of time for which an offender may be confined as punishment  
40 for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the

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

3 ~~((+50+))~~ (51) "Stranger" means that the victim did not know the  
4 offender twenty-four hours before the offense.

5 ~~((+51+))~~ (52) "Total confinement" means confinement inside the  
6 physical boundaries of a facility or institution operated or utilized  
7 under contract by the state or any other unit of government for  
8 twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

9 ~~((+52+))~~ (53) "Transition training" means written and verbal  
10 instructions and assistance provided by the department to the  
11 offender during the two weeks prior to the offender's successful  
12 completion of the work ethic camp program. The transition training  
13 shall include instructions in the offender's requirements and  
14 obligations during the offender's period of community custody.

15 ~~((+53+))~~ (54) "Victim" means any person who has sustained  
16 emotional, psychological, physical, or financial injury to person or  
17 property as a direct result of the crime charged.

18 ~~((+54+))~~ (55) "Violent offense" means:

19 (a) Any of the following felonies:

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

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

24 (iii) Manslaughter in the first degree;

25 (iv) Manslaughter in the second degree;

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

27 (vi) Kidnapping in the second degree;

28 (vii) Arson in the second degree;

29 (viii) Assault in the second degree;

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

31 (x) Extortion in the first degree;

32 (xi) Robbery in the second degree;

33 (xii) Drive-by shooting;

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

38 (xiv) Vehicular homicide, when proximately caused by the driving  
39 of any vehicle by any person while under the influence of



1 intoxicating liquor or any drug as defined by RCW 46.61.502, or by  
2 the operation of any vehicle in a reckless manner;

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 violent offense in (a) of this subsection; and

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

9 ~~((+55+))~~ (56) "Work crew" means a program of partial confinement  
10 consisting of civic improvement tasks for the benefit of the  
11 community that complies with RCW 9.94A.725.

12 ~~((+56+))~~ (57) "Work ethic camp" means an alternative  
13 incarceration program as provided in RCW 9.94A.690 designed to reduce  
14 recidivism and lower the cost of corrections by requiring offenders  
15 to complete a comprehensive array of real-world job and vocational  
16 experiences, character-building work ethics training, life management  
17 skills development, substance abuse rehabilitation, counseling,  
18 literacy training, and basic adult education.

19 ~~((+57+))~~ (58) "Work release" means a program of partial  
20 confinement available to offenders who are employed or engaged as a  
21 student in a regular course of study at school.

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

24 (1) The department shall supervise the following offenders who  
25 are sentenced to probation in superior court, pursuant to RCW  
26 9.92.060, 9.95.204, or 9.95.210:

27 (a) Offenders convicted of:

28 (i) Sexual misconduct with a minor second degree;

29 (ii) Custodial sexual misconduct second degree;

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

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

32 (b) Offenders who have:

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

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

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

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

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

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

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

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

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

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

26 (f) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660, or  
27 9.94A.670;

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

29 (h) Was convicted and sentenced under RCW 46.61.520 (vehicular  
30 homicide), RCW 46.61.522 (vehicular assault), RCW 46.61.502(6)  
31 (felony DUI), or RCW 46.61.504(6) (felony physical control); or

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

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

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

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

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

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

7       (i) Unless another term of confinement applies, a sentence within  
8 the standard sentence range established in RCW 9.94A.510 (~~(e)~~),  
9 9.94A.517, or section 7 of this act;

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

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

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

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

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

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

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

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

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

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

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

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

37       (3) If the court imposes a sentence requiring confinement of  
38 thirty days or less, the court may, in its discretion, specify that  
39 the sentence be served on consecutive or intermittent days. A  
40 sentence requiring more than thirty days of confinement shall be

1 served on consecutive days. Local jail administrators may schedule  
2 court-ordered intermittent sentences as space permits.

3 (4) If a sentence imposed includes payment of a legal financial  
4 obligation, it shall be imposed as provided in RCW 9.94A.750,  
5 9.94A.753, 9.94A.760, and 43.43.7541.

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

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

14 (7) The court shall order restitution as provided in RCW  
15 9.94A.750 and 9.94A.753.

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

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

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

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

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

33 (2) If the maximum term in the range is greater than one year,  
34 the minimum term in the range shall be no less than seventy-five  
35 percent of the maximum term in the range, except that for murder in  
36 the second degree in seriousness level XIV under RCW 9.94A.510, the  
37 minimum term in the range shall be no less than fifty percent of the  
38 maximum term in the range; and

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

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

6 TABLE 2

7 CRIMES INCLUDED WITHIN  
8 EACH SERIOUSNESS LEVEL

- 9 XVI Aggravated Murder 1 (RCW  
10 10.95.020)
- 11 XV Homicide by abuse (RCW 9A.32.055)  
12 Malicious explosion 1 (RCW  
13 70.74.280(1))  
14 Murder 1 (RCW 9A.32.030)
- 15 XIV Murder 2 (RCW 9A.32.050)  
16 Trafficking 1 (RCW 9A.40.100(1))
- 17 XIII Malicious explosion 2 (RCW  
18 70.74.280(2))  
19 Malicious placement of an explosive 1  
20 (RCW 70.74.270(1))
- 21 XII Assault 1 (RCW 9A.36.011)  
22 Assault of a Child 1 (RCW 9A.36.120)  
23 Malicious placement of an imitation  
24 device 1 (RCW 70.74.272(1)(a))  
25 Promoting Commercial Sexual Abuse  
26 of a Minor (RCW 9.68A.101)  
27 Rape 1 (RCW 9A.44.040)  
28 Rape of a Child 1 (RCW 9A.44.073)  
29 Trafficking 2 (RCW 9A.40.100((2)))  
30 (3)
- 31 XI Manslaughter 1 (RCW 9A.32.060)  
32 Rape 2 (RCW 9A.44.050)  
33 Rape of a Child 2 (RCW 9A.44.076)

1 Vehicular Homicide, by being under  
2 the influence of intoxicating liquor  
3 or any drug (RCW 46.61.520)  
4 X Child Molestation 1 (RCW 9A.44.083)  
5 Criminal Mistreatment 1 (RCW  
6 9A.42.020)  
7 Indecent Liberties (with forcible  
8 compulsion) (RCW  
9 9A.44.100(1)(a))  
10 Kidnapping 1 (RCW 9A.40.020)  
11 Leading Organized Crime (RCW  
12 9A.82.060(1)(a))  
13 Malicious explosion 3 (RCW  
14 70.74.280(3))  
15 Sexually Violent Predator Escape  
16 (RCW 9A.76.115)  
17 IX Abandonment of Dependent Person 1  
18 (RCW 9A.42.060)  
19 Assault of a Child 2 (RCW 9A.36.130)  
20 Explosive devices prohibited (RCW  
21 70.74.180)  
22 Hit and Run—Death (RCW  
23 46.52.020(4)(a))  
24 Homicide by Watercraft, by being  
25 under the influence of intoxicating  
26 liquor or any drug (RCW  
27 79A.60.050)  
28 Inciting Criminal Profiteering (RCW  
29 9A.82.060(1)(b))  
30 Malicious placement of an explosive 2  
31 (RCW 70.74.270(2))  
32 Robbery 1 (RCW 9A.56.200)  
33 Sexual Exploitation (RCW 9.68A.040)  
34 VIII Arson 1 (RCW 9A.48.020)

1 Commercial Sexual Abuse of a Minor  
2 (RCW 9.68A.100)  
3 Homicide by Watercraft, by the  
4 operation of any vessel in a  
5 reckless manner (RCW  
6 79A.60.050)  
7 Manslaughter 2 (RCW 9A.32.070)  
8 Promoting Prostitution 1 (RCW  
9 9A.88.070)  
10 Theft of Ammonia (RCW 69.55.010)  
11 Vehicular Homicide, by the operation  
12 of any vehicle in a reckless  
13 manner (RCW 46.61.520)  
14 VII Burglary 1 (RCW 9A.52.020)  
15 Child Molestation 2 (RCW 9A.44.086)  
16 Civil Disorder Training (RCW  
17 9A.48.120)  
18 Dealing in depictions of minor engaged  
19 in sexually explicit conduct 1  
20 (RCW 9.68A.050(1))  
21 Drive-by Shooting (RCW 9A.36.045)  
22 Homicide by Watercraft, by disregard  
23 for the safety of others (RCW  
24 79A.60.050)  
25 Indecent Liberties (without forcible  
26 compulsion) (RCW 9A.44.100(1)  
27 (b) and (c))  
28 Introducing Contraband 1 (RCW  
29 9A.76.140)  
30 Malicious placement of an explosive 3  
31 (RCW 70.74.270(3))  
32 Negligently Causing Death By Use of a  
33 Signal Preemption Device (RCW  
34 46.37.675)

1 Sending, bringing into state depictions  
2 of minor engaged in sexually  
3 explicit conduct 1 (RCW  
4 9.68A.060(1))  
5 Unlawful Possession of a Firearm in  
6 the first degree (RCW  
7 9.41.040(1))  
8 Use of a Machine Gun in Commission  
9 of a Felony (RCW 9.41.225)  
10 Vehicular Homicide, by disregard for  
11 the safety of others (RCW  
12 46.61.520)  
13 VI Bail Jumping with Murder 1 (RCW  
14 9A.76.170(3)(a))  
15 Bribery (RCW 9A.68.010)  
16 Incest 1 (RCW 9A.64.020(1))  
17 Intimidating a Judge (RCW 9A.72.160)  
18 Intimidating a Juror/Witness (RCW  
19 9A.72.110, 9A.72.130)  
20 Malicious placement of an imitation  
21 device 2 (RCW 70.74.272(1)(b))  
22 Possession of Depictions of a Minor  
23 Engaged in Sexually Explicit  
24 Conduct 1 (RCW 9.68A.070(1))  
25 Rape of a Child 3 (RCW 9A.44.079)  
26 Theft of a Firearm (RCW 9A.56.300)  
27 Unlawful Storage of Ammonia (RCW  
28 69.55.020)  
29 V Abandonment of Dependent Person 2  
30 (RCW 9A.42.070)  
31 Advancing money or property for  
32 extortionate extension of credit  
33 (RCW 9A.82.030)  
34 Bail Jumping with class A Felony  
35 (RCW 9A.76.170(3)(b))  
36 Child Molestation 3 (RCW 9A.44.089)



1 Criminal Mistreatment 2 (RCW  
2 9A.42.030)  
3 Custodial Sexual Misconduct 1 (RCW  
4 9A.44.160)  
5 Dealing in Depictions of Minor  
6 Engaged in Sexually Explicit  
7 Conduct 2 (RCW 9.68A.050(2))  
8 Domestic Violence Court Order  
9 Violation (RCW 10.99.040,  
10 10.99.050, 26.09.300, 26.10.220,  
11 26.26.138, 26.50.110, 26.52.070,  
12 or 74.34.145)  
13 Driving While Under the Influence  
14 (RCW 46.61.502(6))  
15 Extortion 1 (RCW 9A.56.120)  
16 Extortionate Extension of Credit (RCW  
17 9A.82.020)  
18 Extortionate Means to Collect  
19 Extensions of Credit (RCW  
20 9A.82.040)  
21 Incest 2 (RCW 9A.64.020(2))  
22 Kidnapping 2 (RCW 9A.40.030)  
23 Perjury 1 (RCW 9A.72.020)  
24 Persistent prison misbehavior (RCW  
25 9.94.070)  
26 Physical Control of a Vehicle While  
27 Under the Influence (RCW  
28 46.61.504(6))  
29 Possession of a Stolen Firearm (RCW  
30 9A.56.310)  
31 Rape 3 (RCW 9A.44.060)  
32 Rendering Criminal Assistance 1  
33 (RCW 9A.76.070)

1 Sending, Bringing into State  
2 Depictions of Minor Engaged in  
3 Sexually Explicit Conduct 2  
4 (RCW 9.68A.060(2))  
5 Sexual Misconduct with a Minor 1  
6 (RCW 9A.44.093)  
7 Sexually Violating Human Remains  
8 (RCW 9A.44.105)  
9 Stalking (RCW 9A.46.110)  
10 Taking Motor Vehicle Without  
11 Permission 1 (RCW 9A.56.070)  
12 IV Arson 2 (RCW 9A.48.030)  
13 Assault 2 (RCW 9A.36.021)  
14 Assault 3 (of a Peace Officer with a  
15 Projectile Stun Gun) (RCW  
16 9A.36.031(1)(h))  
17 Assault by Watercraft (RCW  
18 79A.60.060)  
19 Bribing a Witness/Bribe Received by  
20 Witness (RCW 9A.72.090,  
21 9A.72.100)  
22 Cheating 1 (RCW 9.46.1961)  
23 Commercial Bribery (RCW  
24 9A.68.060)  
25 ~~((Counterfeiting (RCW 9.16.035(4))))~~  
26 Endangerment with a Controlled  
27 Substance (RCW 9A.42.100)  
28 Escape 1 (RCW 9A.76.110)  
29 Hit and Run—Injury (RCW  
30 46.52.020(4)(b))  
31 Hit and Run with Vessel—Injury  
32 Accident (RCW 79A.60.200(3))  
33 ~~((Identity Theft 1 (RCW 9.35.020(2))))~~

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

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

6 Malicious Harassment (RCW  
7 9A.36.080)

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

11 Residential Burglary (RCW  
12 9A.52.025)

13 Robbery 2 (RCW 9A.56.210)

14 ~~((Theft of Livestock 1 (RCW  
15 9A.56.080)))~~

16 Threats to Bomb (RCW 9.61.160)

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

19 ~~Unlawful factoring of a credit card or  
20 payment card transaction (RCW  
21 9A.56.290(4)(b))))~~

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

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

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

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

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

1 Vehicle Prowling 2 (third or  
2 subsequent offense) (RCW  
3 9A.52.100(3))  
4 Vehicular Assault, by being under the  
5 influence of intoxicating liquor or  
6 any drug, or by the operation or  
7 driving of a vehicle in a reckless  
8 manner (RCW 46.61.522)  
9 Viewing of Depictions of a Minor  
10 Engaged in Sexually Explicit  
11 Conduct 1 (RCW 9.68A.075(1))  
12 Willful Failure to Return from  
13 Furlough (RCW 72.66.060)  
14 III Animal Cruelty 1 (Sexual Conduct or  
15 Contact) (RCW 16.52.205(3))  
16 Assault 3 (Except Assault 3 of a Peace  
17 Officer With a Projectile Stun  
18 Gun) (RCW 9A.36.031 except  
19 subsection (1)(h))  
20 Assault of a Child 3 (RCW 9A.36.140)  
21 Bail Jumping with class B or C Felony  
22 (RCW 9A.76.170(3)(c))  
23 ~~((Burglary 2 (RCW 9A.52.030)))~~  
24 Communication with a Minor for  
25 Immoral Purposes (RCW  
26 9.68A.090)  
27 Criminal Gang Intimidation (RCW  
28 9A.46.120)  
29 Custodial Assault (RCW 9A.36.100)  
30 Cyberstalking (subsequent conviction  
31 or threat of death) (RCW  
32 9.61.260(3))  
33 Escape 2 (RCW 9A.76.120)  
34 Extortion 2 (RCW 9A.56.130)  
35 Harassment (RCW 9A.46.020)

1 Intimidating a Public Servant (RCW  
2 9A.76.180)  
3 Introducing Contraband 2 (RCW  
4 9A.76.150)  
5 Malicious Injury to Railroad Property  
6 (RCW 81.60.070)  
7 Mortgage Fraud (RCW 19.144.080)  
8 Negligently Causing Substantial  
9 Bodily Harm By Use of a Signal  
10 Preemption Device (RCW  
11 46.37.674)  
12 ~~((Organized Retail Theft 1 (RCW~~  
13 ~~9A.56.350(2))))~~  
14 Perjury 2 (RCW 9A.72.030)  
15 Possession of Incendiary Device (RCW  
16 9.40.120)  
17 Possession of Machine Gun or Short-  
18 Barreled Shotgun or Rifle (RCW  
19 9.41.190)  
20 Promoting Prostitution 2 (RCW  
21 9A.88.080)  
22 ~~((Retail Theft with Special~~  
23 ~~Circumstances 1 (RCW~~  
24 ~~9A.56.360(2))))~~  
25 Securities Act violation (RCW  
26 21.20.400)  
27 Tampering with a Witness (RCW  
28 9A.72.120)  
29 Telephone Harassment (subsequent  
30 conviction or threat of death)  
31 (RCW 9.61.230(2))  
32 ~~((Theft of Livestock 2 (RCW~~  
33 ~~9A.56.083)~~  
34 ~~Theft with the Intent to Resell 1 (RCW~~  
35 ~~9A.56.340(2))~~

1 Trafficking in Stolen Property 2 (RCW  
2 9A.82.055)  
3 ~~Unlawful Hunting of Big Game 1~~  
4 ~~(RCW 77.15.410(3)(b))~~)  
5 Unlawful Imprisonment (RCW  
6 9A.40.040)  
7 Unlawful Misbranding of Food Fish or  
8 Shellfish 1 (RCW 69.04.938(3))  
9 Unlawful possession of firearm in the  
10 second degree (RCW 9.41.040(2))  
11 Unlawful Taking of Endangered Fish  
12 or Wildlife 1 (RCW  
13 77.15.120(3)(b))  
14 Unlawful Trafficking in Fish, Shellfish,  
15 or Wildlife 1 (RCW  
16 77.15.260(3)(b))  
17 Unlawful Use of a Nondesignated  
18 Vessel (RCW 77.15.530(4))  
19 Vehicular Assault, by the operation or  
20 driving of a vehicle with disregard  
21 for the safety of others (RCW  
22 46.61.522)  
23 Willful Failure to Return from Work  
24 Release (RCW 72.65.070)  
25 II ~~((Commercial Fishing Without a~~  
26 ~~License 1 (RCW~~  
27 ~~77.15.500(3)(b))~~)  
28 Computer Trespass 1 (RCW  
29 9A.52.110)  
30 ~~((Counterfeiting (RCW 9.16.035(3))~~  
31 ~~Engaging in Fish Dealing Activity~~  
32 ~~Unlicensed 1 (RCW~~  
33 ~~77.15.620(3))~~)  
34 Escape from Community Custody  
35 (RCW 72.09.310)

1 Failure to Register as a Sex Offender  
2 (second or subsequent offense)  
3 (RCW 9A.44.132)  
4 ~~((Health Care False Claims (RCW~~  
5 ~~48.80.030)~~  
6 Identity Theft 2 (RCW 9.35.020(3)))  
7 Improperly Obtaining Financial  
8 Information (RCW 9.35.010)  
9 ~~((Malicious Mischief 1 (RCW~~  
10 ~~9A.48.070)~~  
11 Organized Retail Theft 2 (RCW  
12 9A.56.350(3))  
13 Possession of Stolen Property 1 (RCW  
14 9A.56.150)  
15 Possession of a Stolen Vehicle (RCW  
16 9A.56.068)  
17 Retail Theft with Special  
18 Circumstances 2 (RCW  
19 9A.56.360(3))  
20 Scrap Processing, Recycling, or  
21 Supplying Without a License  
22 (second or subsequent offense)  
23 (RCW 19.290.100)  
24 Theft 1 (RCW 9A.56.030)  
25 Theft of a Motor Vehicle (RCW  
26 9A.56.065)  
27 Theft of Rental, Leased, or Lease-  
28 purchased Property (valued at one  
29 thousand five hundred dollars or  
30 more) (RCW 9A.56.096(5)(a))  
31 Theft with the Intent to Resell 2 (RCW  
32 9A.56.340(3))  
33 Trafficking in Insurance Claims (RCW  
34 48.30A.015)

1 Unlawful factoring of a credit card or  
2 payment card transaction (RCW  
3 9A.56.290(4)(a)))  
4 Unlawful Participation of Non-Indians  
5 in Indian Fishery (RCW  
6 77.15.570(2))  
7 Unlawful Practice of Law (RCW  
8 2.48.180)  
9 Unlawful Purchase or Use of a License  
10 (RCW 77.15.650(3)(b))  
11 Unlawful Trafficking in Fish, Shellfish,  
12 or Wildlife 2 (RCW  
13 77.15.260(3)(a))  
14 Unlicensed Practice of a Profession or  
15 Business (RCW 18.130.190(7))  
16 Voyeurism (RCW 9A.44.115)  
17 I Attempting to Elude a Pursuing Police  
18 Vehicle (RCW 46.61.024)  
19 ~~((False Verification for Welfare (RCW~~  
20 ~~74.08.055)~~  
21 ~~Forgery (RCW 9A.60.020)))~~  
22 Fraudulent Creation or Revocation of a  
23 Mental Health Advance Directive  
24 (RCW 9A.60.060)  
25 ~~((Malicious Mischief 2 (RCW~~  
26 ~~9A.48.080)))~~  
27 Mineral Trespass (RCW 78.44.330)  
28 ~~((Possession of Stolen Property 2~~  
29 ~~(RCW 9A.56.160)~~  
30 ~~Reckless Burning 1 (RCW~~  
31 ~~9A.48.040)))~~  
32 Spotlighting Big Game 1 (RCW  
33 77.15.450(3)(b))  
34 Suspension of Department Privileges 1  
35 (RCW 77.15.670(3)(b))



1 ((Taking Motor Vehicle Without  
2 Permission 2 (RCW 9A.56.075)  
3 Theft 2 (RCW 9A.56.040)  
4 Theft of Rental, Leased, or Lease-  
5 purchased Property (valued at two  
6 hundred fifty dollars or more but  
7 less than one thousand five  
8 hundred dollars) (RCW  
9 9A.56.096(5)(b))))  
10 Transaction of insurance business  
11 beyond the scope of licensure  
12 (RCW 48.17.063)  
13 Unlawful Fish and Shellfish Catch  
14 Accounting (RCW  
15 77.15.630(3)(b))  
16 ((Unlawful Issuance of Checks or  
17 Drafts (RCW 9A.56.060)  
18 Unlawful Possession of Fictitious  
19 Identification (RCW 9A.56.320)  
20 Unlawful Possession of Instruments of  
21 Financial Fraud (RCW 9A.56.320)  
22 Unlawful Possession of Payment  
23 Instruments (RCW 9A.56.320)  
24 Unlawful Possession of a Personal  
25 Identification Device (RCW  
26 9A.56.320)  
27 Unlawful Production of Payment  
28 Instruments (RCW 9A.56.320)  
29 Unlawful Release of Deleterious  
30 Exotic Wildlife (RCW  
31 77.15.250(2)(b))  
32 Unlawful Trafficking in Food Stamps  
33 (RCW 9.91.142)  
34 Unlawful Use of Food Stamps (RCW  
35 9.91.144))

1 Unlawful Use of Net to Take Fish 1

2 (RCW 77.15.580(3)(b))

3 Unlawful Use of Prohibited Aquatic

4 Animal Species (RCW

5 77.15.253(3))

6 Unlawfully Releasing, Planting,

7 Possessing, or Placing Deleterious

8 Exotic Wildlife (RCW

9 77.15.250(2)(b)

10 Vehicle Prowl 1 (RCW 9A.52.095)

11 Violating Commercial Fishing Area or

12 Time 1 (RCW 77.15.550(3)(b))

13 NEW SECTION. **Sec. 7.**

14 (1)

15 TABLE 5 - PROPERTY OFFENSE SENTENCING GRID

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

28 References to days and months represent the standard sentence  
29 range.

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

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

4 NEW SECTION. **Sec. 8.**

5 TABLE 6 - PROPERTY OFFENSES  
6 INCLUDED WITHIN EACH SERIOUSNESS LEVEL

7	IV	Counterfeiting (RCW 9.16.035(4))
8		Identity Theft 1 (RCW 9.35.020(2))
9		Theft of Livestock 1 (RCW 9A.56.080)
10		Trafficking in Stolen Property 1 (RCW
11		9A.82.050)
12		Unlawful Factoring of a Credit Card or
13		Payment Card Transaction (RCW
14		9A.56.290(4)(b))
15	III	Burglary 2 (RCW 9A.52.030)
16		Organized Retail Theft 1 (RCW
17		9A.56.350(2))
18		Retail Theft with Special Circumstances 1
19		(RCW 9A.56.360(2))
20		Theft of Livestock 2 (RCW 9A.56.083)
21		Theft with the Intent to Resell 1 (RCW
22		9A.56.340(2))
23		Trafficking in Stolen Property 2 (RCW
24		9A.82.055)
25		Unlawful Hunting of Big Game 1 (RCW
26		77.15.410(3)(b))
27	II	Commercial Fishing Without a License 1
28		(RCW 77.15.500(3)(b))
29		Counterfeiting (RCW 9.16.035(3))
30		Engaging in Fish Dealing Activity
31		Unlicensed 1 (RCW 77.15.620(3)(b))
32		Health Care False Claims (RCW 48.80.030)
33		Identity Theft 2 (RCW 9.35.020(3))
34		Malicious Mischief 1 (RCW 9A.48.070)

1 Organized Retail Theft 2 (RCW  
2 9A.56.350(3))  
3 Possession of Stolen Property 1 (RCW  
4 9A.56.150)  
5 Possession of a Stolen Vehicle (RCW  
6 9A.56.068)  
7 Retail Theft with Special Circumstances 2  
8 (RCW 9A.56.360(3))  
9 Scrap Processing, Recycling, or Supplying  
10 Without a License (second or  
11 subsequent offense) (RCW  
12 19.290.100(2)(b))  
13 Theft 1 (RCW 9A.56.030)  
14 Theft of a Motor Vehicle (RCW 9A.56.065)  
15 Theft of Rental, Leased, or Lease-  
16 purchased, or Loaned Property (valued  
17 at five thousand dollars or more) (RCW  
18 9A.56.096(5)(a))  
19 Theft with the Intent to Resell 2 (RCW  
20 9A.56.340(3))  
21 Trafficking in Insurance Claims (RCW  
22 48.30A.015)  
23 Unlawful Factoring of a Credit Card or  
24 Payment Card Transaction (RCW  
25 9A.56.290(4)(a))  
26 I False Verification for Welfare (RCW  
27 74.08.055)  
28 Forgery (RCW 9A.60.020)  
29 Malicious Mischief 2 (RCW 9A.48.080)  
30 Possession of Stolen Property 2 (RCW  
31 9A.56.160)  
32 Reckless Burning 1 (RCW 9A.48.040)  
33 Taking Motor Vehicle Without Permission  
34 2 (RCW 9A.56.075)  
35 Theft 2 (RCW 9A.56.040)

1 Theft of Rental, Leased, Lease-purchased,  
2 or Loan Property (valued at seven  
3 hundred fifty dollars or more but less  
4 than five thousand dollars) (RCW  
5 9A.56.096(5)(b))  
6 Unlawful Issuance of Checks or Drafts  
7 (RCW 9A.56.060)  
8 Unlawful Possession of Fictitious  
9 Identification (RCW 9A.56.320(4))  
10 Unlawful Possession of Instruments of  
11 Financial Fraud (RCW 9A.56.320(5))  
12 Unlawful Possession of Payment  
13 Instruments (RCW 9A.56.320(2))  
14 Unlawful Possession of a Personal  
15 Identification Device (RCW  
16 9A.56.320(3))  
17 Unlawful Production of Payment  
18 Instruments (RCW 9A.56.320(1))  
19 Unlawful Trafficking in Food Stamps  
20 (RCW 9.91.142)  
21 Unlawful Use of Food Stamps (RCW  
22 9.91.144)

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

25 (1) A sentence within the standard sentence range, under RCW  
26 9.94A.510 ~~((or))~~, 9.94A.517, or section 7 of this act, for an offense  
27 shall not be appealed. For purposes of this section, a sentence  
28 imposed on a first-time offender under RCW 9.94A.650 shall also be  
29 deemed to be within the standard sentence range for the offense and  
30 shall not be appealed.

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

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

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

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

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

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

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

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

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

33 (b) A serious violent offense.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (a) A sex offense;

39 (b) A violent offense;

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

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

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

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

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

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

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

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

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

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



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

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

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

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

14 (1) The sentencing guidelines commission is hereby created(~~(~~  
15 ~~located within the office of financial management. Except as provided~~  
16 ~~in RCW 9.94A.875, the commission shall serve to advise the governor~~  
17 ~~and the legislature as necessary on issues relating to adult and~~  
18 ~~juvenile sentencing)). The commission may meet, as necessary, to~~  
19 accomplish these purposes within funds appropriated. The commission  
20 shall be colocated with the caseload forecast council and the  
21 caseload forecast council shall provide administrative support  
22 services for the commission.

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

28 (3) The voting membership consists of the following:

29 (a) The (~~head of the state agency having general responsibility~~  
30 ~~for adult correction programs)) secretary of the department having  
31 general responsibility for adult corrections programs, as an ex  
32 officio member;~~

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

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

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

- 1 (e) Two prosecuting attorneys;
- 2 (f) Two attorneys with particular expertise in defense work;
- 3 (g) (~~Four~~) Two persons who are superior court judges;
- 4 (h) One person who is the chief law enforcement officer of a  
5 county (~~or~~) and one person who is the chief law enforcement officer  
6 of a city;
- 7 (i) Four members of the public who are not prosecutors, defense  
8 attorneys, judges, or law enforcement officers, one of whom is a  
9 victim of crime or a crime victims' advocate;
- 10 (j) One person who is an elected official of a county government,  
11 other than a prosecuting attorney or sheriff;
- 12 (k) One person who is an elected official of a city government;
- 13 (l) One person who is an administrator of juvenile court  
14 services;
- 15 (m) The chief justice of the supreme court or the chief justice's  
16 designee, as an ex officio member.

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

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

38 (b) The governor shall stagger the terms of the members appointed  
39 under subsection (3)(j), (k), and (l) of this section by appointing

1 one of them for a term of one year, one for a term of two years, and  
2 one for a term of three years.

3 (5) The speaker of the house of representatives and the president  
4 of the senate may each appoint two nonvoting members to the  
5 commission, one from each of the two largest caucuses in each house.  
6 The members so appointed shall serve two-year terms, or until they  
7 cease to be members of the house from which they were appointed,  
8 whichever occurs first.

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

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

17 NEW SECTION. **Sec. 14.** Subject to funds appropriated  
18 specifically for this purpose:

19 (1) Not less than once per biennium, the commission working in  
20 conjunction with the caseload forecast council and other entities, as  
21 needed, shall review:

22 (a) Property crime rates;

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

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

27 (d) Racial disproportionality impacts; and

28 (e) New programs implemented through grant funding established  
29 pursuant to sections 16 and 17 of this act.

30 (2) No later than January 1st of each odd-numbered year, the  
31 commission shall submit a report to the appropriate committees of the  
32 legislature that includes:

33 (a) The determinations described in subsection (1) of this  
34 section and describes the methodology employed by the commission in  
35 reaching those determinations;

36 (b) An overview and the effectiveness of the law enforcement  
37 grant program under section 16 of this act.

38 (3) The commission may request assistance from other state  
39 agencies including, but not limited to, the caseload forecast

1 council, the department of corrections, the department of social and  
2 health services, and other agencies.

3 NEW SECTION. **Sec. 15.** (1) The caseload forecast council shall  
4 provide administrative support to the commission.

5 (2)(a) All reports, documents, surveys, books, records, files,  
6 papers, or written materials in the possession of the office of  
7 financial management specifically for the commission shall be  
8 delivered to the custody of the caseload forecast council. All funds,  
9 credits, or other assets held by the office of financial management  
10 specifically for the commission shall be assigned to the caseload  
11 forecast council.

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

19 (3) All rules and all pending business before the commission on  
20 the effective date of this section shall be continued. All existing  
21 contracts and obligations shall remain in full force and shall be  
22 performed by the caseload forecast council.

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

26 (5) If apportionments of budgeted funds are required because of  
27 the transfers directed by this section, the director of financial  
28 management shall certify the apportionments to the agencies affected,  
29 the state auditor, and the state treasurer. Each of these shall make  
30 the appropriate transfer and adjustments in funds and appropriation  
31 accounts and equipment records in accordance with the certification.

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

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

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

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

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

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

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

25 (3) The department of commerce shall attempt to utilize national  
26 resources and expertise on policing.

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

32 (a) Governor's office;

33 (b) Washington state association of counties;

34 (c) Washington association of prosecuting attorneys;

35 (d) Administrative office of the courts;

36 (e) Washington association of sheriffs and police chiefs;

37 (f) Crime victims' compensation program;

38 (g) Department of corrections;

39 (h) Washington state patrol;

40 (i) Washington auto theft prevention authority; and

1 (j) Washington state criminal justice training commission.

2 (5) The department of commerce shall provide an annual report to  
3 the commission that provides an overview of the grants distributed  
4 and the effectiveness of the grant projects in terms of property  
5 crime reduction.

6 NEW SECTION. **Sec. 17.** (1) Grants awarded under section 16 of  
7 this act shall be considered one-time grants and may be renewed for  
8 effective programs as determined by the department of commerce. The  
9 department of commerce shall consult with counties and local law  
10 enforcement agencies when determining grant eligibility requirements  
11 and criteria. The department of commerce shall publish guidelines and  
12 an application for the competitive portion of the grant programs no  
13 later than January 1, 2016.

14 (2) The department of commerce shall monitor and enforce grant  
15 compliance, including enforcement by withdrawing grant funds or  
16 requiring reimbursement of grant funds.

17 (3) The department of commerce may adopt rules and procedures as  
18 necessary to carry out section 16 of this act.

19 (4) A grantee may not supplant current local funds for law  
20 enforcement with funds provided by the department of commerce under  
21 section 16 of this act.

22 NEW SECTION. **Sec. 18.** The following acts or parts of acts, as  
23 now existing or hereafter amended, are each repealed, effective June  
24 30, 2022:

- 25 (1) Section 1 of this act;
- 26 (2) Section 2 of this act;
- 27 (3) Section 3 of this act;
- 28 (4) Section 4 of this act;
- 29 (5) Section 5 of this act;
- 30 (6) Section 6 of this act;
- 31 (7) Section 7 of this act;
- 32 (8) Section 8 of this act;
- 33 (9) Section 9 of this act;
- 34 (10) Section 10 of this act;
- 35 (11) Section 11 of this act;
- 36 (12) Section 12 of this act;
- 37 (13) Section 13 of this act;
- 38 (14) Section 14 of this act;

1 (15) Section 15 of this act;  
2 (16) Section 16 of this act; and  
3 (17) Section 17 of this act.

4 NEW SECTION. **Sec. 19.** Sections 7, 8, and 14 through 16 of this  
5 act are each added to chapter 9.94A RCW.

6 NEW SECTION. **Sec. 20.** If any provision of this act or its  
7 application to any person or circumstance is held invalid, the  
8 remainder of the act or the application of the provision to other  
9 persons or circumstances is not affected.

10 NEW SECTION. **Sec. 21.** If specific funding for the purposes of  
11 this act, referencing this act by bill or chapter number, is not  
12 provided by June 30, 2015, in the omnibus appropriations act, this  
13 act is null and void.

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