
HOUSE BILL 1280

State of Washington

54th Legislature

1995 Regular Session

By Representatives Sherstad, Radcliff, Ballasiotes, Blanton, Cole, Tokuda and Dickerson; by request of Department of Corrections

Read first time 01/19/95. Referred to Committee on Corrections.

1 AN ACT Relating to offenders' noncompliance with conditions or
2 requirements of sentences; amending RCW 9.94A.200; and prescribing
3 penalties.

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

5 **Sec. 1.** RCW 9.94A.200 and 1989 c 252 s 7 are each amended to read
6 as follows:

7 (1) If an offender violates any condition or requirement of a
8 sentence, the court may modify its order of judgment and sentence and
9 impose further punishment in accordance with this section.

10 (2) If an offender fails to comply with any of the requirements or
11 conditions of a sentence the following provisions apply:

12 (a)(i) Following the violation, if the offender and the department
13 make a stipulated agreement, the department may impose sanctions such
14 as work release, home detention with electronic monitoring, work crew,
15 community service, inpatient treatment, daily reporting, curfew,
16 educational or counseling sessions, supervision enhanced through
17 electronic monitoring, jail time, or other sanctions available in the
18 community.

1 (ii) Within seventy-two hours of signing the stipulated agreement,
2 the department shall submit a report to the court and the prosecuting
3 attorney outlining the violation or violations, and sanctions imposed.
4 Within fifteen days of receipt of the report, if the court is not
5 satisfied with the sanctions, the court may schedule a hearing and may
6 modify the department's sanctions. If this occurs, the offender may
7 withdraw from the stipulated agreement.

8 (iii) If the offender fails to comply with the sanction
9 administratively imposed by the department, the court may take action
10 regarding the original noncompliance. Offender failure to comply with
11 the sanction administratively imposed by the department may be
12 considered an additional violation.

13 (b) In the absence of a stipulated agreement, or where the court
14 is not satisfied with the department's sanctions as provided in (a) of
15 this subsection, the court, upon the motion of the state, or upon its
16 own motion, shall require the offender to show cause why the offender
17 should not be punished for the noncompliance. The court may issue a
18 summons or a warrant of arrest for the offender's appearance;

19 (~~(b)~~) (c) The state has the burden of showing noncompliance by a
20 preponderance of the evidence. If the court finds that the violation
21 has occurred, it may order the offender to be confined for a period not
22 to exceed sixty days for each violation, and may (i) convert a term of
23 partial confinement to total confinement, (ii) convert community
24 service obligation to total or partial confinement, (~~(e)~~) (iii)
25 convert monetary obligations, except restitution and the crime victim
26 penalty assessment, to community service hours at the rate of the state
27 minimum wage as established in RCW 49.46.020 for each hour of community
28 service, or (iv) order one or more of the penalties authorized in
29 (a)(i) of this subsection. Any time served in confinement awaiting a
30 hearing on noncompliance shall be credited against any confinement
31 order by the court; and

32 (~~(e)~~) (d) If the court finds that the violation was not willful,
33 the court may modify its previous order regarding payment of legal
34 financial obligations and regarding community service obligations.

35 (3) Nothing in this section prohibits the filing of escape charges
36 if appropriate.

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