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HOUSE BILL 2781

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State of Washington

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2010 Regular Session

By Representatives Hurst, Morrell, Kelley, Wallace, Pearson, Ericks, Klippert, Conway, Haigh, Roach, and Simpson; by request of Department of Corrections

Read first time 01/14/10. Referred to Committee on Public Safety & Emergency Preparedness.

1 AN ACT Relating to imposing a sanction for offenders who violate  
2 sentence conditions by committing an assault against a law enforcement  
3 officer, employee of a law enforcement agency, or department of  
4 corrections employee; amending RCW 9.94A.633; and prescribing  
5 penalties.

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

7 **Sec. 1.** RCW 9.94A.633 and 2009 c 375 s 12 are each amended to read  
8 as follows:

9 (1)(a) An offender who violates any condition or requirement of a  
10 sentence may be sanctioned with up to sixty days' confinement for each  
11 violation.

12 (b) In lieu of confinement, an offender may be sanctioned with work  
13 release, home detention with electronic monitoring, work crew,  
14 community restitution, inpatient treatment, daily reporting, curfew,  
15 educational or counseling sessions, supervision enhanced through  
16 electronic monitoring, or any other sanctions available in the  
17 community.

18 (2) If an offender was under community custody pursuant to one of  
19 the following statutes, the offender may be sanctioned as follows:

1 (a) If the offender was transferred to community custody in lieu of  
2 earned early release in accordance with RCW 9.94A.728((+2)), the  
3 offender may be transferred to a more restrictive confinement status to  
4 serve up to the remaining portion of the sentence, less credit for any  
5 period actually spent in community custody or in detention awaiting  
6 disposition of an alleged violation.

7 (b) If the offender was sentenced under the drug offender  
8 sentencing alternative set out in RCW 9.94A.660, the offender may be  
9 sanctioned in accordance with that section.

10 (c) If the offender was sentenced under the special ((~~sexual~~  
11 ~~{sex}~~) sex offender sentencing alternative set out in RCW 9.94A.670,  
12 the suspended sentence may be revoked and the offender committed to  
13 serve the original sentence of confinement.

14 (d) If the offender was sentenced to a work ethic camp pursuant to  
15 RCW 9.94A.690, the offender may be reclassified to serve the unexpired  
16 term of his or her sentence in total confinement.

17 (e) If a sex offender was sentenced pursuant to RCW 9.94A.507, the  
18 offender may be transferred to a more restrictive confinement status to  
19 serve up to the remaining portion of the sentence, less credit for any  
20 period actually spent in community custody or in detention awaiting  
21 disposition of an alleged violation.

22 (3) If a probationer is being supervised by the department pursuant  
23 to RCW 9.92.060, 9.95.204, or 9.95.210, the probationer may be  
24 sanctioned pursuant to subsection (1) of this section. The department  
25 shall have authority to issue a warrant for the arrest of an offender  
26 who violates a condition of community custody, as provided in RCW  
27 9.94A.716. Any sanctions shall be imposed by the department pursuant  
28 to RCW 9.94A.737. The department shall provide a copy of the violation  
29 hearing report to the sentencing court in a timely manner. Nothing in  
30 this subsection is intended to limit the power of the sentencing court  
31 to respond to a probationer's violation of conditions.

32 (4) Notwithstanding subsections (1) through (3) of this section, if  
33 any offender violates any condition or requirement of a sentence by  
34 committing an assault against a law enforcement officer or other  
35 employee of a law enforcement agency, or employee of the department,  
36 who was performing his or her official duties at the time of the  
37 assault, he or she shall be sanctioned with one year in total  
38 confinement. This sanction shall be served consecutive to any other

1 sanction for any other violation. Under no circumstances may this  
2 sanction and any other confinement period or term of supervision exceed  
3 the maximum sentence allowed.

4 (5) For the purposes of this section, "law enforcement officer"  
5 means any public employee or volunteer having as a primary function,  
6 the enforcement of criminal laws in general, or any employee or  
7 volunteer of, or any individual commissioned by, any municipal, county,  
8 state, or combination thereof, agency having as its primary function  
9 the enforcement of criminal laws in general.

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