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HOUSE BILL 3117

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State of Washington                      61st Legislature                      2010 Regular Session

By Representatives Klippert, O'Brien, McCune, Wallace, and Roach

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

1            AN ACT Relating to limiting alternatives to confinement for certain  
2 offenders who violate terms of community custody; and amending RCW  
3 9.94A.633.

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

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

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

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

16            (i) Who is being supervised for a domestic violence offense as  
17 provided in RCW 10.99.020; or

18            (ii) Who commits a violation while armed with a deadly weapon as  
19 defined in RCW 9.94A.825.

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

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

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

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

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

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

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

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