
HOUSE BILL 1193

State of Washington

62nd Legislature

2011 Regular Session

By Representatives Kelley and Ladenburg

Read first time 01/14/11. Referred to Committee on Public Safety & Emergency Preparedness.

1 AN ACT Relating to a violation of any condition or requirement by
2 an offender; and reenacting and amending RCW 9.94A.633.

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

4 **Sec. 1.** RCW 9.94A.633 and 2010 c 258 s 1 and 2010 c 224 s 12 are
5 each reenacted and amended to read as follows:

6 (1)(a) An offender who violates any condition or requirement of a
7 sentence:

8 (i) May be sanctioned with up to sixty days' confinement for each
9 violation; and

10 (ii) Must serve a mandatory minimum term of forty-eight hours in
11 total confinement for each violation.

12 (b) In lieu of confinement under (a)(i) of this subsection, an
13 offender may be sanctioned with work release, home detention with
14 electronic monitoring, work crew, community restitution, inpatient
15 treatment, daily reporting, curfew, educational or counseling sessions,
16 supervision enhanced through electronic monitoring, or any other
17 sanctions available in the 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, the offender may
3 be transferred to a more restrictive confinement status to serve up to
4 the remaining portion of the sentence, less credit for any period
5 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 parenting sentencing
11 alternative set out in RCW 9.94A.655, the offender may be sanctioned in
12 accordance with that section.

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

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

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

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

35 (4) The parole or probation of an offender who is charged with a
36 new felony offense may be suspended and the offender placed in total
37 confinement pending disposition of the new criminal charges if:

38 (a) The offender is on parole pursuant to RCW 9.95.110(1); or

1 (b) The offender is being supervised pursuant to RCW 9.94A.745 and
2 is on parole or probation pursuant to the laws of another state.

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