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SENATE BILL 5790

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State of Washington

62nd Legislature

2011 Regular Session

By Senators Hargrove, Stevens, Regala, and Shin

Read first time 02/14/11. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to crime-related boards and commissions; amending  
2 RCW 9.95.003, 9.95.005, 9.95.007, 9.95.140, 9.95.280, 9.95.300,  
3 9.96.050, 71.05.385, 72.09.585, 9.94A.480, 9.94A.863, 13.50.010,  
4 9.94A.74501, 9.94A.855, 9.94A.870, 9.94A.875, 9A.52.025, 10.98.140,  
5 10.98.160, 72.09.350, and 72.66.016; reenacting and amending RCW  
6 9.94A.030, 70.96A.350, and 43.15.020; adding a new section to chapter  
7 43.280 RCW; decodifying RCW 4.24.5502; repealing RCW 13.40.005,  
8 9.94A.850, 9.94A.860, 9.94A.8671, 9.94A.8672, 9.94A.8673, 9.94A.8674,  
9 9.94A.8675, 9.94A.8676, 9.94A.8677, and 9.94A.8678; providing an  
10 effective date; and declaring an emergency.

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

12 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.280 RCW  
13 to read as follows:

14 (1) The office of crime victims advocacy shall establish, staff,  
15 and maintain a sex offender policy board. In addition to the office of  
16 crime victims advocacy, the board shall consist of members as set forth  
17 in this subsection. Unless the member is specifically named in this  
18 section, the following organizations shall designate a person to sit on  
19 the board:

- 1 (a) The Washington association of sheriffs and police chiefs;  
2 (b) The Washington association of prosecuting attorneys;  
3 (c) The Washington association of criminal defense lawyers;  
4 (d) The chair of the indeterminate sentence review board or his or  
5 her designee;  
6 (e) The Washington association for the treatment of sex abusers;  
7 (f) The secretary of the department of corrections or his or her  
8 designee;  
9 (g) The Washington state superior court judges' association;  
10 (h) The assistant secretary of the juvenile rehabilitation  
11 administration or his or her designee;  
12 (i) The Washington association of sexual assault programs;  
13 (j) The director of the special commitment center or his or her  
14 designee; and  
15 (k) A representative of the criminal justice division in the  
16 attorney general's office.
- 17 (2) The board shall choose its chair by majority vote from its  
18 members. The chair's term shall be two years.
- 19 (3) The Washington institute for public policy shall act as an  
20 advisor to the board.
- 21 (4) The board shall meet at least quarterly, or more frequently  
22 when relevant issues arise. To the extent practicable, board decisions  
23 are by consensus.
- 24 (5) The board's duties shall consist of:
- 25 (a) Responding to requests from the governor or the legislature to  
26 undertake projects to assist policymakers in making informed judgments  
27 about issues relating to sex offender policy. The board shall decide  
28 which requests can be acted upon within appropriated resources;
- 29 (b) Conducting case reviews of sex offense incidents as requested  
30 by the governor or members of the legislature to understand performance  
31 of Washington's sex offender prevention and response systems; and  
32 (c) Responding to legislative mandates to review specific issues  
33 related to sex offender management in the state.
- 34 (6) The board shall report by December 1st of each year to the  
35 governor and the legislature with:
- 36 (a) A staff review of new research and evidence-based practices  
37 relating to the risk assessment, treatment, and monitoring of sex  
38 offenders in the community;

1 (b) A reporting of the board's activities as directed in subsection  
2 (5) of this section, including relevant background, policy options  
3 discussed, and the pros and cons of those various options; and

4 (c) Recommendations formulated by the board as well as any relevant  
5 minority reports.

6 (7) Members of the board shall receive no compensation for their  
7 services as members of the board, but may be reimbursed for travel and  
8 other expenses in accordance with state law.

9 **Sec. 2.** RCW 9.95.003 and 2007 c 362 s 1 are each amended to read  
10 as follows:

11 (1) The board shall consist of a ((chairman)) chair and four other  
12 members, each of whom shall be appointed by the governor with the  
13 consent of the senate. Each member shall hold office for a term of  
14 five years, and until his or her successor is appointed and qualified.  
15 The terms shall expire on April 15th of the expiration year. Vacancies  
16 in the membership of the board shall be filled by appointment by the  
17 governor with the consent of the senate. In the event of the inability  
18 of any member to act, the governor shall appoint some competent person  
19 to act in his stead during the continuance of such inability. The  
20 members shall not be removable during their respective terms except for  
21 cause determined by the superior court of Thurston county. The  
22 governor in appointing the members shall designate one of them to serve  
23 as ((chairman)) chair at the governor's pleasure. The appointed  
24 ((chairman)) chair shall serve as a fully participating board member  
25 ((and as the director of the agency)).

26 (2) The department shall provide administrative and staff support  
27 for the board. The secretary may employ a senior administrative  
28 officer and such other personnel as may be necessary to assist the  
29 board in carrying out its duties.

30 (3) The members of the board and ((its officers and employees))  
31 staff assigned to the board shall not engage in any other business or  
32 profession or hold any other public office without the prior approval  
33 of the executive ethics board indicating compliance with RCW 42.52.020,  
34 42.52.030, 42.52.040 and 42.52.120; nor shall they, at the time of  
35 appointment or employment or during their incumbency, serve as the  
36 representative of any political party on an executive committee or  
37 other governing body thereof, or as an executive officer or employee of

1 any political committee or association. The members of the board shall  
2 each severally receive salaries fixed by the governor in accordance  
3 with the provisions of RCW 43.03.040, and in addition shall receive  
4 travel expenses incurred in the discharge of their official duties in  
5 accordance with RCW 43.03.050 and 43.03.060.

6 ~~((The board may employ, and fix, with the approval of the governor,  
7 the compensation of and prescribe the duties of a senior administrative  
8 officer and such officers, employees, and assistants as may be  
9 necessary, and provide necessary quarters, supplies, and equipment.))~~

10 **Sec. 3.** RCW 9.95.005 and 2001 2nd sp.s. c 12 s 318 are each  
11 amended to read as follows:

12 The board shall meet at major state correctional institutions at  
13 such times as may be necessary for a full and complete study of the  
14 cases of all convicted persons whose durations of confinement are to be  
15 determined by it; whose community custody supervision is under the  
16 board's authority; or whose applications for parole come before it.  
17 Other times and places of meetings may also be fixed by the board.

18 The superintendents of the different institutions shall provide  
19 suitable quarters for the board ~~((and assistants))~~ while in the  
20 discharge of their duties.

21 **Sec. 4.** RCW 9.95.007 and 1986 c 224 s 5 are each amended to read  
22 as follows:

23 The board may meet and transact business in panels. Each board  
24 panel shall consist of at least two members of the board. In all  
25 matters concerning the internal affairs of the board and policy-making  
26 decisions, a majority of the full board must concur in such matters.  
27 The ~~((chairman))~~ chair of the board with the consent of a majority of  
28 the board may designate any two members to exercise all the powers and  
29 duties of the board in connection with any hearing before the board.  
30 If the two members so designated cannot unanimously agree as to the  
31 disposition of the hearing assigned to them, such hearing shall be  
32 reheard by the full board. All actions of the full board shall be by  
33 concurrence of a majority of the sitting board members.

34 **Sec. 5.** RCW 9.95.140 and 2009 c 28 s 29 are each amended to read  
35 as follows:

1 (1) The board shall cause a complete record to be kept of every  
2 prisoner under the jurisdiction of the board released on parole or  
3 community custody. Such records shall be organized in accordance with  
4 the most modern methods of filing and indexing so that there will be  
5 always immediately available complete information about each such  
6 prisoner. Subject to information sharing provisions related to  
7 (~~mentally ill~~) offenders(~~(7)~~) with mental illness and the end of  
8 sentence review committee, (~~and the department of corrections,~~) the  
9 board may make rules as to the privacy of such records and their use by  
10 others than the board and (~~its~~) the department staff assigned to  
11 perform board-related duties. Sex offenders convicted of crimes  
12 committed before July 1, 1984, who are under the board's jurisdiction  
13 shall be subject to the determinations of the end of sentence review  
14 committee regarding risk level and subject to sex offender registration  
15 and community notification. The board and the department staff  
16 assigned to perform board-related duties shall be immune from liability  
17 for the release of information concerning sex offenders as provided in  
18 RCW 4.24.550.

19 The superintendents of state correctional facilities and all  
20 officers and employees thereof and all other public officials shall at  
21 all times cooperate with the board and furnish to the board(~~(, its~~  
22 ~~officers, and employees)~~) and staff assigned to perform board-related  
23 duties such information as may be necessary to enable it to perform its  
24 functions, and such superintendents and other employees shall at all  
25 times give the members of the board(~~(, its officers, and employees)~~)  
26 and staff assigned to perform board-related duties free access to all  
27 prisoners confined in the state correctional facilities.

28 (2) Offenders sentenced under RCW 9.94A.507 shall be subject to the  
29 determinations of the end of sentence review committee regarding risk  
30 level and subject to sex offender registration and community  
31 notification.

32 (3) The end of sentence review committee shall make law enforcement  
33 notifications for offenders under board jurisdiction on the same basis  
34 that it notifies law enforcement regarding offenders sentenced under  
35 chapter 9.94A RCW for crimes committed after July 1, 1984.

36 **Sec. 6.** RCW 9.95.280 and 2001 2nd sp.s. c 12 s 344 are each  
37 amended to read as follows:

1       The secretary, upon recommendation by the board, may deputize any  
2 person (regularly employed by another state) to act as an officer and  
3 agent of this state in effecting the return of any person convicted of  
4 a crime committed before July 1, 1984, who has violated the terms and  
5 conditions of parole or probation as granted by this state. In any  
6 matter relating to the return of such a person, any agent so deputized  
7 shall have all the powers of a police officer of this state.

8       **Sec. 7.** RCW 9.95.300 and 2001 2nd sp.s. c 12 s 346 are each  
9 amended to read as follows:

10       The secretary, upon recommendation by the board, may enter into  
11 contracts with similar officials of any other state or states for the  
12 purpose of sharing an equitable portion of the cost of effecting the  
13 return of any person who has violated the terms and conditions of  
14 parole, probation, or community custody as granted by this state.

15       **Sec. 8.** RCW 9.96.050 and 2009 c 325 s 4 are each amended to read  
16 as follows:

17       (1)(a) When an offender on parole has performed all obligations of  
18 his or her release, including any and all legal financial obligations,  
19 for such time as shall satisfy the indeterminate sentence review board  
20 that his or her final release is not incompatible with the best  
21 interests of society and the welfare of the paroled individual, the  
22 board may make a final order of discharge and issue a certificate of  
23 discharge to the offender.

24       (b) The board retains the jurisdiction to issue a certificate of  
25 discharge after the expiration of the offender's or parolee's maximum  
26 statutory sentence. If not earlier granted and any and all legal  
27 financial obligations have been paid, the board shall issue a final  
28 order of discharge three years from the date of parole unless the  
29 parolee is on suspended or revoked status at the expiration of the  
30 three years.

31       (c) The discharge, regardless of when issued, shall have the effect  
32 of restoring all civil rights not already restored by RCW 29A.08.520,  
33 and the certification of discharge shall so state.

34       (d) This restoration of civil rights shall not restore the right to  
35 receive, possess, own, or transport firearms.

1 (e) The board shall issue a certificate of discharge to the  
2 offender in person or by mail to the offender's last known address.

3 (2) (~~The board shall send to the department of corrections~~) A  
4 copy of every signed certificate of discharge for offender sentences  
5 under the authority of the department of corrections shall be placed in  
6 the department's files.

7 (3) The discharge provided for in this section shall be considered  
8 as a part of the sentence of the convicted person and shall not in any  
9 manner be construed as affecting the powers of the governor to pardon  
10 any such person.

11 **Sec. 9.** RCW 71.05.385 and 2009 c 320 s 2 are each amended to read  
12 as follows:

13 (1) A mental health service provider shall release to the persons  
14 authorized under subsection (2) of this section, upon request:

15 (a) The fact, place, and date of an involuntary commitment, the  
16 fact and date of discharge or release, and the last known address of a  
17 person who has been committed under this chapter.

18 (b) Information related to mental health services, in the format  
19 determined under subsection (9) of this section, concerning a person  
20 who:

21 (i) Is currently committed to the custody or supervision of the  
22 department of corrections or the indeterminate sentence review board  
23 under chapter 9.94A or 9.95 RCW;

24 (ii) Has been convicted or found not guilty by reason of insanity  
25 of a serious violent offense; or

26 (iii) Was charged with a serious violent offense and such charges  
27 were dismissed under RCW 10.77.086.

28 Legal counsel may release such information to the persons  
29 authorized under subsection (2) of this section on behalf of the mental  
30 health service provider, provided that nothing in this subsection shall  
31 require the disclosure of attorney work product or attorney-client  
32 privileged information.

33 (2) The information subject to release under subsection (1) of this  
34 section shall be released to law enforcement officers, personnel of a  
35 county or city jail, designated mental health professionals, public  
36 health officers, therapeutic court personnel, or personnel of the  
37 department of corrections, (~~or personnel of~~) including the

1 indeterminate sentence review board and personnel assigned to perform  
2 board-related duties, when such information is requested during the  
3 course of business and for the purpose of carrying out the  
4 responsibilities of the requesting person's office. No mental health  
5 service provider or person employed by a mental health service  
6 provider, or its legal counsel, shall be liable for information  
7 released to or used under the provisions of this section or rules  
8 adopted under this section except under RCW 71.05.440.

9 (3) A person who requests information under subsection (1)(b) of  
10 this section must comply with the following restrictions:

11 (a) Information must be requested only for the purposes permitted  
12 by this subsection and for the purpose of carrying out the  
13 responsibilities of the requesting person's office. Appropriate  
14 purposes for requesting information under this section include:

15 (i) Completing presentence investigations or risk assessment  
16 reports;

17 (ii) Assessing a person's risk to the community;

18 (iii) Assessing a person's risk of harm to self or others when  
19 confined in a city or county jail;

20 (iv) Planning for and provision of supervision of an offender,  
21 including decisions related to sanctions for violations of conditions  
22 of community supervision; and

23 (v) Responding to an offender's failure to report for department of  
24 corrections supervision.

25 (b) Information shall not be requested under this section unless  
26 the requesting person has reasonable suspicion that the individual who  
27 is the subject of the information:

28 (i) Has engaged in activity indicating that a crime or a violation  
29 of community custody or parole has been committed or, based upon his or  
30 her current or recent past behavior, is likely to be committed in the  
31 near future; or

32 (ii) Is exhibiting signs of a deterioration in mental functioning  
33 which may make the individual appropriate for civil commitment under  
34 this chapter.

35 (c) Any information received under this section shall be held  
36 confidential and subject to the limitations on disclosure outlined in  
37 this chapter, except:

1 (i) Such information may be shared with other persons who have the  
2 right to request similar information under subsection (2) of this  
3 section, solely for the purpose of coordinating activities related to  
4 the individual who is the subject of the information in a manner  
5 consistent with the official responsibilities of the persons involved;

6 (ii) Such information may be shared with a prosecuting attorney  
7 acting in an advisory capacity for a person who receives information  
8 under this section. A prosecuting attorney under this subsection shall  
9 be subject to the same restrictions and confidentiality limitations as  
10 the person who requested the information; and

11 (iii) As provided in RCW 72.09.585.

12 (4) A request for information related to mental health services  
13 under this section shall not require the consent of the subject of the  
14 records. Such request shall be provided in writing, except to the  
15 extent authorized in subsection (5) of this section. A written request  
16 may include requests made by e-mail or facsimile so long as the  
17 requesting person is clearly identified. The request must specify the  
18 information being requested.

19 (5) In the event of an emergency situation that poses a significant  
20 risk to the public or the offender, a mental health service provider,  
21 or its legal counsel, shall release information related to mental  
22 health services delivered to the offender and, if known, information  
23 regarding where the offender is likely to be found to the department of  
24 corrections or law enforcement upon request. The initial request may  
25 be written or oral. All oral requests must be subsequently confirmed  
26 in writing. Information released in response to an oral request is  
27 limited to a statement as to whether the offender is or is not being  
28 treated by the mental health service provider and the address or  
29 information about the location or whereabouts of the offender.

30 (6) Disclosure under this section to state or local law enforcement  
31 authorities is mandatory for the purposes of the health insurance  
32 portability and accountability act.

33 (7) Whenever federal law or federal regulations restrict the  
34 release of information contained in the treatment records of any  
35 patient who receives treatment for alcoholism or drug dependency, the  
36 release of the information may be restricted as necessary to comply  
37 with federal law and regulations.

1 (8) This section does not modify the terms and conditions of  
2 disclosure of information related to sexually transmitted diseases  
3 under chapter 70.24 RCW.

4 (9) In collaboration with interested organizations, the department  
5 shall develop a standard form for requests for information related to  
6 mental health services made under this section and a standard format  
7 for information provided in response to such requests. Consistent with  
8 the goals of the health information privacy provisions of the federal  
9 health insurance portability and accountability act, in developing the  
10 standard form for responsive information, the department shall design  
11 the form in such a way that the information disclosed is limited to the  
12 minimum necessary to serve the purpose for which the information is  
13 requested.

14 **Sec. 10.** RCW 72.09.585 and 2004 c 166 s 5 are each amended to read  
15 as follows:

16 (1) When the department is determining an offender's risk  
17 management level, the department shall inquire of the offender and  
18 shall be told whether the offender is subject to court-ordered  
19 treatment for mental health services or chemical dependency services.  
20 The department shall request and the offender shall provide an  
21 authorization to release information form that meets applicable state  
22 and federal requirements and shall provide the offender with written  
23 notice that the department will request the offender's mental health  
24 and substance abuse treatment information. An offender's failure to  
25 inform the department of court-ordered treatment is a violation of the  
26 conditions of supervision if the offender is in the community and an  
27 infraction if the offender is in confinement, and the violation or  
28 infraction is subject to sanctions.

29 (2) When an offender discloses that he or she is subject to court-  
30 ordered mental health services or chemical dependency treatment, the  
31 department shall provide the mental health services provider or  
32 chemical dependency treatment provider with a written request for  
33 information and any necessary authorization to release information  
34 forms. The written request shall comply with rules adopted by the  
35 department of social and health services or protocols developed jointly  
36 by the department and the department of social and health services. A  
37 single request shall be valid for the duration of the offender's

1 supervision in the community. Disclosures of information related to  
2 mental health services made pursuant to a department request shall not  
3 require consent of the offender.

4 (3) The information received by the department under RCW 71.05.445  
5 or (~~(71.34.225)~~) 71.34.345 may be released to the indeterminate  
6 sentence review board as relevant to carry out its responsibility of  
7 planning and ensuring community protection with respect to persons  
8 under its jurisdiction. Further disclosure by the indeterminate  
9 sentence review board is subject to the limitations set forth in  
10 subsections (5) and (6) of this section and must be consistent with the  
11 written policy of the indeterminate sentence review board. The  
12 decision to disclose or not shall not result in civil liability for the  
13 indeterminate sentence review board or (~~(its employees)~~) staff assigned  
14 to perform board-related duties provided that the decision was reached  
15 in good faith and without gross negligence.

16 (4) The information received by the department under RCW 71.05.445  
17 or (~~(71.34.225)~~) 71.34.345 may be used to meet the statutory duties of  
18 the department to provide evidence or report to the court. Disclosure  
19 to the public of information provided to the court by the department  
20 related to mental health services shall be limited in accordance with  
21 RCW 9.94A.500 or this section.

22 (5) The information received by the department under RCW 71.05.445  
23 or (~~(71.34.225)~~) 71.34.345 may be disclosed by the department to other  
24 state and local agencies as relevant to plan for and provide offenders  
25 transition, treatment, and supervision services, or as relevant and  
26 necessary to protect the public and counteract the danger created by a  
27 particular offender, and in a manner consistent with the written policy  
28 established by the secretary. The decision to disclose or not shall  
29 not result in civil liability for the department or its employees so  
30 long as the decision was reached in good faith and without gross  
31 negligence. The information received by a state or local agency from  
32 the department shall remain confidential and subject to the limitations  
33 on disclosure set forth in chapters 70.02, 71.05, and 71.34 RCW and,  
34 subject to these limitations, may be released only as relevant and  
35 necessary to counteract the danger created by a particular offender.

36 (6) The information received by the department under RCW 71.05.445  
37 or (~~(71.34.225)~~) 71.34.345 may be disclosed by the department to  
38 individuals only with respect to offenders who have been determined by

1 the department to have a high risk of reoffending by a risk assessment,  
2 as defined in RCW 9.94A.030, only as relevant and necessary for those  
3 individuals to take reasonable steps for the purpose of self-  
4 protection, or as provided in RCW 72.09.370(2). The information may  
5 not be disclosed for the purpose of engaging the public in a system of  
6 supervision, monitoring, and reporting offender behavior to the  
7 department. The department must limit the disclosure of information  
8 related to mental health services to the public to descriptions of an  
9 offender's behavior, risk he or she may present to the community, and  
10 need for mental health treatment, including medications, and shall not  
11 disclose or release to the public copies of treatment documents or  
12 records, except as otherwise provided by law. All disclosure of  
13 information to the public must be done in a manner consistent with the  
14 written policy established by the secretary. The decision to disclose  
15 or not shall not result in civil liability for the department or its  
16 employees so long as the decision was reached in good faith and without  
17 gross negligence. Nothing in this subsection prevents any person from  
18 reporting to law enforcement or the department behavior that he or she  
19 believes creates a public safety risk.

20 NEW SECTION. **Sec. 11.** RCW 4.24.5502 is decodified.

21 NEW SECTION. **Sec. 12.** The following acts or parts of acts are  
22 each repealed:

23 (1) RCW 13.40.005 (Juvenile disposition standards commission--  
24 Abolished--References to commission--Transfer of powers, duties, and  
25 functions) and 1995 c 269 s 301;

26 (2) RCW 9.94A.850 (Sentencing guidelines commission--Established--  
27 Powers and duties) and 2009 c 375 s 8, 2009 c 28 s 17, & 2005 c 282 s  
28 19;

29 (3) RCW 9.94A.860 (Sentencing guidelines commission--Membership--  
30 Appointments--Terms of office--Expenses and compensation) and 2001 2nd  
31 sp.s. c 12 s 311, 1996 c 232 s 3, 1993 c 11 s 1, 1988 c 157 s 2, 1984  
32 c 287 s 10, & 1981 c 137 s 6;

33 (4) RCW 9.94A.8671 (Sex offender policy board--Findings--Intent)  
34 and 2008 c 249 s 1;

35 (5) RCW 9.94A.8672 (Sex offender policy board--Establishment) and  
36 2008 c 249 s 2;

- 1 (6) RCW 9.94A.8673 (Sex offender policy board--Membership) and 2008
- 2 c 249 s 3;
- 3 (7) RCW 9.94A.8674 (Sex offender policy board--Terms--Vacancies)
- 4 and 2008 c 249 s 4;
- 5 (8) RCW 9.94A.8675 (Sex offender policy board--Authority) and 2008
- 6 c 249 s 5;
- 7 (9) RCW 9.94A.8676 (Sex offender policy board--Duties) and 2008 c
- 8 249 s 6;
- 9 (10) RCW 9.94A.8677 (Sex offender policy board--Travel expenses)
- 10 and 2008 c 249 s 7; and
- 11 (11) RCW 9.94A.8678 (Sex offender policy board--Meeting
- 12 attendance--Member replacement) and 2008 c 249 s 8.

13 **Sec. 13.** RCW 9.94A.480 and 2002 c 290 s 16 are each amended to  
14 read as follows:

15 (1) A current, newly created or reworked judgment and sentence  
16 document for each felony sentencing shall record any and all  
17 recommended sentencing agreements or plea agreements and the sentences  
18 for any and all felony crimes kept as public records under RCW  
19 9.94A.475 shall contain the clearly printed name and legal signature of  
20 the sentencing judge. The judgment and sentence document as defined in  
21 this section shall also provide additional space for the sentencing  
22 judge's reasons for going either above or below the presumptive  
23 sentence range for any and all felony crimes covered as public records  
24 under RCW 9.94A.475. Both the sentencing judge and the prosecuting  
25 attorney's office shall each retain or receive a completed copy of each  
26 sentencing document as defined in this section for their own records.

27 (2) The (~~sentencing guidelines commission~~) office of financial  
28 management shall be sent a completed copy of the judgment and sentence  
29 document upon conviction for each felony sentencing under subsection  
30 (1) of this section and shall compile a yearly and cumulative judicial  
31 record of each sentencing judge in regards to his or her sentencing  
32 practices for any and all felony crimes involving:

- 33 (a) Any violent offense as defined in this chapter;
- 34 (b) Any most serious offense as defined in this chapter;
- 35 (c) Any felony with any deadly weapon special verdict under RCW
- 36 (~~9.94A.602~~) 9.94A.825;

1 (d) Any felony with any deadly weapon enhancements under RCW  
2 9.94A.533 (3) or (4), or both; and/or

3 (e) The felony crimes of possession of a machine gun, possessing a  
4 stolen firearm, drive-by shooting, theft of a firearm, unlawful  
5 possession of a firearm in the first or second degree, and/or use of a  
6 machine gun in a felony.

7 (3) The (~~sentencing guidelines commission~~) office of financial  
8 management shall compare each individual judge's sentencing practices  
9 to the standard or presumptive sentence range for any and all felony  
10 crimes listed in subsection (2) of this section for the appropriate  
11 offense level as defined in RCW 9.94A.515 or 9.94A.518, offender score  
12 as defined in RCW 9.94A.525, and any applicable deadly weapon  
13 enhancements as defined in RCW 9.94A.533 (3) or (4), or both. These  
14 comparative records shall be retained and made available to the public  
15 for review in a current, newly created or reworked official published  
16 document by the (~~sentencing guidelines commission~~) office of  
17 financial management.

18 (4) Any and all felony sentences which are either above or below  
19 the standard or presumptive sentence range in subsection (3) of this  
20 section shall also mark whether the prosecuting attorney in the case  
21 also recommended a similar sentence, if any, which was either above or  
22 below the presumptive sentence range and shall also indicate if the  
23 sentence was in conjunction with an approved alternative sentencing  
24 option including a first-time offender waiver, sex offender sentencing  
25 alternative, or other prescribed sentencing option.

26 (5) If any completed judgment and sentence document as defined in  
27 subsection (1) of this section is not sent to the (~~sentencing~~  
28 ~~guidelines commission~~) office of financial management as required in  
29 subsection (2) of this section, the (~~sentencing—guidelines~~  
30 ~~commission~~) office of financial management shall have the authority  
31 and shall undertake reasonable and necessary steps to assure that all  
32 past, current, and future sentencing documents as defined in subsection  
33 (1) of this section are received by the (~~sentencing—guidelines~~  
34 ~~commission~~) office of financial management.

35 **Sec. 14.** RCW 9.94A.863 and 2009 c 431 s 2 are each amended to read  
36 as follows:

37 The (~~sentencing—guidelines—commission~~) office of financial

1 management shall review the monetary threshold amounts differentiating  
2 the various degrees of property crimes in Washington state to determine  
3 whether such amounts should be modified. The (~~sentencing guidelines~~  
4 ~~commission~~) office of financial management shall report to the  
5 legislature with its recommendations by November 1, 2014, and every  
6 five years thereafter.

7 **Sec. 15.** RCW 13.50.010 and 2010 c 150 s 3 are each amended to read  
8 as follows:

9 (1) For purposes of this chapter:

10 (a) "Juvenile justice or care agency" means any of the following:  
11 Police, diversion units, court, prosecuting attorney, defense attorney,  
12 detention center, attorney general, the legislative children's  
13 oversight committee, the office of the family and children's ombudsman,  
14 the department of social and health services and its contracting  
15 agencies, schools; persons or public or private agencies having  
16 children committed to their custody; and any placement oversight  
17 committee created under RCW 72.05.415;

18 (b) "Official juvenile court file" means the legal file of the  
19 juvenile court containing the petition or information, motions,  
20 memorandums, briefs, findings of the court, and court orders;

21 (c) "Records" means the official juvenile court file, the social  
22 file, and records of any other juvenile justice or care agency in the  
23 case;

24 (d) "Social file" means the juvenile court file containing the  
25 records and reports of the probation counselor.

26 (2) Each petition or information filed with the court may include  
27 only one juvenile and each petition or information shall be filed under  
28 a separate docket number. The social file shall be filed separately  
29 from the official juvenile court file.

30 (3) It is the duty of any juvenile justice or care agency to  
31 maintain accurate records. To this end:

32 (a) The agency may never knowingly record inaccurate information.  
33 Any information in records maintained by the department of social and  
34 health services relating to a petition filed pursuant to chapter 13.34  
35 RCW that is found by the court to be false or inaccurate shall be  
36 corrected or expunged from such records by the agency;

1 (b) An agency shall take reasonable steps to assure the security of  
2 its records and prevent tampering with them; and

3 (c) An agency shall make reasonable efforts to insure the  
4 completeness of its records, including action taken by other agencies  
5 with respect to matters in its files.

6 (4) Each juvenile justice or care agency shall implement procedures  
7 consistent with the provisions of this chapter to facilitate inquiries  
8 concerning records.

9 (5) Any person who has reasonable cause to believe information  
10 concerning that person is included in the records of a juvenile justice  
11 or care agency and who has been denied access to those records by the  
12 agency may make a motion to the court for an order authorizing that  
13 person to inspect the juvenile justice or care agency record concerning  
14 that person. The court shall grant the motion to examine records  
15 unless it finds that in the interests of justice or in the best  
16 interests of the juvenile the records or parts of them should remain  
17 confidential.

18 (6) A juvenile, or his or her parents, or any person who has  
19 reasonable cause to believe information concerning that person is  
20 included in the records of a juvenile justice or care agency may make  
21 a motion to the court challenging the accuracy of any information  
22 concerning the moving party in the record or challenging the continued  
23 possession of the record by the agency. If the court grants the  
24 motion, it shall order the record or information to be corrected or  
25 destroyed.

26 (7) The person making a motion under subsection (5) or (6) of this  
27 section shall give reasonable notice of the motion to all parties to  
28 the original action and to any agency whose records will be affected by  
29 the motion.

30 (8) The court may permit inspection of records by, or release of  
31 information to, any clinic, hospital, or agency which has the subject  
32 person under care or treatment. The court may also permit inspection  
33 by or release to individuals or agencies, including juvenile justice  
34 advisory committees of county law and justice councils, engaged in  
35 legitimate research for educational, scientific, or public purposes.  
36 The court shall release to the (~~sentencing guidelines commission~~)  
37 office of financial management records needed for its research and  
38 data-gathering functions (~~under RCW 9.94A.850 and other statutes~~).

1 Access to records or information for research purposes shall be  
2 permitted only if the anonymity of all persons mentioned in the records  
3 or information will be preserved. Each person granted permission to  
4 inspect juvenile justice or care agency records for research purposes  
5 shall present a notarized statement to the court stating that the names  
6 of juveniles and parents will remain confidential.

7 (9) Juvenile detention facilities shall release records to the  
8 (~~sentencing guidelines commission under RCW 9.94A.850~~) office of  
9 financial management upon request. The commission shall not disclose  
10 the names of any juveniles or parents mentioned in the records without  
11 the named individual's written permission.

12 (10) Requirements in this chapter relating to the court's authority  
13 to compel disclosure shall not apply to the legislative children's  
14 oversight committee or the office of the family and children's  
15 ombudsman.

16 (11) For the purpose of research only, the administrative office of  
17 the courts shall maintain an electronic research copy of all records in  
18 the judicial information system related to juveniles. Access to the  
19 research copy is restricted to the Washington state center for court  
20 research. The Washington state center for court research shall  
21 maintain the confidentiality of all confidential records and shall  
22 preserve the anonymity of all persons identified in the research copy.  
23 The research copy may not be subject to any records retention schedule  
24 and must include records destroyed or removed from the judicial  
25 information system pursuant to RCW 13.50.050 (17) and (18) and  
26 13.50.100(3).

27 (12) The court shall release to the Washington state office of  
28 public defense records needed to implement the agency's oversight,  
29 technical assistance, and other functions as required by RCW 2.70.020.  
30 Access to the records used as a basis for oversight, technical  
31 assistance, or other agency functions is restricted to the Washington  
32 state office of public defense. The Washington state office of public  
33 defense shall maintain the confidentiality of all confidential  
34 information included in the records.

35 **Sec. 16.** RCW 9.94A.030 and 2010 c 274 s 401, 2010 c 267 s 9, 2010  
36 c 227 s 11, and 2010 c 224 s 1 are each reenacted and amended to read  
37 as follows:

1 Unless the context clearly requires otherwise, the definitions in  
2 this section apply throughout this chapter.

3 (1) "Board" means the indeterminate sentence review board created  
4 under chapter 9.95 RCW.

5 (2) "Collect," or any derivative thereof, "collect and remit," or  
6 "collect and deliver," when used with reference to the department,  
7 means that the department, either directly or through a collection  
8 agreement authorized by RCW 9.94A.760, is responsible for monitoring  
9 and enforcing the offender's sentence with regard to the legal  
10 financial obligation, receiving payment thereof from the offender, and,  
11 consistent with current law, delivering daily the entire payment to the  
12 superior court clerk without depositing it in a departmental account.

13 (~~(3)~~) (~~"Commission" means the sentencing guidelines commission.~~

14 ~~(4)~~) "Community corrections officer" means an employee of the  
15 department who is responsible for carrying out specific duties in  
16 supervision of sentenced offenders and monitoring of sentence  
17 conditions.

18 ~~((5))~~ (4) "Community custody" means that portion of an offender's  
19 sentence of confinement in lieu of earned release time or imposed as  
20 part of a sentence under this chapter and served in the community  
21 subject to controls placed on the offender's movement and activities by  
22 the department.

23 ~~((6))~~ (5) "Community protection zone" means the area within eight  
24 hundred eighty feet of the facilities and grounds of a public or  
25 private school.

26 ~~((7))~~ (6) "Community restitution" means compulsory service,  
27 without compensation, performed for the benefit of the community by the  
28 offender.

29 ~~((8))~~ (7) "Confinement" means total or partial confinement.

30 ~~((9))~~ (8) "Conviction" means an adjudication of guilt pursuant to  
31 Title 10 or 13 RCW and includes a verdict of guilty, a finding of  
32 guilty, and acceptance of a plea of guilty.

33 ~~((10))~~ (9) "Crime-related prohibition" means an order of a court  
34 prohibiting conduct that directly relates to the circumstances of the  
35 crime for which the offender has been convicted, and shall not be  
36 construed to mean orders directing an offender affirmatively to  
37 participate in rehabilitative programs or to otherwise perform

1 affirmative conduct. However, affirmative acts necessary to monitor  
2 compliance with the order of a court may be required by the department.

3 ~~((+11+))~~ (10) "Criminal history" means the list of a defendant's  
4 prior convictions and juvenile adjudications, whether in this state, in  
5 federal court, or elsewhere.

6 (a) The history shall include, where known, for each conviction (i)  
7 whether the defendant has been placed on probation and the length and  
8 terms thereof; and (ii) whether the defendant has been incarcerated and  
9 the length of incarceration.

10 (b) A conviction may be removed from a defendant's criminal history  
11 only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or  
12 a similar out-of-state statute, or if the conviction has been vacated  
13 pursuant to a governor's pardon.

14 (c) The determination of a defendant's criminal history is distinct  
15 from the determination of an offender score. A prior conviction that  
16 was not included in an offender score calculated pursuant to a former  
17 version of the sentencing reform act remains part of the defendant's  
18 criminal history.

19 ~~((+12+))~~ (11) "Criminal street gang" means any ongoing  
20 organization, association, or group of three or more persons, whether  
21 formal or informal, having a common name or common identifying sign or  
22 symbol, having as one of its primary activities the commission of  
23 criminal acts, and whose members or associates individually or  
24 collectively engage in or have engaged in a pattern of criminal street  
25 gang activity. This definition does not apply to employees engaged in  
26 concerted activities for their mutual aid and protection, or to the  
27 activities of labor and bona fide nonprofit organizations or their  
28 members or agents.

29 ~~((+13+))~~ (12) "Criminal street gang associate or member" means any  
30 person who actively participates in any criminal street gang and who  
31 intentionally promotes, furthers, or assists in any criminal act by the  
32 criminal street gang.

33 ~~((+14+))~~ (13) "Criminal street gang-related offense" means any  
34 felony or misdemeanor offense, whether in this state or elsewhere, that  
35 is committed for the benefit of, at the direction of, or in association  
36 with any criminal street gang, or is committed with the intent to  
37 promote, further, or assist in any criminal conduct by the gang, or is  
38 committed for one or more of the following reasons:

- 1 (a) To gain admission, prestige, or promotion within the gang;  
2 (b) To increase or maintain the gang's size, membership, prestige,  
3 dominance, or control in any geographical area;  
4 (c) To exact revenge or retribution for the gang or any member of  
5 the gang;  
6 (d) To obstruct justice, or intimidate or eliminate any witness  
7 against the gang or any member of the gang;  
8 (e) To directly or indirectly cause any benefit, aggrandizement,  
9 gain, profit, or other advantage for the gang, its reputation,  
10 influence, or membership; or  
11 (f) To provide the gang with any advantage in, or any control or  
12 dominance over any criminal market sector, including, but not limited  
13 to, manufacturing, delivering, or selling any controlled substance  
14 (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen  
15 property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88  
16 RCW); human trafficking (RCW 9A.40.100); or promoting pornography  
17 (chapter 9.68 RCW).

18 ~~((+15))~~ (14) "Day fine" means a fine imposed by the sentencing  
19 court that equals the difference between the offender's net daily  
20 income and the reasonable obligations that the offender has for the  
21 support of the offender and any dependents.

22 ~~((+16))~~ (15) "Day reporting" means a program of enhanced  
23 supervision designed to monitor the offender's daily activities and  
24 compliance with sentence conditions, and in which the offender is  
25 required to report daily to a specific location designated by the  
26 department or the sentencing court.

27 ~~((+17))~~ (16) "Department" means the department of corrections.

28 ~~((+18))~~ (17) "Determinate sentence" means a sentence that states  
29 with exactitude the number of actual years, months, or days of total  
30 confinement, of partial confinement, of community custody, the number  
31 of actual hours or days of community restitution work, or dollars or  
32 terms of a legal financial obligation. The fact that an offender  
33 through earned release can reduce the actual period of confinement  
34 shall not affect the classification of the sentence as a determinate  
35 sentence.

36 ~~((+19))~~ (18) "Disposable earnings" means that part of the earnings  
37 of an offender remaining after the deduction from those earnings of any  
38 amount required by law to be withheld. For the purposes of this

1 definition, "earnings" means compensation paid or payable for personal  
2 services, whether denominated as wages, salary, commission, bonuses, or  
3 otherwise, and, notwithstanding any other provision of law making the  
4 payments exempt from garnishment, attachment, or other process to  
5 satisfy a court-ordered legal financial obligation, specifically  
6 includes periodic payments pursuant to pension or retirement programs,  
7 or insurance policies of any type, but does not include payments made  
8 under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050,  
9 or Title 74 RCW.

10 ~~((+20+))~~ (19) "Domestic violence" has the same meaning as defined  
11 in RCW 10.99.020 and 26.50.010.

12 ~~((+21+))~~ (20) "Drug offender sentencing alternative" is a  
13 sentencing option available to persons convicted of a felony offense  
14 other than a violent offense or a sex offense and who are eligible for  
15 the option under RCW 9.94A.660.

16 ~~((+22+))~~ (21) "Drug offense" means:

17 (a) Any felony violation of chapter 69.50 RCW except possession of  
18 a controlled substance (RCW 69.50.4013) or forged prescription for a  
19 controlled substance (RCW 69.50.403);

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

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

26 ~~((+23+))~~ (22) "Earned release" means earned release from  
27 confinement as provided in RCW 9.94A.728.

28 ~~((+24+))~~ (23) "Escape" means:

29 (a) Sexually violent predator escape (RCW 9A.76.115), escape in the  
30 first degree (RCW 9A.76.110), escape in the second degree (RCW  
31 9A.76.120), willful failure to return from furlough (RCW 72.66.060),  
32 willful failure to return from work release (RCW 72.65.070), or willful  
33 failure to be available for supervision by the department while in  
34 community custody (RCW 72.09.310); or

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

38 ~~((+25+))~~ (24) "Felony traffic offense" means:

1 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW  
2 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-  
3 run injury-accident (RCW 46.52.020(4)), felony driving while under the  
4 influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or  
5 felony physical control of a vehicle while under the influence of  
6 intoxicating liquor or any drug (RCW 46.61.504(6)); or

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

10 ~~((+26+))~~ (25) "Fine" means a specific sum of money ordered by the  
11 sentencing court to be paid by the offender to the court over a  
12 specific period of time.

13 ~~((+27+))~~ (26) "First-time offender" means any person who has no  
14 prior convictions for a felony and is eligible for the first-time  
15 offender waiver under RCW 9.94A.650.

16 ~~((+28+))~~ (27) "Home detention" means a program of partial  
17 confinement available to offenders wherein the offender is confined in  
18 a private residence subject to electronic surveillance.

19 ~~((+29+))~~ (28) "Legal financial obligation" means a sum of money  
20 that is ordered by a superior court of the state of Washington for  
21 legal financial obligations which may include restitution to the  
22 victim, statutorily imposed crime victims' compensation fees as  
23 assessed pursuant to RCW 7.68.035, court costs, county or interlocal  
24 drug funds, court-appointed attorneys' fees, and costs of defense,  
25 fines, and any other financial obligation that is assessed to the  
26 offender as a result of a felony conviction. Upon conviction for  
27 vehicular assault while under the influence of intoxicating liquor or  
28 any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the  
29 influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a),  
30 legal financial obligations may also include payment to a public agency  
31 of the expense of an emergency response to the incident resulting in  
32 the conviction, subject to RCW 38.52.430.

33 ~~((+30+))~~ (29) "Minor child" means a biological or adopted child of  
34 the offender who is under age eighteen at the time of the offender's  
35 current offense.

36 ~~((+31+))~~ (30) "Most serious offense" means any of the following  
37 felonies or a felony attempt to commit any of the following felonies:

1 (a) Any felony defined under any law as a class A felony or  
2 criminal solicitation of or criminal conspiracy to commit a class A  
3 felony;

4 (b) Assault in the second degree;

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

6 (d) Child molestation in the second degree;

7 (e) Controlled substance homicide;

8 (f) Extortion in the first degree;

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

10 (h) Indecent liberties;

11 (i) Kidnapping in the second degree;

12 (j) Leading organized crime;

13 (k) Manslaughter in the first degree;

14 (l) Manslaughter in the second degree;

15 (m) Promoting prostitution in the first degree;

16 (n) Rape in the third degree;

17 (o) Robbery in the second degree;

18 (p) Sexual exploitation;

19 (q) Vehicular assault, when caused by the operation or driving of  
20 a vehicle by a person while under the influence of intoxicating liquor  
21 or any drug or by the operation or driving of a vehicle in a reckless  
22 manner;

23 (r) Vehicular homicide, when proximately caused by the driving of  
24 any vehicle by any person while under the influence of intoxicating  
25 liquor or any drug as defined by RCW 46.61.502, or by the operation of  
26 any vehicle in a reckless manner;

27 (s) Any other class B felony offense with a finding of sexual  
28 motivation;

29 (t) Any other felony with a deadly weapon verdict under RCW  
30 9.94A.825;

31 (u) Any felony offense in effect at any time prior to December 2,  
32 1993, that is comparable to a most serious offense under this  
33 subsection, or any federal or out-of-state conviction for an offense  
34 that under the laws of this state would be a felony classified as a  
35 most serious offense under this subsection;

36 (v)(i) A prior conviction for indecent liberties under RCW  
37 (~~9A.88.100~~) 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975  
38 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a),

1 (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and  
2 RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986,  
3 until July 1, 1988;

4 (ii) A prior conviction for indecent liberties under RCW  
5 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988,  
6 if: (A) The crime was committed against a child under the age of  
7 fourteen; or (B) the relationship between the victim and perpetrator is  
8 included in the definition of indecent liberties under RCW  
9 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997,  
10 or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993,  
11 through July 27, 1997;

12 (w) Any out-of-state conviction for a felony offense with a finding  
13 of sexual motivation if the minimum sentence imposed was ten years or  
14 more; provided that the out-of-state felony offense must be comparable  
15 to a felony offense under Title 9 or 9A RCW and the out-of-state  
16 definition of sexual motivation must be comparable to the definition of  
17 sexual motivation contained in this section.

18 ~~((+32+))~~ (31) "Nonviolent offense" means an offense which is not a  
19 violent offense.

20 ~~((+33+))~~ (32) "Offender" means a person who has committed a felony  
21 established by state law and is eighteen years of age or older or is  
22 less than eighteen years of age but whose case is under superior court  
23 jurisdiction under RCW 13.04.030 or has been transferred by the  
24 appropriate juvenile court to a criminal court pursuant to RCW  
25 13.40.110. In addition, for the purpose of community custody  
26 requirements under this chapter, "offender" also means a misdemeanor or  
27 gross misdemeanor probationer convicted of an offense included in RCW  
28 9.94A.501(1) and ordered by a superior court to probation under the  
29 supervision of the department pursuant to RCW 9.92.060, 9.95.204, or  
30 9.95.210. Throughout this chapter, the terms "offender" and  
31 "defendant" are used interchangeably.

32 ~~((+34+))~~ (33) "Partial confinement" means confinement for no more  
33 than one year in a facility or institution operated or utilized under  
34 contract by the state or any other unit of government, or, if home  
35 detention or work crew has been ordered by the court or home detention  
36 has been ordered by the department as part of the parenting program, in  
37 an approved residence, for a substantial portion of each day with the

1 balance of the day spent in the community. Partial confinement  
2 includes work release, home detention, work crew, and a combination of  
3 work crew and home detention.

4 ((+35+)) (34) "Pattern of criminal street gang activity" means:

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

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

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

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

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

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

18 (vi) Possession of a Stolen Firearm (RCW 9A.56.310);

19 (vii) Malicious Harassment (RCW 9A.36.080);

20 (viii) Harassment where a subsequent violation or deadly threat is  
21 made (RCW 9A.46.020(2)(b));

22 (ix) Criminal Gang Intimidation (RCW 9A.46.120);

23 (x) Any felony conviction by a person eighteen years of age or  
24 older with a special finding of involving a juvenile in a felony  
25 offense under RCW 9.94A.833;

26 (xi) Residential Burglary (RCW 9A.52.025);

27 (xii) Burglary 2 (RCW 9A.52.030);

28 (xiii) Malicious Mischief 1 (RCW 9A.48.070);

29 (xiv) Malicious Mischief 2 (RCW 9A.48.080);

30 (xv) Theft of a Motor Vehicle (RCW 9A.56.065);

31 (xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);

32 (xvii) Taking a Motor Vehicle Without Permission 1 (RCW 9A.56.070);

33 (xviii) Taking a Motor Vehicle Without Permission 2 (RCW  
34 9A.56.075);

35 (xix) Extortion 1 (RCW 9A.56.120);

36 (xx) Extortion 2 (RCW 9A.56.130);

37 (xxi) Intimidating a Witness (RCW 9A.72.110);

38 (xxii) Tampering with a Witness (RCW 9A.72.120);

1 (xxiii) Reckless Endangerment (RCW 9A.36.050);  
2 (xxiv) Coercion (RCW 9A.36.070);  
3 (xxv) Harassment (RCW 9A.46.020); or  
4 (xxvi) Malicious Mischief 3 (RCW 9A.48.090);  
5 (b) That at least one of the offenses listed in (a) of this  
6 subsection shall have occurred after July 1, 2008;  
7 (c) That the most recent committed offense listed in (a) of this  
8 subsection occurred within three years of a prior offense listed in (a)  
9 of this subsection; and  
10 (d) Of the offenses that were committed in (a) of this subsection,  
11 the offenses occurred on separate occasions or were committed by two or  
12 more persons.  
13 (~~(+36+)~~) (35) "Persistent offender" is an offender who:  
14 (a)(i) Has been convicted in this state of any felony considered a  
15 most serious offense; and  
16 (ii) Has, before the commission of the offense under (a) of this  
17 subsection, been convicted as an offender on at least two separate  
18 occasions, whether in this state or elsewhere, of felonies that under  
19 the laws of this state would be considered most serious offenses and  
20 would be included in the offender score under RCW 9.94A.525; provided  
21 that of the two or more previous convictions, at least one conviction  
22 must have occurred before the commission of any of the other most  
23 serious offenses for which the offender was previously convicted; or  
24 (b)(i) Has been convicted of: (A) Rape in the first degree, rape  
25 of a child in the first degree, child molestation in the first degree,  
26 rape in the second degree, rape of a child in the second degree, or  
27 indecent liberties by forcible compulsion; (B) any of the following  
28 offenses with a finding of sexual motivation: Murder in the first  
29 degree, murder in the second degree, homicide by abuse, kidnapping in  
30 the first degree, kidnapping in the second degree, assault in the first  
31 degree, assault in the second degree, assault of a child in the first  
32 degree, assault of a child in the second degree, or burglary in the  
33 first degree; or (C) an attempt to commit any crime listed in this  
34 subsection (~~(+36+)~~) (35)(b)(i); and  
35 (ii) Has, before the commission of the offense under (b)(i) of this  
36 subsection, been convicted as an offender on at least one occasion,  
37 whether in this state or elsewhere, of an offense listed in (b)(i) of  
38 this subsection or any federal or out-of-state offense or offense under

1 prior Washington law that is comparable to the offenses listed in  
2 (b)(i) of this subsection. A conviction for rape of a child in the  
3 first degree constitutes a conviction under (b)(i) of this subsection  
4 only when the offender was sixteen years of age or older when the  
5 offender committed the offense. A conviction for rape of a child in  
6 the second degree constitutes a conviction under (b)(i) of this  
7 subsection only when the offender was eighteen years of age or older  
8 when the offender committed the offense.

9 ~~((+37+))~~ (36) "Predatory" means: (a) The perpetrator of the crime  
10 was a stranger to the victim, as defined in this section; (b) the  
11 perpetrator established or promoted a relationship with the victim  
12 prior to the offense and the victimization of the victim was a  
13 significant reason the perpetrator established or promoted the  
14 relationship; or (c) the perpetrator was: (i) A teacher, counselor,  
15 volunteer, or other person in authority in any public or private school  
16 and the victim was a student of the school under his or her authority  
17 or supervision. For purposes of this subsection, "school" does not  
18 include home-based instruction as defined in RCW 28A.225.010; (ii) a  
19 coach, trainer, volunteer, or other person in authority in any  
20 recreational activity and the victim was a participant in the activity  
21 under his or her authority or supervision; (iii) a pastor, elder,  
22 volunteer, or other person in authority in any church or religious  
23 organization, and the victim was a member or participant of the  
24 organization under his or her authority; or (iv) a teacher, counselor,  
25 volunteer, or other person in authority providing home-based  
26 instruction and the victim was a student receiving home-based  
27 instruction while under his or her authority or supervision. For  
28 purposes of this subsection: (A) "Home-based instruction" has the same  
29 meaning as defined in RCW 28A.225.010; and (B) "teacher, counselor,  
30 volunteer, or other person in authority" does not include the parent or  
31 legal guardian of the victim.

32 ~~((+38+))~~ (37) "Private school" means a school regulated under  
33 chapter 28A.195 or 28A.205 RCW.

34 ~~((+39+))~~ (38) "Public school" has the same meaning as in RCW  
35 28A.150.010.

36 ~~((+40+))~~ (39) "Repetitive domestic violence offense" means any:  
37 (a)(i) Domestic violence assault that is not a felony offense under  
38 RCW 9A.36.041;

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

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

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

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

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

13 (~~(41)~~) (40) "Restitution" means a specific sum of money ordered  
14 by the sentencing court to be paid by the offender to the court over a  
15 specified period of time as payment of damages. The sum may include  
16 both public and private costs.

17 (~~(42)~~) (41) "Risk assessment" means the application of the risk  
18 instrument recommended to the department by the Washington state  
19 institute for public policy as having the highest degree of predictive  
20 accuracy for assessing an offender's risk of reoffense.

21 (~~(43)~~) (42) "Serious traffic offense" means:

22 (a) Nonfelony driving while under the influence of intoxicating  
23 liquor or any drug (RCW 46.61.502), nonfelony actual physical control  
24 while under the influence of intoxicating liquor or any drug (RCW  
25 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an  
26 attended vehicle (RCW 46.52.020(5)); or

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

30 (~~(44)~~) (43) "Serious violent offense" is a subcategory of violent  
31 offense and means:

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

33 (ii) Homicide by abuse;

34 (iii) Murder in the second degree;

35 (iv) Manslaughter in the first degree;

36 (v) Assault in the first degree;

37 (vi) Kidnapping in the first degree;

38 (vii) Rape in the first degree;

1 (viii) Assault of a child in the first degree; or  
2 (ix) An attempt, criminal solicitation, or criminal conspiracy to  
3 commit one of these felonies; or  
4 (b) Any federal or out-of-state conviction for an offense that  
5 under the laws of this state would be a felony classified as a serious  
6 violent offense under (a) of this subsection.  
7 ~~((45))~~ (44) "Sex offense" means:  
8 (a)(i) A felony that is a violation of chapter 9A.44 RCW other than  
9 RCW 9A.44.132;  
10 (ii) A violation of RCW 9A.64.020;  
11 (iii) A felony that is a violation of chapter 9.68A RCW other than  
12 RCW 9.68A.080;  
13 (iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt,  
14 criminal solicitation, or criminal conspiracy to commit such crimes; or  
15 (v) A felony violation of RCW 9A.44.132(1) (failure to register) if  
16 the person has been convicted of violating RCW 9A.44.132(1) (failure to  
17 register) on at least one prior occasion;  
18 (b) Any conviction for a felony offense in effect at any time prior  
19 to July 1, 1976, that is comparable to a felony classified as a sex  
20 offense in (a) of this subsection;  
21 (c) A felony with a finding of sexual motivation under RCW  
22 9.94A.835 or 13.40.135; or  
23 (d) Any federal or out-of-state conviction for an offense that  
24 under the laws of this state would be a felony classified as a sex  
25 offense under (a) of this subsection.  
26 ~~((46))~~ (45) "Sexual motivation" means that one of the purposes  
27 for which the defendant committed the crime was for the purpose of his  
28 or her sexual gratification.  
29 ~~((47))~~ (46) "Standard sentence range" means the sentencing  
30 court's discretionary range in imposing a nonappealable sentence.  
31 ~~((48))~~ (47) "Statutory maximum sentence" means the maximum length  
32 of time for which an offender may be confined as punishment for a crime  
33 as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining  
34 the crime, or other statute defining the maximum penalty for a crime.  
35 ~~((49))~~ (48) "Stranger" means that the victim did not know the  
36 offender twenty-four hours before the offense.  
37 ~~((50))~~ (49) "Total confinement" means confinement inside the

1 physical boundaries of a facility or institution operated or utilized  
2 under contract by the state or any other unit of government for twenty-  
3 four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

4 ~~((+51+))~~ (50) "Transition training" means written and verbal  
5 instructions and assistance provided by the department to the offender  
6 during the two weeks prior to the offender's successful completion of  
7 the work ethic camp program. The transition training shall include  
8 instructions in the offender's requirements and obligations during the  
9 offender's period of community custody.

10 ~~((+52+))~~ (51) "Victim" means any person who has sustained  
11 emotional, psychological, physical, or financial injury to person or  
12 property as a direct result of the crime charged.

13 ~~((+53+))~~ (52) "Violent offense" means:

14 (a) Any of the following felonies:

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

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

19 (iii) Manslaughter in the first degree;

20 (iv) Manslaughter in the second degree;

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

22 (vi) Kidnapping in the second degree;

23 (vii) Arson in the second degree;

24 (viii) Assault in the second degree;

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

26 (x) Extortion in the first degree;

27 (xi) Robbery in the second degree;

28 (xii) Drive-by shooting;

29 (xiii) Vehicular assault, when caused by the operation or driving  
30 of a vehicle by a person while under the influence of intoxicating  
31 liquor or any drug or by the operation or driving of a vehicle in a  
32 reckless manner; and

33 (xiv) Vehicular homicide, when proximately caused by the driving of  
34 any vehicle by any person while under the influence of intoxicating  
35 liquor or any drug as defined by RCW 46.61.502, or by the operation of  
36 any vehicle in a reckless manner;

37 (b) Any conviction for a felony offense in effect at any time prior

1 to July 1, 1976, that is comparable to a felony classified as a violent  
2 offense in (a) of this subsection; and

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

6 ~~((+54+))~~ (53) "Work crew" means a program of partial confinement  
7 consisting of civic improvement tasks for the benefit of the community  
8 that complies with RCW 9.94A.725.

9 ~~((+55+))~~ (54) "Work ethic camp" means an alternative incarceration  
10 program as provided in RCW 9.94A.690 designed to reduce recidivism and  
11 lower the cost of corrections by requiring offenders to complete a  
12 comprehensive array of real-world job and vocational experiences,  
13 character-building work ethics training, life management skills  
14 development, substance abuse rehabilitation, counseling, literacy  
15 training, and basic adult education.

16 ~~((+56+))~~ (55) "Work release" means a program of partial confinement  
17 available to offenders who are employed or engaged as a student in a  
18 regular course of study at school.

19 **Sec. 17.** RCW 9.94A.74501 and 2001 c 35 s 3 are each amended to  
20 read as follows:

21 (1) The ~~((sentencing guidelines commission))~~ department of  
22 corrections shall serve as the state council for interstate adult  
23 offender supervision as required under article IV of RCW 9.94A.745, the  
24 interstate compact for adult offender supervision. ~~((To assist the~~  
25 ~~commission in performing its functions as the state council,))~~ The  
26 department of corrections shall provide staffing and support services.  
27 The ~~((commission))~~ department of corrections may form a subcommittee,  
28 including members representing the legislative, judicial, and executive  
29 branches of state government, and victims' groups ~~((, and the secretary~~  
30 ~~of corrections,))~~ to perform the functions of the state council. Any  
31 such subcommittee shall include representation of both houses and at  
32 least two of the four largest political caucuses in the legislature.

33 (2) The ~~((commission,))~~ department or a subcommittee if formed for  
34 that purpose, shall:

35 (a) Review department operations and procedures under RCW  
36 9.94A.745, and recommend policies to the compact administrator,

1 including policies to be pursued in the administrator's capacity as the  
2 state's representative on the interstate commission created under  
3 article III of RCW 9.94A.745;

4 (b) Report annually to the legislature on interstate supervision  
5 operations and procedures under RCW 9.94A.745, including  
6 recommendations for policy changes; and

7 (c) Not later than December 1, 2004, report to the legislature on  
8 the effectiveness of its functioning as the state council under article  
9 IV of RCW 9.94A.745, and recommend any legislation it deems  
10 appropriate.

11 (3) The ~~((commission, or a subcommittee if formed for that~~  
12 ~~purpose,))~~ secretary shall appoint ~~((one of its members, or))~~ an  
13 employee of the department ~~((designated by the secretary)), or a~~  
14 subcommittee if formed for that purpose shall appoint one of its  
15 members, to represent the state at meetings of the interstate  
16 commission created under article III of RCW 9.94A.745 when the compact  
17 administrator cannot attend.

18 **Sec. 18.** RCW 9.94A.855 and 2005 c 282 s 20 are each amended to  
19 read as follows:

20 The ~~((commission))~~ office of financial management shall appoint a  
21 research staff of sufficient size and with sufficient resources to  
22 accomplish its duties. The ~~((commission))~~ office of financial  
23 management may request from ~~((the office of financial management, the~~  
24 ~~indeterminate sentence review board,))~~ the administrative office of the  
25 courts, the department of corrections, and the department of social and  
26 health services such data, information, and data processing assistance  
27 as it may need to accomplish its duties, and such services shall be  
28 provided without cost to the ~~((commission))~~ office of financial  
29 management. ~~((The commission shall adopt its own bylaws.~~

30 ~~The salary for a full-time executive officer, if any, shall be~~  
31 ~~fixed by the governor pursuant to RCW 43.03.040.))~~

32 **Sec. 19.** RCW 9.94A.870 and 1999 c 143 s 13 are each amended to  
33 read as follows:

34 If the governor finds that an emergency exists in that the  
35 population of a state residential correctional facility exceeds its

1 reasonable, maximum capacity, then the governor may ~~((do any one or))~~  
2 ~~more of the following:~~

3 ~~(1) Call the sentencing guidelines commission into an emergency~~  
4 ~~meeting for the purpose of evaluating the standard ranges and other~~  
5 ~~standards. The commission may adopt any revision or amendment to the~~  
6 ~~standard ranges or other standards that it believes appropriate to deal~~  
7 ~~with the emergency situation. The revision or amendment shall be~~  
8 ~~adopted in conformity with chapter 34.05 RCW and shall take effect on~~  
9 ~~the date prescribed by the commission. The legislature shall approve~~  
10 ~~or modify the commission's revision or amendment at the next~~  
11 ~~legislative session after the revision or amendment takes effect.~~  
12 ~~Failure of the legislature to act shall be deemed as approval of the~~  
13 ~~revision or amendment;~~

14 ~~(2) call the clemency and pardons board into an emergency meeting~~  
15 ~~for the purpose of recommending whether the governor's commutation or~~  
16 ~~pardon power should be exercised to meet the present emergency.~~

17 **Sec. 20.** RCW 9.94A.875 and 1984 c 209 s 9 are each amended to read  
18 as follows:

19 If the governor finds that an emergency exists in that the  
20 populations of county jails exceed their reasonable, maximum capacity  
21 in a significant manner as a result of increases in the sentenced felon  
22 population due to implementation of chapter 9.94A RCW, the governor may  
23 ~~((do any one or more of the following:~~

24 ~~(1) Call the sentencing guidelines commission into an emergency~~  
25 ~~meeting for the purpose of evaluating the standard ranges and other~~  
26 ~~standards. The commission may adopt any revision or amendment to the~~  
27 ~~standard ranges or other standards that it believes appropriate to deal~~  
28 ~~with the emergency situation. The revision or amendment shall be~~  
29 ~~adopted in conformity with chapter 34.05 RCW and shall take effect on~~  
30 ~~the date prescribed by the commission. The legislature shall approve~~  
31 ~~or modify the commission's revision or amendment at the next~~  
32 ~~legislative session after the revision or amendment takes effect.~~  
33 ~~Failure of the legislature to act shall be deemed as approval of the~~  
34 ~~revision or amendment. The commission shall also analyze how~~  
35 ~~alternatives to total confinement are being provided and used and may~~  
36 ~~recommend other emergency measures that may relieve the overcrowding.~~

1       (2)) call the clemency and pardons board into an emergency meeting  
2 for the purpose of recommending whether the governor's commutation or  
3 pardon power should be exercised to meet the present emergency.

4       **Sec. 21.** RCW 9A.52.025 and 1989 2nd ex.s. c 1 s 1 are each amended  
5 to read as follows:

6       (1) A person is guilty of residential burglary if, with intent to  
7 commit a crime against a person or property therein, the person enters  
8 or remains unlawfully in a dwelling other than a vehicle.

9       (2) Residential burglary is a class B felony. In establishing  
10 sentencing guidelines and disposition standards, (~~the sentencing~~  
11 ~~guidelines commission and~~) the juvenile disposition standards  
12 commission shall consider residential burglary as a more serious  
13 offense than second degree burglary.

14       **Sec. 22.** RCW 10.98.140 and 1987 c 462 s 4 are each amended to read  
15 as follows:

16       (1) The section, the department, and the office of financial  
17 management shall be the primary sources of information for criminal  
18 justice forecasting. The information maintained by these agencies  
19 shall be complete, accurate, and sufficiently timely to support state  
20 criminal justice forecasting.

21       (2) The office of financial management shall be the official state  
22 agency for the sentenced felon jail forecast. This forecast shall  
23 provide at least a six-year projection and shall be published by  
24 December 1 of every even-numbered year beginning with 1986. The office  
25 of financial management shall seek advice regarding the assumptions in  
26 the forecast from criminal justice agencies and associations.

27       (3) The (~~sentencing guidelines commission~~) office of financial  
28 management shall keep records on all sentencings above or below the  
29 standard range defined by chapter 9.94A RCW. As a minimum, the records  
30 shall include the name of the offender, the crimes for which the  
31 offender was sentenced, the name and county of the sentencing judge,  
32 and the deviation from the standard range. Such records shall be made  
33 available to public officials upon request.

34       **Sec. 23.** RCW 10.98.160 and 2005 c 282 s 25 are each amended to  
35 read as follows:

1 In the development and modification of the procedures, definitions,  
2 and reporting capabilities of the section, the department, the office  
3 of financial management, and the responsible agencies and persons shall  
4 consider the needs of other criminal justice agencies such as the  
5 administrative office of the courts, local law enforcement agencies,  
6 local jails, (~~the sentencing guidelines commission,~~) the  
7 indeterminate sentence review board, the clemency board, prosecuting  
8 attorneys, and affected state agencies such as the office of financial  
9 management and legislative committees dealing with criminal justice  
10 issues. The Washington integrated justice information board shall  
11 review and provide recommendations to state justice agencies and the  
12 courts for development and modification of the statewide justice  
13 information network.

14 **Sec. 24.** RCW 70.96A.350 and 2009 c 479 s 50 and 2009 c 445 s 1 are  
15 each reenacted and amended to read as follows:

16 (1) The criminal justice treatment account is created in the state  
17 treasury. Moneys in the account may be expended solely for: (a)  
18 Substance abuse treatment and treatment support services for offenders  
19 with an addiction or a substance abuse problem that, if not treated,  
20 would result in addiction, against whom charges are filed by a  
21 prosecuting attorney in Washington state; (b) the provision of drug and  
22 alcohol treatment services and treatment support services for  
23 nonviolent offenders within a drug court program; (c) the  
24 administrative and overhead costs associated with the operation of a  
25 drug court; and (d) during the 2007-2009 biennium, operation of the  
26 integrated crisis response and intensive case management pilots  
27 contracted with the department of social and health services division  
28 of alcohol and substance abuse. Moneys in the account may be spent  
29 only after appropriation.

30 (2) For purposes of this section:

31 (a) "Treatment" means services that are critical to a participant's  
32 successful completion of his or her substance abuse treatment program,  
33 but does not include the following services: Housing other than that  
34 provided as part of an inpatient substance abuse treatment program,  
35 vocational training, and mental health counseling; and

36 (b) "Treatment support" means transportation to or from inpatient

1 or outpatient treatment services when no viable alternative exists, and  
2 child care services that are necessary to ensure a participant's  
3 ability to attend outpatient treatment sessions.

4 (3) Revenues to the criminal justice treatment account consist of:  
5 (a) Funds transferred to the account pursuant to this section; and (b)  
6 any other revenues appropriated to or deposited in the account.

7 (4)(a) For the fiscal biennium beginning July 1, 2003, the state  
8 treasurer shall transfer eight million nine hundred fifty thousand  
9 dollars from the general fund into the criminal justice treatment  
10 account, divided into eight equal quarterly payments. For the fiscal  
11 year beginning July 1, 2005, and each subsequent fiscal year, the state  
12 treasurer shall transfer eight million two hundred fifty thousand  
13 dollars from the general fund to the criminal justice treatment  
14 account, divided into four equal quarterly payments. For the fiscal  
15 year beginning July 1, 2006, and each subsequent fiscal year, the  
16 amount transferred shall be increased on an annual basis by the  
17 implicit price deflator as published by the federal bureau of labor  
18 statistics.

19 (b) In each odd-numbered year, the legislature shall appropriate  
20 the amount transferred to the criminal justice treatment account in (a)  
21 of this subsection to the division of alcohol and substance abuse for  
22 the purposes of subsection (5) of this section.

23 (5) Moneys appropriated to the division of alcohol and substance  
24 abuse from the criminal justice treatment account shall be distributed  
25 as specified in this subsection. The department shall serve as the  
26 fiscal agent for purposes of distribution. Until July 1, 2004, the  
27 department may not use moneys appropriated from the criminal justice  
28 treatment account for administrative expenses and shall distribute all  
29 amounts appropriated under subsection (4)(b) of this section in  
30 accordance with this subsection. Beginning in July 1, 2004, the  
31 department may retain up to three percent of the amount appropriated  
32 under subsection (4)(b) of this section for its administrative costs.

33 (a) Seventy percent of amounts appropriated to the division from  
34 the account shall be distributed to counties pursuant to the  
35 distribution formula adopted under this section. The division of  
36 alcohol and substance abuse, in consultation with the department of  
37 corrections, (~~the sentencing guidelines commission,~~) the Washington  
38 state association of counties, the Washington state association of drug

1 court professionals, the superior court judges' association, the  
2 Washington association of prosecuting attorneys, representatives of the  
3 criminal defense bar, representatives of substance abuse treatment  
4 providers, and any other person deemed by the division to be necessary,  
5 shall establish a fair and reasonable methodology for distribution to  
6 counties of moneys in the criminal justice treatment account. County  
7 or regional plans submitted for the expenditure of formula funds must  
8 be approved by the panel established in (b) of this subsection.

9 (b) Thirty percent of the amounts appropriated to the division from  
10 the account shall be distributed as grants for purposes of treating  
11 offenders against whom charges are filed by a county prosecuting  
12 attorney. The division shall appoint a panel of representatives from  
13 the Washington association of prosecuting attorneys, the Washington  
14 association of sheriffs and police chiefs, the superior court judges'  
15 association, the Washington state association of counties, the  
16 Washington defender's association or the Washington association of  
17 criminal defense lawyers, the department of corrections, the Washington  
18 state association of drug court professionals, substance abuse  
19 treatment providers, and the division. The panel shall review county  
20 or regional plans for funding under (a) of this subsection and grants  
21 approved under this subsection. The panel shall attempt to ensure that  
22 treatment as funded by the grants is available to offenders statewide.

23 (6) The county alcohol and drug coordinator, county prosecutor,  
24 county sheriff, county superior court, a substance abuse treatment  
25 provider appointed by the county legislative authority, a member of the  
26 criminal defense bar appointed by the county legislative authority,  
27 and, in counties with a drug court, a representative of the drug court  
28 shall jointly submit a plan, approved by the county legislative  
29 authority or authorities, to the panel established in subsection (5)(b)  
30 of this section, for disposition of all the funds provided from the  
31 criminal justice treatment account within that county. The funds shall  
32 be used solely to provide approved alcohol and substance abuse  
33 treatment pursuant to RCW 70.96A.090, treatment support services, and  
34 for the administrative and overhead costs associated with the operation  
35 of a drug court.

36 (a) No more than ten percent of the total moneys received under  
37 subsections (4) and (5) of this section by a county or group of

1 counties participating in a regional agreement shall be spent on the  
2 administrative and overhead costs associated with the operation of a  
3 drug court.

4 (b) No more than ten percent of the total moneys received under  
5 subsections (4) and (5) of this section by a county or group of  
6 counties participating in a regional agreement shall be spent for  
7 treatment support services.

8 (7) Counties are encouraged to consider regional agreements and  
9 submit regional plans for the efficient delivery of treatment under  
10 this section.

11 (8) Moneys allocated under this section shall be used to  
12 supplement, not supplant, other federal, state, and local funds used  
13 for substance abuse treatment.

14 (9) Counties must meet the criteria established in RCW  
15 2.28.170(3)(b).

16 (10) The authority under this section to use funds from the  
17 criminal justice treatment account for the administrative and overhead  
18 costs associated with the operation of a drug court expires June 30,  
19 2013.

20 **Sec. 25.** RCW 72.09.350 and 1993 c 459 s 1 are each amended to read  
21 as follows:

22 (1) The department of corrections and the University of Washington  
23 may enter into a collaborative arrangement to provide improved services  
24 for (~~mentally ill~~) offenders with mental illness with a focus on  
25 prevention, treatment, and reintegration into society. The  
26 participants in the collaborative arrangement may develop a strategic  
27 plan within sixty days after May 17, 1993, to address the management of  
28 (~~mentally ill~~) offenders with mental illness within the correctional  
29 system, facilitating their reentry into the community and the mental  
30 health system, and preventing the inappropriate incarceration of  
31 (~~mentally ill~~) individuals with mental illness. The collaborative  
32 arrangement may also specify the establishment and maintenance of a  
33 corrections mental health center located at McNeil Island corrections  
34 center. The collaborative arrangement shall require that an advisory  
35 panel of key stakeholders be established and consulted throughout the  
36 development and implementation of the center. The stakeholders  
37 advisory panel shall include a broad array of interest groups drawn

1 from representatives of mental health, criminal justice, and  
2 correctional systems. The stakeholders advisory panel shall include,  
3 but is not limited to, membership from: The department of corrections,  
4 the department of social and health services mental health division and  
5 division of juvenile rehabilitation, regional support networks, local  
6 and regional law enforcement agencies, (~~the sentencing guidelines~~  
7 ~~commission,~~) county and city jails, mental health advocacy groups for  
8 (~~the mentally ill, developmentally disabled~~) individuals with mental  
9 illness, individuals with developmental disabilities, and traumatically  
10 brain-injured, and the general public. The center established by the  
11 department of corrections and University of Washington, in consultation  
12 with the stakeholder advisory groups, shall have the authority to:

13 (a) Develop new and innovative treatment approaches for corrections  
14 mental health clients;

15 (b) Improve the quality of mental health services within the  
16 department and throughout the corrections system;

17 (c) Facilitate mental health staff recruitment and training to meet  
18 departmental, county, and municipal needs;

19 (d) Expand research activities within the department in the area of  
20 treatment services, the design of delivery systems, the development of  
21 organizational models, and training for corrections mental health care  
22 professionals;

23 (e) Improve the work environment for correctional employees by  
24 developing the skills, knowledge, and understanding of how to work with  
25 offenders with special chronic mental health challenges;

26 (f) Establish a more positive rehabilitative environment for  
27 offenders;

28 (g) Strengthen multidisciplinary mental health collaboration  
29 between the University of Washington, other groups committed to the  
30 intent of this section, and the department of corrections;

31 (h) Strengthen department linkages between institutions of higher  
32 education, public sector mental health systems, and county and  
33 municipal corrections;

34 (i) Assist in the continued formulation of corrections mental  
35 health policies;

36 (j) Develop innovative and effective recruitment and training  
37 programs for correctional personnel working with (~~mentally ill~~)  
38 offenders with mental illness;

1 (k) Assist in the development of a coordinated continuum of mental  
2 health care capable of providing services from corrections entry to  
3 community return; and

4 (1) Evaluate all current and innovative approaches developed within  
5 this center in terms of their effective and efficient achievement of  
6 improved mental health of inmates, development and utilization of  
7 personnel, the impact of these approaches on the functioning of  
8 correctional institutions, and the relationship of the corrections  
9 system to mental health and criminal justice systems. Specific  
10 attention should be paid to evaluating the effects of programs on the  
11 reintegration of (~~mentally ill~~) offenders with mental illness into  
12 the community and the prevention of inappropriate incarceration of  
13 (~~mentally ill~~) persons with mental illness.

14 (2) The corrections mental health center may conduct research,  
15 training, and treatment activities for the (~~mentally ill~~) offender  
16 with mental illness within selected sites operated by the department.  
17 The department shall provide support services for the center such as  
18 food services, maintenance, perimeter security, classification,  
19 offender supervision, and living unit functions. The University of  
20 Washington may develop, implement, and evaluate the clinical,  
21 treatment, research, and evaluation components of the mentally ill  
22 offender center. The institute of (~~for~~) for public policy and  
23 management may be consulted regarding the development of the center and  
24 in the recommendations regarding public policy. As resources permit,  
25 training within the center shall be available to state, county, and  
26 municipal agencies requiring the services. Other state colleges, state  
27 universities, and mental health providers may be involved in activities  
28 as required on a subcontract basis. Community mental health  
29 organizations, research groups, and community advocacy groups may be  
30 critical components of the center's operations and involved as  
31 appropriate to annual objectives. (~~Mentally ill~~) Clients with mental  
32 illness may be drawn from throughout the department's population and  
33 transferred to the center as clinical need, available services, and  
34 department jurisdiction permits.

35 (3) The department shall prepare a report of the center's progress  
36 toward the attainment of stated goals and provide the report to the  
37 legislature annually.

1       **Sec. 26.** RCW 72.66.016 and 1983 c 255 s 8 are each amended to read  
2 as follows:

3       (1) A furlough shall not be granted to a resident if the furlough  
4 would commence prior to the time the resident has served the minimum  
5 amounts of time provided under this section:

6       (a) If his or her minimum term of imprisonment is longer than  
7 twelve months, he or she shall have served at least six months of the  
8 term;

9       (b) If his or her minimum term of imprisonment is less than twelve  
10 months, he or she shall have served at least ninety days and shall have  
11 no longer than six months left to serve on his or her minimum term;

12       (c) If he or she is serving a mandatory minimum term of  
13 confinement, he or she shall have served all but the last six months of  
14 such term.

15       (2) A person convicted and sentenced for a violent offense as  
16 defined in RCW 9.94A.030 is not eligible for furlough until the person  
17 has served at least one-half of the minimum term (~~(as established by~~  
18 ~~the board of prison terms and paroles or the sentencing guidelines~~  
19 ~~commission))~~).

20       **Sec. 27.** RCW 43.15.020 and 2010 1st sp.s. c 7 s 136 and 2010 c 271  
21 s 704 are each reenacted and amended to read as follows:

22       The lieutenant governor serves as president of the senate and is  
23 responsible for making appointments to, and serving on, the committees  
24 and boards as set forth in this section.

25       (1) The lieutenant governor serves on the following boards and  
26 committees:

27       (a) Capitol furnishings preservation committee, RCW 27.48.040;

28       (b) Washington higher education facilities authority, RCW  
29 28B.07.030;

30       (c) Productivity board, also known as the employee involvement and  
31 recognition board, RCW 41.60.015;

32       (d) State finance committee, RCW 43.33.010;

33       (e) State capitol committee, RCW 43.34.010;

34       (f) Washington health care facilities authority, RCW 70.37.030;

35       (g) State medal of merit nominating committee, RCW 1.40.020;

36       (h) Medal of valor committee, RCW 1.60.020; and

37       (i) Association of Washington generals, RCW 43.15.030.

1           (2) The lieutenant governor, and when serving as president of the  
2 senate, appoints members to the following boards and committees:  
3           (a) Civil legal aid oversight committee, RCW 2.53.010;  
4           (b) Office of public defense advisory committee, RCW 2.70.030;  
5           (c) Washington state gambling commission, RCW 9.46.040;  
6           (d) ~~((Sentencing guidelines commission, RCW 9.94A.860;~~  
7           ~~(e))~~) State building code council, RCW 19.27.070;  
8           ~~((f))~~ (e) Financial education public-private partnership, RCW  
9 28A.300.450;  
10          ~~((g))~~ (f) Joint administrative rules review committee, RCW  
11 34.05.610;  
12          ~~((h))~~ (g) Capital projects advisory review board, RCW 39.10.220;  
13          ~~((i))~~ (h) Select committee on pension policy, RCW 41.04.276;  
14          ~~((j))~~ (i) Legislative ethics board, RCW 42.52.310;  
15          ~~((k))~~ (j) Washington citizens' commission on salaries, RCW  
16 43.03.305;  
17          ~~((l))~~ (k) Legislative oral history committee, RCW 44.04.325;  
18          ~~((m))~~ (l) State council on aging, RCW 43.20A.685;  
19          ~~((n))~~ (m) State investment board, RCW 43.33A.020;  
20          ~~((o))~~ (n) Capitol campus design advisory committee, RCW  
21 43.34.080;  
22          ~~((p))~~ (o) Washington state arts commission, RCW 43.46.015;  
23          ~~((q))~~ (p) Information services board, RCW 43.105.032;  
24          ~~((r))~~ (q) Council for children and families, RCW 43.121.020;  
25          ~~((s))~~ (r) PNWER-Net working subgroup under chapter 43.147 RCW;  
26          ~~((t))~~ (s) Community economic revitalization board, RCW  
27 43.160.030;  
28          ~~((u))~~ (t) Washington economic development finance authority, RCW  
29 43.163.020;  
30          ~~((v))~~ (u) Life sciences discovery fund authority, RCW 43.350.020;  
31          ~~((w))~~ (v) Legislative children's oversight committee, RCW  
32 44.04.220;  
33          ~~((x))~~ (w) Joint legislative audit and review committee, RCW  
34 44.28.010;  
35          ~~((y))~~ (x) Joint committee on energy supply and energy  
36 conservation, RCW 44.39.015;  
37          ~~((z))~~ (y) Legislative evaluation and accountability program  
38 committee, RCW 44.48.010;

1           (~~(aa)~~) (z) Agency council on coordinated transportation, RCW  
2 47.06B.020;  
3           (~~(bb)~~) (aa) Manufactured housing task force, RCW 59.22.090;  
4           (~~(cc)~~) (bb) Washington horse racing commission, RCW 67.16.014;  
5           (~~(dd)~~) (cc) Correctional industries board of directors, RCW  
6 72.09.080;  
7           (~~(ee)~~) (dd) Joint committee on veterans' and military affairs,  
8 RCW 73.04.150;  
9           (~~(ff)~~) (ee) Joint legislative committee on water supply during  
10 drought, RCW 90.86.020;  
11           (~~(gg)~~) (ff) Statute law committee, RCW 1.08.001; and  
12           (~~(hh)~~) (gg) Joint legislative oversight committee on trade  
13 policy, RCW 44.55.020.

14           NEW SECTION.   **Sec. 28.** This act is necessary for the immediate  
15 preservation of the public peace, health, or safety, or support of the  
16 state government and its existing public institutions, and takes effect  
17 May 1, 2011.

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