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**HOUSE BILL 1967**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** Representative Jacobsen

Prefiled 12/18/23.

1 AN ACT Relating to excluding any person who is convicted of a hit  
2 and run resulting in death from being eligible for a first-time  
3 offender waiver; and amending RCW 9.94A.650.

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

5 **Sec. 1.** RCW 9.94A.650 and 2022 c 16 s 6 are each amended to read  
6 as follows:

7 (1) This section applies to offenders who have never been  
8 previously convicted of a felony in this state, federal court, or  
9 another state, and who have never participated in a program of  
10 deferred prosecution for a felony, and who are convicted of a felony  
11 that is not:

12 (a) Classified as a violent offense or a sex offense under this  
13 chapter;

14 (b) Manufacture, delivery, or possession with intent to  
15 manufacture or deliver a controlled substance classified in Schedule  
16 I or II that is a narcotic drug or flunitrazepam classified in  
17 Schedule IV;

18 (c) Manufacture, delivery, or possession with intent to deliver a  
19 methamphetamine, its salts, isomers, and salts of its isomers as  
20 defined in RCW 69.50.206(d) (2);

1 (d) The selling for profit of any controlled substance or  
2 counterfeit substance classified in Schedule I, RCW 69.50.204, except  
3 leaves and flowering tops of cannabis; (~~or~~)

4 (e) Felony driving while under the influence of intoxicating  
5 liquor or any drug or felony physical control of a vehicle while  
6 under the influence of intoxicating liquor or any drug; or

7 (f) Hit and run resulting in death under RCW 46.52.020(4)(a).

8 (2) In sentencing a first-time offender the court may waive the  
9 imposition of a sentence within the standard sentence range and  
10 impose a sentence which may include up to ninety days of confinement  
11 in a facility operated or utilized under contract by the county and a  
12 requirement that the offender refrain from committing new offenses.

13 (3) The court may impose up to six months of community custody  
14 unless treatment is ordered, in which case the period of community  
15 custody may include up to the period of treatment, but shall not  
16 exceed one year.

17 (4) As a condition of community custody, in addition to any  
18 conditions authorized in RCW 9.94A.703, the court may order the  
19 offender to pay all court-ordered legal financial obligations and/or  
20 perform community restitution work.

21 (5) For the purposes of this section, "cannabis" has the meaning  
22 provided in RCW 69.50.101.

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