
SUBSTITUTE SENATE BILL 5875

State of Washington 62nd Legislature 2011 Regular Session

By Senate Human Services & Corrections (originally sponsored by Senator Hargrove)

READ FIRST TIME 03/25/11.

1 AN ACT Relating to terms of supervision for offenders sentenced to
2 a first time offender waiver; amending RCW 9.94A.650; creating new
3 sections; and declaring an emergency.

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

5 **Sec. 1.** RCW 9.94A.650 and 2008 c 231 s 29 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 deferred
10 prosecution for a felony, and who are convicted of a felony that is
11 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 manufacture
15 or deliver a controlled substance classified in Schedule I or II that
16 is a narcotic drug or flunitrazepam classified in Schedule IV;

17 (c) Manufacture, delivery, or possession with intent to deliver a
18 methamphetamine, its salts, isomers, and salts of its isomers as
19 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 marihuana; or

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

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

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

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

20 NEW SECTION. **Sec. 2.** By January 1, 2012, consistent with the
21 provisions of RCW 9.94A.650, the department of corrections shall
22 recalculate the term of community custody for each offender sentenced
23 to a first time offender waiver under RCW 9.94A.650 and currently in
24 confinement or serving a term of community custody. The department of
25 corrections shall reset the date that community custody will end for
26 those offenders. The recalculation shall not extend a term of
27 community custody beyond that to which an offender is currently
28 subject.

29 NEW SECTION. **Sec. 3.** The provisions of this act apply to persons
30 convicted before, on, or after the effective date of this section.

31 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
32 preservation of the public peace, health, or safety, or support of the
33 state government and its existing public institutions, and takes effect

1 immediately.

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