

## FTOW PROPOSALS

### Proposal: Make Class B violent offenses eligible for FTOW

RCW	Offense	Class	Cur SL	Serious Viol	Viol	Sex	CAP	3 Strike	2 Strike
9A.36.130	Assault of a Child 2	B	9		X		X	X	SM
9A.32.070	Manslaughter 2	B	8		X		X	X	
9A.36.045	Drive-by Shooting	B	7		X				
9A.56.120	Extortion 1	B	5		X		X	X	
9A.40.030(3)(a)	Kidnapping 2	B	5		X		X	X	
9A.48.030	Arson 2	B	4		X				
9A.36.021(2)(a)	Assault 2	B	4		X		X	X	
9A.56.210	Robbery 2	B	4		X		X		
46.61.522(1)(a-b)	Vehicular Assault, in a Reckless Manner or while under the Influence of Intoxicating Liquor or any Drug	B	4		X		X	X	

### Proposal: Make Low-risk Class C sex offenses eligible for FTOW

RCW	Offense	Class	Cur SL	Serious Viol	Viol	Sex	CAP	3 Strike
9A.44.079	Rape of a Child 3	C	6			X	X	
9A.64.020(2)	Incest 2	C	5			X	X	*
9A.44.060	Rape 3	C	5			X	X	X
9A.44.089	Child Molestation 3	C	5			X	X	
9A.44.093	Sexual Misconduct with a Minor 1	C	5			X		
9A.44.105	Sexually Violating Human Remains	C	5			X		
9A.44.170	Custodial Sexual Misconduct 2	C	5			X		
9.68A.090(2)	Communication with Minor for Immoral Purposes (Subsequent	C	3			X	X	

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RCW	Offense	Class	Cur SL	Serious Viol	Viol	Sex	CAP	3 Strike
	Violation or Prior Sex Offense Conviction)							
9A.44.132(1)(a)	Failure to Register as a Sex Offender (Second Violation Committed on or after 6/10/2010)	C	2			X		
9A.44.115	Voyeurism 1	C	2			X		
9A.44.196	Criminal Trespass Against Children	C	Unr			X		
9.68A.102	Promoting Travel for Commercial Sexual Abuse of a Minor	C	Unr			X		
9.68A.075(2)	Viewing Depictions of Minor Engaged in Sexually Explicit Conduct 2 (Eff 6/10/10)	C	Unr			X		

Proposal: Low level drug dealing offenses eligible for FTOW

Ineligible drug offenses:

RCW	Offense	Class	Cur SL
69.50.401(2)(a)	Manufacture, Deliver or Possess with Intent to Deliver - Narcotics from Schedule I or II or Flunitrazepam from Schedule IV	B	DG2
69.50.401(2)(b)	Manufacture of Methamphetamine	B	DG3
69.50.401(2)(b)	Deliver or Possess with Intent to Deliver – Methamphetamine	B	DG2
69.50.410	Selling for Profit (Controlled or Counterfeit) any Controlled Substance in Schedule I	C	DG3

Proposal: Charge dismissed upon successful completion

- How to maintain court record for purposes of determining future FTOW eligibility (only eligible for one FTOW)?

Proposal: Make similar to Option-B

Suspended Sentence

- Treatment-based option.
- Judge must find that defendant and community would benefit from suspended sentence.

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- Standard range is suspended and the defendant is allowed to serve their sentence on community supervision.
- If fail to comply with conditions, suspended sentence may be revoked and defendant served sentence in jail/DOC.

### Proposal: Make jail- and prison-based FTOW

	0		1		2		# SV/V offs	# Sex offs	# offs elig
XV	240	320	250	333	261	347	3 out of 3	0	0
XIV	123	220	134	234	144	244	2 out of 2	0	0
XIII	123	164	134	178	144	192	2 out of 2	0	0
XII	93	123	102	136	111	147	6 out of 7	3 out of 7	1
XI	78	102	86	114	95	125	5 out of 5	2 out of 5	0
X	51	68	57	75	62	82	5 out of 7	2 out of 7	2
IX	31	41	36	48	41	54	4 out of 9	1 out of 9	4
VIII	21	27	26	34	31	41	3 out of 6	1 out of 6	2
VII	15	20	21	27	26	34	4 out of 20	5 out of 20	11
VI	12.05	14	15	20	21	27	1 out of 12	3 out of 12	8
V	6	12	12.05	14	13	17	3 out of 28	9 out of 28	17
IV	3	9	6	12	12.05	14	5 out of 36	3 out of 36	29
III	1	3	3	8	4	12	0	1 out of 41	40
II	0	90d	2	6	3	9	0	3 out of 32	29
I	0	60d	0	90d	2	5	0	0	29

#### Prison sentence-based for SL 6 through 10

- Sentence to the minimum to be served in a combination of incarceration and community supervision.
- The portion of the sentence to be served in confinement may not exceed half of the minimum or 12 months, whichever is less.
- Confinement to be served in local jail.
- The remainder of the sentence to be served in community supervision.
- The period of community supervision must be at least half of the minimum or 6 months, whichever is greater, if the individual is not ordered to complete treatment.
- The period of community supervision must be at least half of the minimum or 12 months, whichever is greater, if the individual is ordered to complete treatment.

#### Jail sentence-based for SL 1 through 5

- Sentence to be served on community supervision.
- Current FTOW rules apply, except the 0-90 days of confinement.