

the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 32. (1) Except as provided in subsection (2) of this section, this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

(2) Section 10 of this act shall take effect on January 1, 1984.

Passed the Senate April 23, 1983.

Passed the House April 18, 1983.

Approved by the Governor May 11, 1983.

Filed in Office of Secretary of State May 11, 1983.

## CHAPTER 162

[Substitute House Bill No. 888]

### SENTENCE REDUCTION—VIOLENT OFFENDERS EXCLUDED— SENTENCING GUIDELINES

AN ACT Relating to criminal sentencing; and amending section 2, chapter 228, Laws of 1982 and RCW 9.95.390.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 2, chapter 228, Laws of 1982 and RCW 9.95.390 are each amended to read as follows:

(1) To assist in reducing the overcrowding conditions in this state's maximum and medium security prisons, the board of prison terms and paroles, in performance of its duties under chapter 9.95 RCW shall reduce the inmate population by implementation of the program adopted under subsection (2) of this section: **PROVIDED**, That certification, in writing, by the governor and concurrence of the secretary of the department of corrections that reductions to reduce prison overcrowding are necessary, shall precede any action by the board. The reductions shall not apply to inmates serving mandatory minimum prison terms under RCW 9.95.040, and may not be made for an inmate confined for treason, any ((~~class A felony~~)) violent offense as defined by RCW 9.94A.030, or an inmate who has been found to be a sexual psychopath under chapter 71.06 RCW.

(2) The board of prison terms and paroles shall adopt, within ninety days of April 3, 1982, guidelines for the reductions of the inmate population. These guidelines shall be applied to all inmates except those with mandatory minimums under RCW 9.95.040 or those confined for a ((~~class A felony~~)) violent offense as defined by RCW 9.94A.030.

(3) In establishing these guidelines, the board shall give priority to sentence reductions for inmates incarcerated for nonviolent offenses, inmates who are within six months of a scheduled parole, and inmates with the best records of conduct during confinement.

(4) In adopting this program, the board shall consider the public safety, the detrimental effect of overcrowding upon inmate rehabilitation, and the best allocation of limited correctional facility resources.

(5) The rules adopted according to the provisions of RCW 9.95.390 shall not be implemented until the rules are submitted to the senate (~~((social and health services))~~ institutions) and the house (~~((institutions committee[s]))~~ judiciary committees) for their consideration and review.

(6) This section does not require the board to reduce the inmate population to or below any certain number.

(7) In addition to the sentence reduction guidelines adopted pursuant to this section, the board may adopt guidelines for the initial setting of sentences of persons committed to the custody of the department of corrections that reflect the need to prevent overcrowding. The additional guidelines shall apply only to those persons eligible for sentence reduction under this section.

Passed the House March 30, 1983.

Passed the Senate April 21, 1983.

Approved by the Governor May 11, 1983.

Filed in Office of Secretary of State May 11, 1983.

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## CHAPTER 163

[Engrossed Senate Bill No. 3416]

### VIOLENT OFFENSE CATEGORY EXPANDED—EXCEPTIONAL SENTENCES FOR CERTAIN FELONIES—DEADLY WEAPON SPECIAL VERDICT— SENTENCING GUIDELINES—REPORT ON SENTENCING REFORM ACT

AN ACT Relating to crimes and punishments; amending section 3, chapter 137, Laws of 1981 as amended by section 1, chapter 192, Laws of 1982 and RCW 9.94A.030; amending section 12, chapter 137, Laws of 1981 as amended by section 4, chapter 192, Laws of 1982 and RCW 9.94A.120; amending section 16, chapter 137, Laws of 1981 and RCW 9.94A.160; adding new sections to chapter 9.94A RCW; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 3, chapter 137, Laws of 1981 as amended by section 1, chapter 192, Laws of 1982 and RCW 9.94A.030 are each amended to read as follows:

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

(1) "Commission" means the sentencing guidelines commission.

(2) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(3) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed pursuant to this chapter by a court. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5).