

# DAJD Community Corrections Division

## Electronic Home Detention (EHD) Eligibility Criteria for Sentenced Participants

### Prohibited Crimes

Under RCW 9.94A.734, persons convicted of the following offenses are statutorily prohibited from EHD:

- **Any violent offense** as defined in RCW 9.94A.030:
  - Any felony defined under any law as a class A felony or an attempt to commit a class A felony;
    - Murder in the first degree (RCW 9A.32.030)
    - Murder in the second degree (RCW 9A.32.050)
    - Homicide by abuse (RCW 9A.32.055)
    - Manslaughter in the first degree (RCW 9A.32.060)
    - Assault in the first degree (RCW 9A.36.011)
    - Assault of a child in the first degree (RCW 9A.36.120)
    - Kidnapping in the first degree (RCW 9A.40.020)
    - Trafficking in the first degree (RCW 9A.40.100(1))
    - Arson in the first degree (RCW 9A.48.020)
    - Burglary in the first degree (RCW 9A.52.020)
    - Robbery in the first degree (RCW 9A.56.200)
  - Criminal solicitation or (RCW 9A.28.030) or criminal conspiracy to commit (RCW 9A.28.040) a class A felony;
  - Manslaughter in the first degree (RCW 9A.32.060);
  - Manslaughter in the second degree (RCW 9A.32.070);
  - Indecent liberties if committed by forcible compulsion;
  - Kidnapping in the second degree (RCW 9A.40.030);
  - Arson in the second degree (RCW 9A.48.030);
  - Assault in the second degree (RCW 9A.36.021);
  - Assault of a child in the second degree (RCW 9A.36.130);
  - Extortion in the first degree (RCW 9A.56.120);
  - Robbery in the second degree (RCW 9A.56.210);
  - Drive-by shooting (RCW 9A.36.045);
  - Vehicular assault (RCW 46.61.522), when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and
  - Vehicular homicide (RCW 46.61.520), when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug or by the operation of any vehicle in a reckless manner.
- **Any sex offense** as defined in RCW 9.94A.030:
  - A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.132 (Failure to register as a sex offender or kidnapping offender), unless the felony failure to register is the person's second conviction for a felony failure to register under RCW 9A.44.132(1);
  - A violation of RCW 9A.64.020 (Incest);

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- A felony that is a violation of chapter 9.68A RCW (Sexual Exploitation of Children) other than RCW 9.68A.080 (Reporting of depictions of minor engaged in sexually explicit conduct);
- A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes; and
- A felony with a finding of sexual motivation under RCW 9.94A.835.
- **Any drug offense** as defined in RCW 9.94A.030:
  - Any felony violation of chapter 69.50 RCW **except** possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403).
- **Reckless burning in the first or second degree** (9A.48.040 & 9A.48.050)
- **Assault in the third degree** (9A.36.031)
- **Assault of a child in the third degree** (9A.36.140)
- **Unlawful imprisonment** (9A.40.040)
- **Harassment** (9A.46.020)

#### Allowable Crimes with Restrictions

The following offenders have substantial restrictions on the use of EHD:

- Home detention may be imposed for offenders convicted of possession of a controlled substance under RCW 69.50.4013 or forged prescription for a controlled substance under RCW 69.50.403. The offender is eligible if the offender fulfills the participation conditions set forth below [Conditions of Participation] and is monitored for drug use by a treatment alternatives to street crime or a comparable court or agency-referred program.
- Home detention may be imposed for offenders convicted of burglary in the second degree as defined in RCW 9A.52.030 or residential burglary conditioned upon the offender:
  1. Successfully completing twenty-one days in a work release program; and
  2. Having no convictions for burglary in the second degree or residential burglary during the preceding two years and not more than two prior convictions for burglary or residential burglary;
  3. Having no convictions for a violent felony offense during the preceding two years and not more than two prior convictions for a violent felony offense;
  4. Having no prior charges of escape; and
  5. Fulfilling the other conditions of the home detention program.
- Home detention may be imposed for offenders convicted of taking a motor vehicle without permission in the second degree as defined in RCW 9A.56.075, theft of a motor vehicle as defined under RCW 9A.56.065, or possession of a stolen motor vehicle as defined under RCW 9A.56.068 conditioned upon the offender:
  1. Having no convictions for taking a motor vehicle without permission, theft of a motor vehicle or possession of a stolen motor vehicle during the preceding five years and

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- not more than two prior convictions for taking a motor vehicle without permission, theft of a motor vehicle or possession of a stolen motor vehicle;
2. Having no convictions for a violent felony offense during the preceding two years and not more than two prior convictions for a violent felony offense;
  3. Having no prior charges of escape; and
  4. Fulfilling the other conditions of the home detention program.

#### Conditions of Participation

RCW 9.94A.734 requires that participation in a home detention program shall be conditioned on:

- The offender obtaining or maintaining current employment or attending a regular course of school study at regularly defined hours, or the offender performing parental duties to offspring or minors normally in the custody of the offender;
- Abiding by the rules of the home detention program; and
- Compliance with court-ordered legal financial obligations<sup>1</sup>.
- The home detention program may also be made available to offenders whose charges and convictions do not otherwise disqualify them if medical or health-related conditions, concerns or treatment would be better addressed under the home detention program, or where the health and welfare of the offender, other inmates, or staff would be jeopardized by the offender's incarceration. Participation in the home detention program for medical or health-related reasons is conditioned on the offender abiding by the rules of the home detention program and complying with court-ordered restitution.
- Home detention shall not be imposed if the sentencing court finds that the offender has previously and knowingly violated the terms of a home detention program and the violation was not technical, minor, or nonsubstantive. If the court finds there were previous technical, minor, or nonsubstantive violations, the court can deny home detention but is not mandated to deny it.<sup>2</sup>

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

<sup>2</sup> Legislature added this condition in 2015 as part of HB 1943.

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**EHD Program Requirements**

**Residence**

You must reside in a residential dwelling such as a house, apartment, group home, permanently stationed mobile home or another facility which is a structure. Your residence may not be an automobile, public shelter, or a temporary structure.

**Phone Line**

You must have a working home phone or cell phone where EHD staff can reach you 24 hours a day, 7 days a week.

You must also have a power source to which the device can be plugged in 24 hours a day, 7 days a week (uninterrupted power is required).

In the event there is not good cellular service where you live, you will be required to have a landline.