

The terms of the community custody included a requirement that Mr. Castillo undergo an alcohol/substance abuse evaluation and participate in recommended treatment within 60 days of being released from confinement. The judgment also directed that he comply with “any additional conditions imposed by DOC [Department of Corrections].” Clerk’s Papers at 146.

Mr. Castillo timely appealed to this court.

ANALYSIS

Mr. Castillo challenges the alcohol evaluation (and treatment) on the basis that it is not a crime-related prohibition. He also contends that the trial court improperly delegated authority to DOC.

The Sentencing Reform Act of 1981, chapter 9.94A RCW, empowers trial courts to impose “crime-related prohibitions” during the course of community custody. RCW 9.94A.505(8). A “crime-related prohibition” is “an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted.” RCW 9.94A.030(10). Crime-related prohibitions are reviewed for abuse of discretion. *State v. Riley*, 121 Wn.2d 22, 37, 846 P.2d 1365 (1993). Discretion is abused when it is exercised on untenable grounds or for untenable reasons. *State ex rel. Carroll v. Junker*, 79 Wn.2d 12, 26, 482 P.2d 775 (1971).

Mr. Castillo argues that alcohol had no part in his offenses and cannot be considered a crime-related prohibition. The prosecutor agrees and even notes that the trial court declined to prohibit Mr. Castillo from possessing alcohol. Both parties therefore ask that the word alcohol be stricken from the condition requiring evaluation and treatment.

Because most substance abuse treatment programs address multiple substances and often include poly-substance treatment, we doubt the trial court was specifically targeting alcohol abuse in this case. Nonetheless, for clarity's sake, we agree with the parties that the word alcohol should be stricken from the noted sentence condition.

Mr. Castillo also argues that the trial court lacked authority to empower the DOC to impose conditions of community custody, citing to *State v. Sansone*, 127 Wn. App. 630, 111 P.3d 1251 (2005). He correctly points out that judges cannot delegate core sentencing functions. *Id.* at 642; *State v. Williams*, 97 Wn. App. 257, 264, 983 P.2d 687 (1999).

However, Mr. Castillo's situation is not governed by those cases. In 2008 the legislature gave statutory authority to DOC to independently require someone under its supervision to undergo rehabilitative treatment and otherwise comply with directives of the agency. *See* RCW 9.94A.704. Mr. Castillo committed these crimes in 2010 and is

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subject to DOC's enhanced statutory authority. There is no question of unauthorized delegation of authority.

We reject Mr. Castillo's delegation argument and affirm the convictions. The case is remanded to clarify that he need not undergo an alcohol evaluation or alcohol treatment.

Remanded.

A majority of the panel has determined this opinion will not be printed in the Washington Appellate Reports, but it will be filed for public record pursuant to RCW 2.06.040.

Korsmo, C.J.

WE CONCUR:

Brown, J.

Siddoway, J.