
ENGROSSED SUBSTITUTE SENATE BILL 5268

State of Washington

69th Legislature

2025 Regular Session

By Senate Law & Justice (originally sponsored by Senators Wagoner, Dozier, and Fortunato)

READ FIRST TIME 02/03/25.

1 AN ACT Relating to imposing community custody after a conviction
2 for unlawful possession of a firearm; amending RCW 9.94A.701 and
3 9.94A.701; providing an effective date; and providing an expiration
4 date.

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

6 **Sec. 1.** RCW 9.94A.701 and 2021 c 242 s 6 are each amended to
7 read as follows:

8 (1) If an offender is sentenced to the custody of the department
9 for one of the following crimes, the court shall, in addition to the
10 other terms of the sentence, sentence the offender to community
11 custody for three years:

12 (a) A sex offense not sentenced under RCW 9.94A.507; or

13 (b) A serious violent offense.

14 (2) A court shall, in addition to the other terms of the
15 sentence, sentence an offender to community custody for eighteen
16 months when the court sentences the person to the custody of the
17 department for a violent offense that is not considered a serious
18 violent offense.

19 (3) A court shall, in addition to the other terms of the
20 sentence, sentence an offender to community custody for one year when
21 the court sentences the person to the custody of the department for:

- 1 (a) Any crime against persons under RCW 9.94A.411(2);
- 2 (b) An offense involving the unlawful possession of a firearm
3 under RCW 9.41.040, where the offender is a criminal street gang
4 member or associate;
- 5 (c) A felony offense under chapter 69.50 or 69.52 RCW, committed
6 on or after July 1, 2000; (~~(e)~~)
- 7 (d) A felony violation of RCW 9A.44.132(1) (failure to register)
8 that is the offender's first violation for a felony failure to
9 register; or
- 10 (e) An offense involving the unlawful possession of a firearm
11 under RCW 9.41.040.
- 12 (4) If an offender is sentenced under the drug offender
13 sentencing alternative, the court shall impose community custody as
14 provided in RCW 9.94A.660.
- 15 (5) If an offender is sentenced under the special sex offender
16 sentencing alternative, the court shall impose community custody as
17 provided in RCW 9.94A.670.
- 18 (6) If an offender is sentenced to a work ethic camp, the court
19 shall impose community custody as provided in RCW 9.94A.690.
- 20 (7) If an offender is sentenced under the parenting sentencing
21 alternative, the court shall impose a term of community custody as
22 provided in RCW 9.94A.655.
- 23 (8) If the offender is sentenced under the mental health
24 sentencing alternative, the court shall impose a term of community
25 custody as provided in RCW 9.94A.695.
- 26 (9) If a sex offender is sentenced as a nonpersistent offender
27 pursuant to RCW 9.94A.507, the court shall impose community custody
28 as provided in that section.
- 29 (10) The term of community custody specified by this section
30 shall be reduced by the court whenever an offender's standard range
31 term of confinement in combination with the term of community custody
32 exceeds the statutory maximum for the crime as provided in RCW
33 9A.20.021.

34 **Sec. 2.** RCW 9.94A.701 and 2024 c 306 s 10 are each amended to
35 read as follows:

- 36 (1) If an offender is sentenced to the custody of the department
37 for one of the following crimes, the court shall, in addition to the
38 other terms of the sentence, sentence the offender to community
39 custody for three years:

1 (a) A sex offense not sentenced under RCW 9.94A.507; or

2 (b) A serious violent offense.

3 (2) A court shall, in addition to the other terms of the
4 sentence, sentence an offender to community custody for 18 months
5 when the court sentences the person to the custody of the department
6 for a violent offense that is not considered a serious violent
7 offense.

8 (3) A court shall, in addition to the other terms of the
9 sentence, sentence an offender to community custody for one year when
10 the court sentences the person to the custody of the department for:

11 (a) Any crime against persons under RCW 9.94A.411(2);

12 (b) An offense involving the unlawful possession of a firearm
13 under RCW 9.41.040, where the offender is a criminal street gang
14 member or associate;

15 (c) A felony offense under chapter 69.50 or 69.52 RCW, committed
16 on or after July 1, 2000; (~~or~~)

17 (d) A felony violation of RCW 9A.44.132(1) (failure to register)
18 that is the offender's first violation for a felony failure to
19 register; or

20 (e) An offense involving the unlawful possession of a firearm
21 under RCW 9.41.040.

22 (4) If an offender is sentenced under the drug offender
23 sentencing alternative, the court shall impose community custody as
24 provided in:

25 (a) RCW 9.94A.660 and 9.94A.662 for a prison-based drug offender
26 sentencing alternative;

27 (b) RCW 9.94A.660 and 9.94A.664 for a residential-based drug
28 offender sentencing alternative;

29 (c) RCW 9.94A.662 and 9.94A.661(6) for a prison-based drug
30 offender sentencing alternative for driving under the influence; and

31 (d) RCW 9.94A.661 (5) and (6) for a residential-based drug
32 offender sentencing alternative for driving under the influence.

33 (5) If an offender is sentenced under the special sex offender
34 sentencing alternative, the court shall impose community custody as
35 provided in RCW 9.94A.670.

36 (6) If an offender is sentenced to a work ethic camp, the court
37 shall impose community custody as provided in RCW 9.94A.690.

38 (7) If an offender is sentenced under the parenting sentencing
39 alternative, the court shall impose a term of community custody as
40 provided in RCW 9.94A.655.

1 (8) If the offender is sentenced under the mental health
2 sentencing alternative, the court shall impose a term of community
3 custody as provided in RCW 9.94A.695.

4 (9) If a sex offender is sentenced as a nonpersistent offender
5 pursuant to RCW 9.94A.507, the court shall impose community custody
6 as provided in that section.

7 (10) The term of community custody specified by this section
8 shall be reduced by the court whenever an offender's standard
9 sentence range term of confinement in combination with the term of
10 community custody exceeds the statutory maximum for the crime as
11 provided in RCW 9A.20.021.

12 NEW SECTION. **Sec. 3.** Section 1 of this act expires January 1,
13 2026.

14 NEW SECTION. **Sec. 4.** Section 2 of this act takes effect January
15 1, 2026.

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