

2ESSB 5268 - H COMM AMD

By Committee on Community Safety

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Sec. 1.** RCW 9.94A.501 and 2025 c 371 s 2 are each amended to
4 read as follows:

5 (1) The department shall supervise the following individuals who
6 are sentenced to probation in superior court, pursuant to RCW
7 9.92.060, 9.95.204, or 9.95.210:

8 (a) Individuals convicted of:

9 (i) Sexual misconduct with a minor second degree;

10 (ii) Custodial sexual misconduct second degree;

11 (iii) Communication with a minor for immoral purposes; and

12 (iv) Violation of RCW 9A.44.132(2) (failure to register); and

13 (b) Individuals who have:

14 (i) A current conviction for a repetitive domestic violence
15 offense after August 1, 2011; and

16 (ii) A prior conviction for a repetitive domestic violence
17 offense or domestic violence felony offense after August 1, 2011.

18 (2) Individuals convicted of misdemeanor and gross misdemeanor
19 offenses supervised by the department pursuant to this section shall
20 be placed on community custody.

21 (3) The department shall supervise every individual convicted of
22 a felony and sentenced to community custody pursuant to RCW 9.94A.701
23 or 9.94A.702 whose risk assessment classifies the individual as one
24 who is at a high risk to reoffend.

25 (4) Notwithstanding any other provision of this section, the
26 department shall supervise an individual sentenced to community
27 custody regardless of risk classification if the individual:

28 (a) Has a current conviction for a sex offense or a serious
29 violent offense and was sentenced to a term of community custody
30 pursuant to RCW 9.94A.701, 9.94A.702, or 9.94A.507;

31 (b) Has been identified by the department as a dangerous mentally
32 ill offender pursuant to RCW 72.09.370;

1 (c) Has an indeterminate sentence and is subject to parole
2 pursuant to RCW 9.95.017;

3 (d) Has a current conviction for violating RCW 9A.44.132(1)
4 (failure to register) and was sentenced to a term of community
5 custody pursuant to RCW 9.94A.701;

6 (e)(i) Has a current conviction for a domestic violence felony
7 offense after August 1, 2011, and a prior conviction for a repetitive
8 domestic violence offense or domestic violence felony offense after
9 August 1, 2011. This subsection (4)(e)(i) applies only to offenses
10 committed prior to July 24, 2015;

11 (ii) Has a current conviction for a domestic violence felony
12 offense. The state and its officers, agents, and employees shall not
13 be held criminally or civilly liable for its supervision of an
14 individual under this subsection (4)(e)(ii) unless the state and its
15 officers, agents, and employees acted with gross negligence;

16 (f) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660,
17 9.94A.670, 9.94A.711, 9.94A.695, or 9.94A.661;

18 (g) Is subject to supervision pursuant to RCW 9.94A.745; (~~(e)~~)

19 (h) Was convicted and sentenced under RCW 46.61.520 (vehicular
20 homicide), RCW 46.61.522 (vehicular assault), RCW 46.61.502(6)
21 (felony DUI), or RCW 46.61.504(6) (felony physical control); or

22 (i) Has a current conviction for a violation of RCW 9.41.040
23 (unlawful possession of a firearm in the first or second degree) and
24 was sentenced to a term of community custody pursuant to RCW
25 9.94A.701.

26 (5) The department shall supervise any individual released by the
27 indeterminate sentence review board who was sentenced to community
28 custody or subject to community custody under the terms of release.

29 (6) The department shall supervise any individual granted
30 conditional commutation pursuant to RCW 9.94A.885.

31 (7) The department is not authorized to, and may not, supervise
32 any individual sentenced to a term of community custody or any
33 probationer unless the individual or probationer is one for whom
34 supervision is required under this section.

35 (8) The department shall conduct a risk assessment for every
36 individual convicted of a felony and sentenced to a term of community
37 custody who may be subject to supervision under this section.

38 (9) The period of time the department is authorized to supervise
39 an individual under this section may not exceed the duration of
40 community custody specified under RCW 9.94B.050, 9.94A.701 (1)

1 through (9), or 9.94A.702, except in cases where the court has
2 imposed an exceptional term of community custody under RCW 9.94A.535
3 and where the governor imposes a term of community custody as a
4 condition of conditional commutation or imposes an additional term of
5 community custody due to a violation of conditional commutation.

6 (10) The period of time the department is authorized to supervise
7 an individual under this section may be reduced by the earned award
8 of supervision compliance credit pursuant to RCW 9.94A.717.

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

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

- 15 (a) A sex offense not sentenced under RCW 9.94A.507; or
- 16 (b) A serious violent offense.

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

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

- 25 (a) Any crime against persons under RCW 9.94A.411(2);
- 26 (b) An offense involving the unlawful possession of a firearm
27 under RCW 9.41.040, where the offender is a criminal street gang
28 member or associate;

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

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

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

36 (4) If an offender is sentenced under the drug offender
37 sentencing alternative, the court shall impose community custody as
38 provided in:

- 1 (a) RCW 9.94A.660 and 9.94A.662 for a prison-based drug offender
2 sentencing alternative;
- 3 (b) RCW 9.94A.660 and 9.94A.664 for a residential-based drug
4 offender sentencing alternative;
- 5 (c) RCW 9.94A.662 and 9.94A.661(6) for a prison-based drug
6 offender sentencing alternative for driving under the influence; and
- 7 (d) RCW 9.94A.661 (5) and (6) for a residential-based drug
8 offender sentencing alternative for driving under the influence.
- 9 (5) If an offender is sentenced under the special sex offender
10 sentencing alternative, the court shall impose community custody as
11 provided in RCW 9.94A.670.
- 12 (6) If an offender is sentenced to a work ethic camp, the court
13 shall impose community custody as provided in RCW 9.94A.690.
- 14 (7) If an offender is sentenced under the parenting sentencing
15 alternative, the court shall impose a term of community custody as
16 provided in RCW 9.94A.655.
- 17 (8) If the offender is sentenced under the mental health
18 sentencing alternative, the court shall impose a term of community
19 custody as provided in RCW 9.94A.695.
- 20 (9) If a sex offender is sentenced as a nonpersistent offender
21 pursuant to RCW 9.94A.507, the court shall impose community custody
22 as provided in that section.
- 23 (10) The term of community custody specified by this section
24 shall be reduced by the court whenever an offender's standard
25 sentence range term of confinement in combination with the term of
26 community custody exceeds the statutory maximum for the crime as
27 provided in RCW 9A.20.021."

28 Correct the title.

EFFECT: Requires the Department of Corrections to supervise an individual sentenced to community custody for Unlawful Possession of a Firearm in the first or second degree regardless of the individual's risk classification. Makes technical changes to amend the correct underlying statutes and session law, and have the bill take effect 90 days after adjournment of the session in which the bill is passed.

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