
SUBSTITUTE SENATE BILL 5429

State of Washington

59th Legislature

2005 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Carrell, Berkey, Schoesler, Rasmussen, Hargrove, Pflug, Johnson, Benson, Esser, Morton, Franklin, Honeyford, Shin and Stevens)

READ FIRST TIME 02/15/05.

1 AN ACT Relating to offender risk assessments; amending RCW
2 9.94A.501; and declaring an emergency.

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

4 **Sec. 1.** RCW 9.94A.501 and 2003 c 379 s 3 are each amended to read
5 as follows:

6 (1)(a) When the department performs a risk assessment pursuant to
7 RCW 9.94A.500, or to determine a person's conditions of supervision,
8 the risk assessment shall classify the offender into one of at least
9 four risk categories.

10 (b) For any offender under supervision by the department in the
11 community, the risk category determined as provided in (a) of this
12 subsection shall not be reduced without written justification by the
13 department that the department has reviewed the initial risk assessment
14 report and presentence reports, including any victim impact statements
15 and criminal history, arguments by the prosecutor, the defense counsel,
16 the offender, or an investigative law enforcement officer, and any
17 history of infractions, and any violations of conditions of supervision
18 in the community, and document, in the file, why the department

1 believes that the risk to the public will not be compromised and the
2 liability to the department will not be increased.

3 (2) The department shall supervise every offender sentenced to a
4 term of community custody, community placement, or community
5 supervision:

6 (a) Whose risk assessment places that offender in one of the two
7 highest risk categories; or

8 (b) Regardless of the offender's risk category if:

9 (i) The offender's current conviction is for:

10 (A) A sex offense;

11 (B) A violent offense;

12 (C) A crime against persons as defined in RCW 9.94A.411;

13 (D) A felony that is domestic violence as defined in RCW 10.99.020;

14 (E) A violation of RCW 9A.52.025 (residential burglary);

15 (F) A violation of, or an attempt, solicitation, or conspiracy to
16 violate, RCW 69.50.401 by manufacture or delivery or possession with
17 intent to deliver methamphetamine; or

18 (G) A violation of, or an attempt, solicitation, or conspiracy to
19 violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

20 (ii) The offender has a prior conviction for:

21 (A) A sex offense;

22 (B) A violent offense;

23 (C) A crime against persons as defined in RCW 9.94A.411;

24 (D) A felony that is domestic violence as defined in RCW 10.99.020;

25 (E) A violation of RCW 9A.52.025 (residential burglary);

26 (F) A violation of, or an attempt, solicitation, or conspiracy to
27 violate, RCW 69.50.401 by manufacture or delivery or possession with
28 intent to deliver methamphetamine; or

29 (G) A violation of, or an attempt, solicitation, or conspiracy to
30 violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

31 (iii) The conditions of the offender's community custody, community
32 placement, or community supervision include chemical dependency
33 treatment;

34 (iv) The offender was sentenced under RCW 9.94A.650 or 9.94A.670;
35 or

36 (v) The offender is subject to supervision pursuant to RCW
37 9.94A.745.

1 (3) The department is not authorized to, and may not, supervise any
2 offender sentenced to a term of community custody, community placement,
3 or community supervision unless the offender is one for whom
4 supervision is required under subsection (2) of this section.

5 (4) This section expires July 1, 2010.

6 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
7 preservation of the public peace, health, or safety, or support of the
8 state government and its existing public institutions, and takes effect
9 immediately.

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