
SENATE BILL 5429

State of Washington

59th Legislature

2005 Regular Session

By Senators Carrell, Berkey, Schoesler, Rasmussen, Hargrove, Pflug, Johnson, Benson, Esser, Morton, Franklin, Honeyford, Shin and Stevens

Read first time 01/25/2005. Referred to Committee on Human Services & Corrections.

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) The risk category determined as provided in (a) of this
11 subsection shall not be reduced without written justification by the
12 department that the department has reviewed the initial risk assessment
13 report and presentence reports, including any victim impact statement
14 and criminal history, arguments by the prosecutor, the defense counsel,
15 the offender, the victim, the survivor of the victim, or a
16 representative of the victim or survivor, and an investigative law
17 enforcement officer and provide documentation why the department
18 believes that the risk to the public will not be compromised and the
19 liability to the department will not be increased.

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

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

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

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

8 (A) A sex offense;

9 (B) A violent offense;

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

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

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

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

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

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

19 (A) A sex offense;

20 (B) A violent offense;

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

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

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

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

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

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

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

33 or

34 (v) The offender is subject to supervision pursuant to RCW
35 9.94A.745.

36 (3) The department is not authorized to, and may not, supervise any
37 offender sentenced to a term of community custody, community placement,

1 or community supervision unless the offender is one for whom
2 supervision is required under subsection (2) of this section.

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

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

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