
HOUSE BILL 1020

State of Washington

63rd Legislature

2013 Regular Session

By Representative Haler

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1 AN ACT Relating to prohibiting level III sex offenders from
2 residing in a community protection zone; and reenacting and amending
3 RCW 9.94A.703.

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

5 **Sec. 1.** RCW 9.94A.703 and 2009 c 214 s 3 and 2009 c 28 s 11 are
6 each reenacted and amended to read as follows:

7 When a court sentences a person to a term of community custody, the
8 court shall impose conditions of community custody as provided in this
9 section.

10 (1) **Mandatory conditions.** As part of any term of community
11 custody, the court shall:

12 (a) Require the offender to inform the department of court-ordered
13 treatment upon request by the department;

14 (b) Require the offender to comply with any conditions imposed by
15 the department under RCW 9.94A.704;

16 (c) If the offender was sentenced under RCW 9.94A.507 for an
17 offense listed in RCW 9.94A.507(1)(a), and the victim of the offense
18 was under eighteen years of age at the time of the offense, or if the

1 offender is ranked as a level III sex offender, prohibit the offender
2 from residing in a community protection zone;

3 (d) If the offender was sentenced under RCW 9A.36.120, prohibit the
4 offender from serving in any paid or volunteer capacity where he or she
5 has control or supervision of minors under the age of thirteen.

6 (2) **Waivable conditions.** Unless waived by the court, as part of
7 any term of community custody, the court shall order an offender to:

8 (a) Report to and be available for contact with the assigned
9 community corrections officer as directed;

10 (b) Work at department-approved education, employment, or community
11 restitution, or any combination thereof;

12 (c) Refrain from possessing or consuming controlled substances
13 except pursuant to lawfully issued prescriptions;

14 (d) Pay supervision fees as determined by the department; and

15 (e) Obtain prior approval of the department for the offender's
16 residence location and living arrangements.

17 (3) **Discretionary conditions.** As part of any term of community
18 custody, the court may order an offender to:

19 (a) Remain within, or outside of, a specified geographical
20 boundary;

21 (b) Refrain from direct or indirect contact with the victim of the
22 crime or a specified class of individuals;

23 (c) Participate in crime-related treatment or counseling services;

24 (d) Participate in rehabilitative programs or otherwise perform
25 affirmative conduct reasonably related to the circumstances of the
26 offense, the offender's risk of reoffending, or the safety of the
27 community;

28 (e) Refrain from consuming alcohol; or

29 (f) Comply with any crime-related prohibitions.

30 (4) **Special conditions.**

31 (a) In sentencing an offender convicted of a crime of domestic
32 violence, as defined in RCW 10.99.020, if the offender has a minor
33 child, or if the victim of the offense for which the offender was
34 convicted has a minor child, the court may order the offender to
35 participate in a domestic violence perpetrator program approved under
36 RCW 26.50.150.

37 (b)(i) In sentencing an offender convicted of an alcohol or drug-
38 related traffic offense, the court shall require the offender to

1 complete a diagnostic evaluation by an alcohol or drug dependency
2 agency approved by the department of social and health services or a
3 qualified probation department, defined under RCW 46.61.516, that has
4 been approved by the department of social and health services. If the
5 offense was pursuant to chapter 46.61 RCW, the report shall be
6 forwarded to the department of licensing. If the offender is found to
7 have an alcohol or drug problem that requires treatment, the offender
8 shall complete treatment in a program approved by the department of
9 social and health services under chapter 70.96A RCW. If the offender
10 is found not to have an alcohol or drug problem that requires
11 treatment, the offender shall complete a course in an information
12 school approved by the department of social and health services under
13 chapter 70.96A RCW. The offender shall pay all costs for any
14 evaluation, education, or treatment required by this section, unless
15 the offender is eligible for an existing program offered or approved by
16 the department of social and health services.

17 (ii) For purposes of this section, "alcohol or drug-related traffic
18 offense" means the following: Driving while under the influence as
19 defined by RCW 46.61.502, actual physical control while under the
20 influence as defined by RCW 46.61.504, vehicular homicide as defined by
21 RCW 46.61.520(1)(a), vehicular assault as defined by RCW
22 46.61.522(1)(b), homicide by watercraft as defined by RCW 79A.60.050,
23 or assault by watercraft as defined by RCW 79A.60.060.

24 (iii) This subsection (4)(b) does not require the department of
25 social and health services to add new treatment or assessment
26 facilities nor affect its use of existing programs and facilities
27 authorized by law.

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