

---

SENATE BILL 5629

---

State of Washington                      64th Legislature                      2015 Regular Session

By Senators Hargrove, Kohl-Welles, and Darneille; by request of Department of Corrections

Read first time 01/27/15. Referred to Committee on Law & Justice.

1            AN ACT Relating to awarding positive time credits toward the term  
2 of supervision for offenders who are meeting supervision  
3 expectations; amending RCW 9.94A.501; adding a new section to chapter  
4 9.94A RCW; creating a new section; providing an effective date; and  
5 declaring an emergency.

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

7            **Sec. 1.** RCW 9.94A.501 and 2013 2nd sp.s. c 35 s 15 are each  
8 amended to read as follows:

9            (1) The department shall supervise the following offenders who  
10 are sentenced to probation in superior court, pursuant to RCW  
11 9.92.060, 9.95.204, or 9.95.210:

12            (a) Offenders convicted of:

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

14            (ii) Custodial sexual misconduct second degree;

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

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

17            (b) Offenders who have:

18            (i) A current conviction for a repetitive domestic violence  
19 offense where domestic violence has been plead and proven after  
20 August 1, 2011; and

1 (ii) A prior conviction for a repetitive domestic violence  
2 offense or domestic violence felony offense where domestic violence  
3 has been plead and proven after August 1, 2011.

4 (2) Misdemeanor and gross misdemeanor offenders supervised by the  
5 department pursuant to this section shall be placed on community  
6 custody.

7 (3) The department shall supervise every felony offender  
8 sentenced to community custody pursuant to RCW 9.94A.701 or 9.94A.702  
9 whose risk assessment classifies the offender as one who is at a high  
10 risk to reoffend.

11 (4) Notwithstanding any other provision of this section, the  
12 department shall supervise an offender sentenced to community custody  
13 regardless of risk classification if the offender:

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

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

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

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

24 (e) Has a current conviction for a domestic violence felony  
25 offense where domestic violence has been plead and proven after  
26 August 1, 2011, and a prior conviction for a repetitive domestic  
27 violence offense or domestic violence felony offense where domestic  
28 violence has been plead and proven after August 1, 2011;

29 (f) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660, or  
30 9.94A.670;

31 (g) Is subject to supervision pursuant to RCW 9.94A.745; or

32 (h) Was convicted and sentenced under RCW 46.61.520 (vehicular  
33 homicide), RCW 46.61.522 (vehicular assault), RCW 46.61.502(6)  
34 (felony DUI), or RCW 46.61.504(6) (felony physical control).

35 (5) The department is not authorized to, and may not, supervise  
36 any offender sentenced to a term of community custody or any  
37 probationer unless the offender or probationer is one for whom  
38 supervision is required under this section or RCW 9.94A.5011.

1 (6) The department shall conduct a risk assessment for every  
2 felony offender sentenced to a term of community custody who may be  
3 subject to supervision under this section or RCW 9.94A.5011.

4 (7) The period of time the department is authorized to supervise  
5 an offender under this section may be reduced by the earned award of  
6 positive time pursuant to section 3 of this act.

7 NEW SECTION. Sec. 2. A new section is added to chapter 9.94A  
8 RCW to read as follows:

9 (1) If an offender sentenced under this chapter or chapter 9.94B  
10 RCW is supervised by the department, the offender may earn positive  
11 time in accordance with procedures that are developed and adopted by  
12 the department. The positive time is for good behavior and good  
13 performance, as determined by the department. For each month of  
14 community custody served, offenders are qualified to earn positive  
15 time as follows:

16 (a) Offenders classified as being at low or moderate risk to  
17 reoffend: Thirty days;

18 (b) Offenders classified as being at high risk to offend: Fifteen  
19 days.

20 (2) An offender is not eligible to earn positive time if he or  
21 she:

22 (a) Was sentenced under RCW 9.94A.507;

23 (b) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660, or  
24 9.94A.670; or

25 (c) Is subject to supervision pursuant to RCW 9.94A.745.

26 NEW SECTION. Sec. 3. The department of corrections has  
27 discretion to implement this act over a period of time not to exceed  
28 twelve months. For any offender under active supervision by the  
29 department as of the effective date of this section, he or she is not  
30 eligible to earn for positive time pursuant to section 1 of this act  
31 until after receiving an orientation by the department regarding  
32 positive time.

33 NEW SECTION. Sec. 4. This act is necessary for the immediate  
34 preservation of the public peace, health, or safety, or support of

1 the state government and its existing public institutions, and takes  
2 effect July 1, 2015.

--- END ---