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**SUBSTITUTE SENATE BILL 6531**

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**State of Washington                      64th Legislature                      2016 1st Special Session**

**By Senate Law & Justice (originally sponsored by Senator Hargrove; by request of Department of Corrections)**

READ FIRST TIME 03/28/16.

1            AN ACT Relating to changing who the department of corrections is  
2 required to supervise based on the current offense as defined in RCW  
3 9.94A.501(4)(e)(ii) and the maximum duration of community custody as  
4 defined in RCW 9.94A.501(8); and reenacting and amending RCW  
5 9.94A.501.

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

7            **Sec. 1.** RCW 9.94A.501 and 2015 c 290 s 1 and 2015 c 134 s 1 are  
8 each reenacted and 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~~~~[pleaded]~~) pleaded  
20 and proven after 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~~~~[pleaded]~~) pleaded 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)(i) Has a current conviction for a domestic violence felony  
25 offense where domestic violence has been (~~plead~~~~[pleaded]~~) pleaded  
26 and proven after August 1, 2011, and a prior conviction for a  
27 repetitive domestic violence offense or domestic violence felony  
28 offense where domestic violence was (~~plead~~~~[pleaded]~~) pleaded and  
29 proven after August 1, 2011. This subsection (4)(e)(i) applies only  
30 to offenses committed prior to July 24, 2015;

31 (ii) Has a current conviction for a domestic violence felony  
32 offense where domestic violence was (~~plead~~~~[pleaded]~~) pleaded and  
33 proven (~~and that was committed after July 24, 2015~~). The state and  
34 its officers, agents, and employees shall not be held criminally or  
35 civilly liable for its supervision of an offender under this  
36 subsection (4)(e)(ii) unless the state and its officers, agents, and  
37 employees acted with gross negligence;

38 (f) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660, or  
39 9.94A.670;

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

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

4 (5) The department shall supervise any offender who is released  
5 by the indeterminate sentence review board and who was sentenced to  
6 community custody or subject to community custody under the terms of  
7 release.

8 (6) The department is not authorized to, and may not, supervise  
9 any offender sentenced to a term of community custody or any  
10 probationer unless the offender or probationer is one for whom  
11 supervision is required under this section or RCW 9.94A.5011.

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

15 (8) The period of time the department is authorized to supervise  
16 an offender under this section may not exceed the duration of  
17 community custody specified under RCW 9.94B.050, 9.94A.701 (1)  
18 through (8), or 9.94A.702, except in cases where the court has  
19 imposed an exceptional term of community custody under RCW 9.94A.535.

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