

CERTIFICATION OF ENROLLMENT

SENATE BILL 5070

64th Legislature
2015 Regular Session

Passed by the Senate April 16, 2015
Yeas 45 Nays 0

President of the Senate

Passed by the House April 14, 2015
Yeas 97 Nays 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5070** as passed by Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 5070

AS AMENDED BY THE HOUSE

Passed Legislature - 2015 Regular Session

State of Washington 64th Legislature 2015 Regular Session

By Senators Pearson, Warnick, Dammeier, Kohl-Welles, and Brown

Read first time 01/13/15. Referred to Committee on Law & Justice.

1 AN ACT Relating to the supervision of domestic violence
2 offenders; amending RCW 9.94A.501; and creating a new section.

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

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

6 (1) The department shall supervise the following offenders who
7 are sentenced to probation in superior court, pursuant to RCW
8 9.92.060, 9.95.204, or 9.95.210:

9 (a) Offenders convicted of:

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

11 (ii) Custodial sexual misconduct second degree;

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

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

14 (b) Offenders who have:

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

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

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

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

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

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

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

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

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

21 (e)(i) Has a current conviction for a domestic violence felony
22 offense where domestic violence has been plead and proven after
23 August 1, 2011, and a prior conviction for a repetitive domestic
24 violence offense or domestic violence felony offense where domestic
25 violence (~~has been~~) was plead and proven after August 1, 2011. This
26 subsection (4)(e)(i) applies only to offenses committed prior to the
27 effective date of this section;

28 (ii) Has a conviction for a domestic violence felony offense
29 where domestic violence was plead and proven and that was committed
30 after the effective date of this section. The state and its officers,
31 agents, and employees shall not be held criminally or civilly liable
32 for its supervision of an offender under this subsection (4)(e)(ii)
33 unless the state and its officers, agents, and employees acted with
34 gross negligence;

35 (f) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660, or
36 9.94A.670;

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

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

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

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

8 NEW SECTION. **Sec. 2.** If specific funding for the purposes of
9 this act, referencing this act by bill or chapter number, is not
10 provided by June 30, 2015, in the omnibus appropriations act, this
11 act is null and void.

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