
SUBSTITUTE SENATE BILL 6281

State of Washington 65th Legislature 2018 Regular Session

By Senate Human Services & Corrections (originally sponsored by Senators Darneille, O'Ban, Dhingra, Kuderer, and Hasegawa)

READ FIRST TIME 02/01/18.

1 AN ACT Relating to allowing specified offenders to earn positive
2 achievement time on community custody; amending RCW 9.94A.501; adding
3 a new section to chapter 9.94A RCW; and creating a new section.

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

5 **Sec. 1.** RCW 9.94A.501 and 2016 sp.s. c 28 s 1 are each amended
6 to read as follows:

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

10 (a) Offenders convicted of:

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

12 (ii) Custodial sexual misconduct second degree;

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

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

15 (b) Offenders who have:

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

19 (ii) A prior conviction for a repetitive domestic violence
20 offense or domestic violence felony offense where domestic violence
21 has been pleaded 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 pleaded 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 was pleaded and proven after August 1, 2011. This subsection
26 (4)(e)(i) applies only to offenses committed prior to July 24, 2015;

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

33 (f) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660, or
34 9.94A.670;

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

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

39 (5) The department shall supervise any offender who is released
40 by the indeterminate sentence review board and who was sentenced to

1 community custody or subject to community custody under the terms of
2 release.

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

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

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

15 (9) The period of time the department is authorized to supervise
16 an offender under this section may be reduced by the earned award of
17 positive achievement time pursuant to section 2 of this act.

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

20 (1) If an offender sentenced under this chapter or chapter 9.94B
21 RCW is supervised by the department, the offender may earn positive
22 achievement time in accordance with procedures that are developed and
23 adopted by the department.

24 (a) The positive achievement time shall be awarded to offenders
25 who are in compliance with supervision terms and are making progress
26 towards the goals of their individualized supervision case plan,
27 including: Participation in specific targeted interventions, risk-
28 related programming or treatment; or completing steps towards
29 specific targeted goals that enhance protective factors and
30 stability, as determined by the department.

31 (b) For each month of community custody served, offenders may
32 earn positive achievement time of fifteen days.

33 (c) Positive achievement time is accrued monthly and time shall
34 not be applied to an offender's term of supervision prior to the
35 earning of the time.

36 (2) An offender is not eligible to earn positive achievement time
37 if he or she:

38 (a) Was sentenced under RCW 9.94A.507 or 10.95.030;

1 (b) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660, or
2 9.94A.670;

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

4 (d) Has an indeterminate sentence and is subject to parole
5 pursuant to RCW 9.95.017; or

6 (e) Is serving community custody pursuant to early release under
7 RCW 9.94A.730.

8 NEW SECTION. **Sec. 3.** The department of corrections has
9 discretion to implement sections 1 and 2 of this act over a period of
10 time not to exceed twenty-one months. For any offender under active
11 supervision by the department as of the effective date of this
12 section, he or she is not eligible to earn positive achievement time
13 pursuant to section 2 of this act until he or she has received an
14 orientation by the department regarding positive time.

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