

SHB 2393 - S COMM AMD

By Committee on Human Services, Reentry & Rehabilitation

ADOPTED 03/04/2020

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 9.94A.501 and 2019 c 191 s 2 are each amended to  
4 read as follows:

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

8 (a) Offenders convicted of:

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

10 (ii) Custodial sexual misconduct second degree;

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

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

13 (b) Offenders who have:

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

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

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

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

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

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

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

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

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

8 (e)(i) Has a current conviction for a domestic violence felony  
9 offense where domestic violence has been pleaded and proven after  
10 August 1, 2011, and a prior conviction for a repetitive domestic  
11 violence offense or domestic violence felony offense where domestic  
12 violence was pleaded and proven after August 1, 2011. This subsection  
13 (4)(e)(i) applies only to offenses committed prior to July 24, 2015;

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

20 (f) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660,  
21 9.94A.670, or 9.94A.711;

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

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

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

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

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

37 (8) The period of time the department is authorized to supervise  
38 an offender under this section may not exceed the duration of  
39 community custody specified under RCW 9.94B.050, 9.94A.701 (1)

1 through (8), or 9.94A.702, except in cases where the court has  
2 imposed an exceptional term of community custody under RCW 9.94A.535.

3 (9) The period of time the department is authorized to supervise  
4 an offender under this section may be reduced by the earned award of  
5 supervision compliance credit pursuant to section 2 of this act.

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

8 (1) If an offender sentenced under this chapter or chapter 9.94B  
9 RCW is supervised by the department, the offender may earn  
10 supervision compliance credit in accordance with procedures that are  
11 developed and adopted by the department.

12 (a) The supervision compliance credit shall be awarded to  
13 offenders who are in compliance with supervision terms and are making  
14 progress towards the goals of their individualized supervision case  
15 plan, including: Participation in specific targeted interventions,  
16 risk-related programming, or treatment; or completing steps towards  
17 specific targeted goals that enhance protective factors and  
18 stability, as determined by the department.

19 (b) For each month in compliance with community custody  
20 conditions in accordance with (a) of this subsection, an offender may  
21 earn supervision compliance credit of ten days.

22 (c) Supervision compliance credit is accrued monthly and time  
23 shall not be applied to an offender's term of supervision prior to  
24 the earning of the time.

25 (2) An offender is not eligible to earn supervision compliance  
26 credit if he or she:

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

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

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

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

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

35 NEW SECTION. **Sec. 3.** The department of corrections has  
36 discretion to implement sections 1 and 2 of this act over a period of  
37 time not to exceed twelve months. For any offender under active  
38 supervision by the department as of the effective date of this

1 section, he or she is not eligible to earn supervision compliance  
2 credit pursuant to section 2 of this act until he or she has received  
3 an orientation by the department regarding supervision compliance  
4 credit."

**SHB 2393** - S COMM AMD

By Committee on Human Services, Reentry & Rehabilitation

**ADOPTED 03/04/2020**

5 On page 1, line 2 of the title, after "conditions;" strike the  
6 remainder of the title and insert "amending RCW 9.94A.501; adding a  
7 new section to chapter 9.94A RCW; and creating a new section."

EFFECT: Changes the amount of supervision compliance credit a person may earn from fifteen to ten days per month of compliance with community custody conditions.

--- END ---