

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 2393**

66th Legislature  
2020 Regular Session

Passed by the House March 9, 2020  
Yeas 95 Nays 1

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**Speaker of the House of  
Representatives**

Passed by the Senate March 4, 2020  
Yeas 44 Nays 4

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2393** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 2393**

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AS AMENDED BY THE SENATE

Passed Legislature - 2020 Regular Session

**State of Washington                      66th Legislature                      2020 Regular Session**

**By** House Public Safety (originally sponsored by Representatives Goodman, Klippert, Davis, Ormsby, and Appleton)

READ FIRST TIME 02/03/20.

1            AN ACT Relating to earning credit for complying with community  
2 custody conditions; amending RCW 9.94A.501; adding a new section to  
3 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 2019 c 191 s 2 are each amended to  
6 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,  
34 9.94A.670, or 9.94A.711;

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 supervision compliance credit 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  
22 supervision compliance credit in accordance with procedures that are  
23 developed and adopted by the department.

24 (a) The supervision compliance credit shall be awarded to  
25 offenders who are in compliance with supervision terms and are making  
26 progress towards the goals of their individualized supervision case  
27 plan, including: Participation in specific targeted interventions,  
28 risk-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 in compliance with community custody  
32 conditions in accordance with (a) of this subsection, an offender may  
33 earn supervision compliance credit of ten days.

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

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

39 (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 twelve 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 supervision compliance  
13 credit pursuant to section 2 of this act until he or she has received  
14 an orientation by the department regarding supervision compliance  
15 credit.

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