

# HOUSE BILL REPORT

## HB 1926

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**As Reported by House Committee On:**  
Community Safety, Justice, & Reentry

**Title:** An act relating to supervision compliance credit.

**Brief Description:** Concerning supervision compliance credit.

**Sponsors:** Representatives Couture, Doglio, Leavitt, Robertson, Stokesbary, Walen, Low, Griffey, Ramos, Klicker, Sandlin, Eslick, Reed, Christian, Graham and Fosse; by request of Attorney General.

**Brief History:**

**Committee Activity:**

Community Safety, Justice, & Reentry: 1/9/24, 1/18/24 [DPS].

**Brief Summary of Substitute Bill**

- Prohibits a person from earning supervision compliance credit on any cause served concurrently with a less restrictive alternative subject to supervision by the Department of Corrections as part of the person's civil commitment as a sexually violent predator.

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### HOUSE COMMITTEE ON COMMUNITY SAFETY, JUSTICE, & REENTRY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis, Farivar, Fosse, Graham and Ramos.

**Staff:** Corey Patton (786-7388).

**Background:**

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

### Community Custody.

Community custody is the portion of a person's criminal sentence served in the community under the supervision of the Department of Corrections (DOC) following the person's release from confinement. Courts are required to order community custody for persons convicted of certain offenses. Alternatively, a person convicted of certain offenses may qualify for a special sentencing alternative, where the person receives a reduced or waived term of confinement and instead serves a longer term of community custody.

A person in community custody is subject to conditions imposed by the DOC and the court. The DOC may establish and modify the person's conditions of community custody based on risks to community safety, and issue an arrest warrant if the person violates those conditions. A person who violates conditions of community custody may be subject to sanctions depending on the type of violation, the underlying offense, and other conditions.

### Supervision Compliance Credit.

A person may earn supervision compliance credit to reduce the period of time the person is required to serve in community custody. Supervision compliance credit is awarded for complying with supervision terms and making progress towards the goals of an individualized supervision case plan, including:

- participating in specific targeted interventions, risk-related programming, or treatment; and
- completing steps towards specific, targeted goals that enhance protective factors and stability.

Certain persons do not qualify for supervision compliance credit, including any person completing community custody as part of a sentencing alternative, any person released and currently being supervised by the Indeterminate Sentence Review Board, and any person subject to supervision under the Interstate Compact for Adult Offender Supervision.

### Civil Commitment of Sexually Violent Predators.

A sexually violent predator (SVP) is a person who has been convicted of or charged with a crime of sexual violence and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence if not confined in a secure facility. A prosecutor may petition for indefinite civil commitment of a person as an SVP when the person is pending release from a state correctional facility, among other circumstances. A person found to be an SVP must be placed in the custody of the Department of Social and Health Services (DSHS) for control, care, and treatment at the Special Commitment Center on McNeil Island.

If an SVP's condition changes such that conditional release to a less restrictive alternative (LRA) is in the best interest of the person and conditions can be imposed that adequately protect the community, then the DSHS must authorize the person to petition the court. An SVP may also petition the court without the DSHS's approval. A petition for conditional release to an LRA must include a proposed placement plan with a residence, treatment plan,

and other conditions. The court must make certain findings before granting an SVP a conditional release to an LRA, including that the person will be under the DOC's supervision and is willing to comply with supervision requirements.

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**Summary of Substitute Bill:**

A person may not earn supervision compliance credit on any cause served concurrently with a less restrictive alternative subject to supervision by the Department of Corrections as part of the person's civil commitment as a sexually violent predator.

**Substitute Bill Compared to Original Bill:**

The substitute bill specifies that a person may not earn supervision compliance credit on any cause being served concurrent with a less restrictive alternative subject to certain supervision by the Department of Corrections.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) When a person is designated as a sexually violent predator (SVP), the person is held at the Special Commitment Center on McNeil Island until the person's condition improves. This system is meant to ensure the person's treatment and safe integration back into society. If an SVP is granted a conditional release to a less restrictive alternative (LRA), the LRA housing can be complicated because LRAs need to address a population of people that are high-risk and high-need. LRAs are secure residences that are intensively supervised. However, the ability to supervise the SVP may disappear entirely if they qualify for an unconditional release. This bill will protect public safety and ensure SVPs have the resources they need for their transition back into society by extending supervision by the Department of Corrections (DOC) so that supervision continues after an unconditional release is granted.

(Opposed) By the time SVPs are found to be ready for unconditional release, they will have been ready to reintegrate with society for years. This bill will only extend their punishment because they received treatment. When people are granted an unconditional release they should continue to receive support, but this bill does not direct any continued services

because the DOC only provides supervision. Instead of subjecting people to additional punishment, they should be connected to housing and community support.

**Persons Testifying:** (In support) Representative Travis Couture, prime sponsor; and Nathan Olson, Attorney General's Office.

(Opposed) Rachael Seevers, Disability Rights Washington.

**Persons Signed In To Testify But Not Testifying:** None.