
SECOND SUBSTITUTE HOUSE BILL 1125

State of Washington

69th Legislature

2025 Regular Session

By House Appropriations (originally sponsored by Representatives Simmons, Obras, Scott, Stearns, Ryu, Taylor, Peterson, Reeves, Tharinger, Fey, Morgan, Alvarado, Macri, Ormsby, Stonier, Doglio, Berg, Fosse, Reed, Berry, Duerr, Kloba, Goodman, Farivar, Street, Donaghy, Pollet, Bernbaum, Nance, Ortiz-Self, Ramel, Mena, Gregerson, Wylie, Hill, and Salahuddin)

READ FIRST TIME 02/28/25.

1 AN ACT Relating to providing judicial discretion to modify
2 sentences in the interest of justice; amending RCW 10.73.100,
3 9.94A.535, 9.94A.701, and 9.94A.701; adding a new section to chapter
4 9.94A RCW; creating new sections; providing an effective date; and
5 providing an expiration date.

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

7 NEW SECTION. **Sec. 1.** This act shall be known and may be cited
8 as the judicial discretion act.

9 NEW SECTION. **Sec. 2.** (1) The legislature finds that long-term
10 incarceration disproportionately impacts low-income communities and
11 communities of color. The legislature further finds that an expansive
12 body of research demonstrates that persons who are granted early
13 release before finishing lengthy sentences are less likely to
14 recidivate. The legislature further finds that establishing an
15 opportunity to modify a sentence encourages incarcerated individuals
16 to engage in desirable behavior and to take advantage of
17 rehabilitative programming. The legislature further finds that
18 because the cost of long-term incarceration is substantial and the
19 state must use its resources responsibly, providing judges the

1 opportunity to modify lengthy sentences in the interests of justice
2 will result in significant cost savings to the state.

3 (2) Therefore, the legislature intends to authorize sentencing
4 courts to review lengthy sentences upon a showing that a person's
5 original sentence no longer serves the interests of justice.

6 NEW SECTION. **Sec. 3.** A new section is added to chapter 9.94A
7 RCW to read as follows:

8 (1) Except as provided in subsections (13) and (14) of this
9 section, and notwithstanding any other provision of this chapter, any
10 person under a term of total confinement for a felony conviction may
11 petition the sentencing court or the sentencing court's successor for
12 a modification of sentence if the original sentence no longer serves
13 the interests of justice and the person meets any of the following
14 criteria:

15 (a) Beginning July 1, 2026, the person may petition the court if:

16 (i) The person has served at least seven years of their sentence
17 for an offense committed at age 17 or younger; or

18 (ii) The person is terminally ill or experiences a permanent or
19 degenerative medical condition to such a degree that the person does
20 not presently and likely will not in the future pose a threat to
21 public safety.

22 (b) Beginning July 1, 2027, the person may petition the court if
23 the person meets any of the criteria in (a)(i) or (ii) of this
24 subsection, or if the person has served at least 20 years of their
25 sentence for an offense committed when the person was at least 18
26 years old but less than 25 years old.

27 (c) Beginning July 1, 2028, the person may petition the court if
28 the person meets any of the criteria in (a)(i) or (ii) of this
29 subsection, or if the person served at least 13 years of their
30 sentence for an offense committed when the person was at least 18
31 years old but less than 25 years old.

32 (d) Beginning July 1, 2029, the person may petition the court if
33 the person meets any of the criteria in (a)(i) or (ii) of this
34 subsection, or if:

35 (i) The person has served at least 13 years of their sentence for
36 an offense committed when the person was at least 18 years old but
37 less than 25 years old; or

38 (ii) The person has served at least 20 years of their sentence
39 for an offense committed at age 25 or older.

1 (e) Beginning July 1, 2030, the person may petition the court if
2 the person meets any of the criteria in (a)(i) or (ii) of this
3 subsection, or if:

4 (i) The person has served at least 10 years of their sentence for
5 an offense committed when the person was at least 18 years old but
6 less than 25 years old; or

7 (ii) The person has served at least 17 years of their sentence
8 for an offense committed at age 25 or older.

9 (f) Beginning July 1, 2031, the person may petition the court if
10 the person meets any of the criteria in (a)(i) or (ii) of this
11 subsection, or if:

12 (i) The person has served at least 10 years of their sentence for
13 an offense committed when the person was at least 18 years old but
14 less than 25 years old; or

15 (ii) The person has served at least 13 years of their sentence
16 for an offense committed at age 25 or older.

17 (g) Beginning July 1, 2032, the person may petition the court if
18 the person meets any of the criteria in (a)(i) or (ii) of this
19 subsection, or if the person has served at least 10 years of their
20 sentence for an offense committed at age 18 or older.

21 (h) If the person does not meet any of the criteria under (a)
22 through (g) of this subsection, the person may petition the court at
23 any time with the consent of the prosecuting attorney.

24 (2) The petitioner must file the petition in writing with the
25 sentencing court in the judicial district in which the original
26 sentence was imposed and serve the prosecuting attorney. The petition
27 may include affidavits, declarations, letters, prison records, or
28 other written or electronic materials. The petition must include a
29 statement by the petitioner and supporting documentation
30 demonstrating that they meet one or more of the following
31 requirements for a hearing:

32 (a) The petitioner has demonstrated positive, engaged, and
33 productive behavior while in the custody of the department that
34 indicates substantial rehabilitation; or

35 (b) The petitioner has otherwise demonstrated a minimal risk of
36 reoffense, which may include, but is not limited to, a demonstration
37 of medical frailty.

38 (3) The court may decline to accept a petition that does not meet
39 one or more of the eligibility criteria pursuant to subsection (1) of
40 this section. If the court accepts the petition and determines by a

1 preponderance of the evidence that the petitioner meets one or more
2 of the criteria under subsection (1) of this section, the court shall
3 grant a hearing to consider the petition, which must be heard within
4 120 days. The hearing may be continued for good cause upon motion by
5 the petitioner or the prosecuting attorney.

6 (4) (a) At the hearing to consider the petition, the petitioner is
7 entitled to de novo review of the petitioner's original sentence. The
8 court may grant the petition and modify the petitioner's original
9 sentence if the court finds that the sentence no longer advances the
10 interests of justice, provided that any new sentence imposed shall
11 not be greater than the original sentence, and provided that any new
12 sentence imposed shall be subject to the following:

13 (i) If the petitioner's original sentence is an indeterminate
14 sentence imposed under RCW 9.94A.507, the court may modify the
15 minimum term of the sentence but may not modify the maximum term of
16 the sentence or order the petitioner's release from custody;

17 (ii) If the petitioner's original sentence includes a mandatory
18 minimum term imposed pursuant to RCW 9.94A.540, the court may not
19 modify the sentence below the mandatory minimum term required by law;

20 (iii) The soonest allowable release date from total confinement
21 for any petitioner resentenced pursuant to this section may be no
22 sooner than six months after the date of the hearing to consider the
23 petition; and

24 (iv) If the petitioner's original sentence includes less than
25 five years of community custody, the court must impose five years of
26 community custody in addition to any other terms of the modified
27 sentence. If the petitioner's original sentence includes at least
28 five years of community custody, the court may not modify the amount
29 of community custody.

30 (b) In addition to the mitigating factors provided under RCW
31 9.94A.535(1), the court may consider the following nonexhaustive list
32 of factors when determining whether to modify the petitioner's
33 sentence:

34 (i) The petitioner's disciplinary record and record of
35 rehabilitation while incarcerated;

36 (ii) Evidence that reflects whether age, time served, and
37 diminished physical condition, if any, have reduced the petitioner's
38 risk for future recidivism;

39 (iii) Evidence regarding the petitioner's level of culpability
40 for the offense;

1 (iv) Evidence that reflects changed circumstances since imposing
2 the petitioner's original sentence such that the sentence no longer
3 serves the interests of justice; and

4 (v) Demonstration of an extraordinary adverse impact of the
5 petitioner's release on the victim or survivors of the victim of the
6 crime for which the petitioner is presently incarcerated, with
7 special consideration given to the impact of release on any victims
8 of sex offenses or domestic violence offenses committed by the
9 petitioner against an intimate partner.

10 (5) When modifying a sentence pursuant to this section:

11 (a) The court may impose an exceptional sentence below the
12 standard range based on evidence of significant rehabilitation since
13 the offense or any other applicable factors; and

14 (b) If the petitioner's original sentence included one or more
15 mandatory enhancements that were imposed under RCW 9.94A.533, the
16 court may impose a sentence below the mandatory minimum enhancement
17 term.

18 (6) If the court denies a petition filed pursuant to this section
19 and declines to set a hearing, or grants a hearing but declines to
20 modify the petitioner's sentence at the hearing, the petitioner may,
21 upon a showing of a change in circumstances, file a new petition no
22 earlier than three years after the date the court denied the previous
23 petition or declined to modify the petitioner's sentence, unless the
24 court authorizes the petitioner to file a new petition at an earlier
25 date. If the court denies the petition or declines to modify the
26 petitioner's sentence, the court shall state the basis for its
27 decision on the record and provide an explanation for its decision in
28 a written order. The petitioner may appeal the denial of a hearing or
29 an order entered pursuant to a resentencing hearing, provided,
30 however, that denying a petition filed pursuant to this section shall
31 not reopen the petitioner's conviction or sentence to any other
32 challenges that would otherwise be barred.

33 (7) (a) The prosecuting attorney shall make reasonable efforts to
34 notify victims and survivors of victims of any hearing on a petition
35 for modification of sentence filed pursuant to this section,
36 including by providing the date of such hearing.

37 (b) For purposes of (a) of this subsection, the prosecuting
38 attorney shall make reasonable efforts to notify victims and
39 survivors of victims of any offense for which the petitioner is
40 seeking a modification of sentence, and victims of any sex offense or

1 domestic violence offense committed against an intimate partner
2 victim for which the petitioner was previously convicted.

3 (8) (a) The office of crime victims advocacy shall create a
4 flexible fund to serve victims and survivors of victims impacted by
5 this act. The office may contract for administration of this fund.
6 The flexible fund may be used for purposes including, but not limited
7 to:

8 (i) Relocation assistance related to a change in safety planning
9 associated with the petitioner's resentencing;

10 (ii) Traveling to and from court for resentencing hearings; and

11 (iii) Out-of-pocket expenses for psychotherapy associated with
12 the committed offense or resentencing.

13 (b) The office of crime victims advocacy shall contract with
14 prosecuting attorney's offices to offer victim advocacy services for
15 victims impacted by this act. Such victim advocacy services must
16 include:

17 (i) Legal advocacy to understand the resentencing process and how
18 a victim can exercise their rights;

19 (ii) Safety planning;

20 (iii) Options to participate in a restorative justice program
21 with the petitioner; and

22 (iv) Case management to address needs that may arise as a result
23 of resentencing.

24 (c) The office of crime victims advocacy may contract with an
25 entity with expertise in victim services to provide training for
26 victim advocates embedded within prosecutor's offices regarding
27 safety planning and other case management services that victims
28 impacted by this act may require.

29 (9) The court shall provide an opportunity for victims and
30 survivors of victims of any crimes for which the petitioner has been
31 convicted to present a statement personally or by representation at
32 the hearing, and the court must take any such statements into
33 consideration. Victims and survivors of victims are encouraged to
34 articulate what outcome would make them feel safe as a part of any
35 such statements presented to the court. The prosecuting attorney and
36 the court shall comply with the requirements set forth in chapter
37 7.69 RCW.

38 (10) The court shall not permit any person to waive the right to
39 petition pursuant to this section. Any agreement to waive the right
40 to petition pursuant to this section shall be void.

1 (11) The time limit for collateral attacks established under RCW
2 10.73.090 does not apply to any petition filed pursuant to this
3 section.

4 (12) Any person who files a pro se petition and subsequently
5 retains counsel shall be entitled to amend such petition at least
6 once as of right with the assistance of counsel. Subsequent
7 amendments may be permitted by leave of court.

8 (13) A person may not petition for a modification of sentence
9 pursuant to this section if the person's original sentence was
10 imposed under RCW 9.94A.570 or 10.95.030.

11 (14) A person may not petition for a modification of sentence
12 pursuant to this section if the person is serving a term of
13 confinement for a murder in the first degree conviction, unless the
14 person has served at least 20 years of the original sentence in
15 addition to meeting eligibility criteria under subsection (1) of this
16 section.

17 **Sec. 4.** RCW 10.73.100 and 2024 c 118 s 8 are each amended to
18 read as follows:

19 The time limit specified in RCW 10.73.090 does not apply to a
20 petition or motion that is based solely on one or more of the
21 following grounds:

22 (1) Newly discovered evidence, if the defendant acted with
23 reasonable diligence in discovering the evidence and filing the
24 petition or motion;

25 (2) The statute that the defendant was convicted of violating was
26 unconstitutional on its face or as applied to the defendant's
27 conduct;

28 (3) The conviction was barred by double jeopardy under Amendment
29 V of the United States Constitution or Article I, section 9 of the
30 state Constitution;

31 (4) The defendant pleaded not guilty and the evidence introduced
32 at trial was insufficient to support the conviction;

33 (5) The sentence imposed was in excess of the court's
34 jurisdiction;

35 (6) A petition for a modification of sentence pursuant to section
36 3 of this act;

37 (7) A motion for a modification of conditions of community
38 custody pursuant to RCW 9.94A.703 and 9.94A.709; or

1 (~~(7)~~) (8) There has been a significant change in the law,
2 whether substantive or procedural, which is material to the
3 conviction, sentence, or other order entered in a criminal or civil
4 proceeding instituted by the state or local government, and either
5 the legislature has expressly provided that the change in the law is
6 to be applied retroactively, or a court, in interpreting a change in
7 the law that lacks express legislative intent regarding retroactive
8 application, determines that sufficient reasons exist to require
9 retroactive application of the changed legal standard.

10 **Sec. 5.** RCW 9.94A.535 and 2019 c 219 s 1 are each amended to
11 read as follows:

12 The court may impose a sentence outside the standard sentence
13 range for an offense if it finds, considering the purpose of this
14 chapter, that there are substantial and compelling reasons justifying
15 an exceptional sentence. Facts supporting aggravated sentences, other
16 than the fact of a prior conviction, shall be determined pursuant to
17 the provisions of RCW 9.94A.537.

18 Whenever a sentence outside the standard sentence range is
19 imposed, the court shall set forth the reasons for its decision in
20 written findings of fact and conclusions of law. A sentence outside
21 the standard sentence range shall be a determinate sentence.

22 If the sentencing court finds that an exceptional sentence
23 outside the standard sentence range should be imposed, the sentence
24 is subject to review only as provided for in RCW 9.94A.585(4).

25 A departure from the standards in RCW 9.94A.589 (1) and (2)
26 governing whether sentences are to be served consecutively or
27 concurrently is an exceptional sentence subject to the limitations in
28 this section, and may be appealed by the offender or the state as set
29 forth in RCW 9.94A.585 (2) through (6).

30 (1) Mitigating Circumstances - Court to Consider

31 The court may impose an exceptional sentence below the standard
32 range if it finds that mitigating circumstances are established by a
33 preponderance of the evidence. The following are illustrative only
34 and are not intended to be exclusive reasons for exceptional
35 sentences.

36 (a) To a significant degree, the victim was an initiator, willing
37 participant, aggressor, or provoker of the incident.

1 (b) Before detection, the defendant compensated, or made a good
2 faith effort to compensate, the victim of the criminal conduct for
3 any damage or injury sustained.

4 (c) The defendant committed the crime under duress, coercion,
5 threat, or compulsion insufficient to constitute a complete defense
6 but which significantly affected his or her conduct.

7 (d) The defendant, with no apparent predisposition to do so, was
8 induced by others to participate in the crime.

9 (e) The defendant's capacity to appreciate the wrongfulness of
10 his or her conduct, or to conform his or her conduct to the
11 requirements of the law, was significantly impaired. Voluntary use of
12 drugs or alcohol is excluded.

13 (f) The offense was principally accomplished by another person
14 and the defendant manifested extreme caution or sincere concern for
15 the safety or well-being of the victim.

16 (g) The operation of the multiple offense policy of RCW 9.94A.589
17 results in a presumptive sentence that is clearly excessive in light
18 of the purpose of this chapter, as expressed in RCW 9.94A.010.

19 (h) The defendant or the defendant's children suffered a
20 continuing pattern of physical or sexual abuse by the victim of the
21 offense and the offense is a response to that abuse.

22 (i) The defendant was making a good faith effort to obtain or
23 provide medical assistance for someone who is experiencing a drug-
24 related overdose.

25 (j) The current offense involved domestic violence, as defined in
26 RCW 10.99.020, and the defendant suffered a continuing pattern of
27 coercion, control, or abuse by the victim of the offense and the
28 offense is a response to that coercion, control, or abuse.

29 (k) The defendant was convicted of vehicular homicide, by the
30 operation of a vehicle in a reckless manner and has committed no
31 other previous serious traffic offenses as defined in RCW 9.94A.030,
32 and the sentence is clearly excessive in light of the purpose of this
33 chapter, as expressed in RCW 9.94A.010.

34 (l) The defendant petitions the court for modification of
35 sentence pursuant to section 3 of this act, and the court considers
36 the nonexhaustive list of additional factors provided under section
37 3(4)(b) of this act at a hearing on the petition.

38 (2) Aggravating Circumstances - Considered and Imposed by the
39 Court

1 The trial court may impose an aggravated exceptional sentence
2 without a finding of fact by a jury under the following
3 circumstances:

4 (a) The defendant and the state both stipulate that justice is
5 best served by the imposition of an exceptional sentence outside the
6 standard range, and the court finds the exceptional sentence to be
7 consistent with and in furtherance of the interests of justice and
8 the purposes of the sentencing reform act.

9 (b) The defendant's prior unscored misdemeanor or prior unscored
10 foreign criminal history results in a presumptive sentence that is
11 clearly too lenient in light of the purpose of this chapter, as
12 expressed in RCW 9.94A.010.

13 (c) The defendant has committed multiple current offenses and the
14 defendant's high offender score results in some of the current
15 offenses going unpunished.

16 (d) The failure to consider the defendant's prior criminal
17 history which was omitted from the offender score calculation
18 pursuant to RCW 9.94A.525 results in a presumptive sentence that is
19 clearly too lenient.

20 (3) Aggravating Circumstances - Considered by a Jury - Imposed by
21 the Court

22 Except for circumstances listed in subsection (2) of this
23 section, the following circumstances are an exclusive list of factors
24 that can support a sentence above the standard range. Such facts
25 should be determined by procedures specified in RCW 9.94A.537.

26 (a) The defendant's conduct during the commission of the current
27 offense manifested deliberate cruelty to the victim.

28 (b) The defendant knew or should have known that the victim of
29 the current offense was particularly vulnerable or incapable of
30 resistance.

31 (c) The current offense was a violent offense, and the defendant
32 knew that the victim of the current offense was pregnant.

33 (d) The current offense was a major economic offense or series of
34 offenses, so identified by a consideration of any of the following
35 factors:

36 (i) The current offense involved multiple victims or multiple
37 incidents per victim;

38 (ii) The current offense involved attempted or actual monetary
39 loss substantially greater than typical for the offense;

1 (iii) The current offense involved a high degree of
2 sophistication or planning or occurred over a lengthy period of time;
3 or

4 (iv) The defendant used his or her position of trust, confidence,
5 or fiduciary responsibility to facilitate the commission of the
6 current offense.

7 (e) The current offense was a major violation of the Uniform
8 Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to
9 trafficking in controlled substances, which was more onerous than the
10 typical offense of its statutory definition: The presence of ANY of
11 the following may identify a current offense as a major VUCSA:

12 (i) The current offense involved at least three separate
13 transactions in which controlled substances were sold, transferred,
14 or possessed with intent to do so;

15 (ii) The current offense involved an attempted or actual sale or
16 transfer of controlled substances in quantities substantially larger
17 than for personal use;

18 (iii) The current offense involved the manufacture of controlled
19 substances for use by other parties;

20 (iv) The circumstances of the current offense reveal the offender
21 to have occupied a high position in the drug distribution hierarchy;

22 (v) The current offense involved a high degree of sophistication
23 or planning, occurred over a lengthy period of time, or involved a
24 broad geographic area of disbursement; or

25 (vi) The offender used his or her position or status to
26 facilitate the commission of the current offense, including positions
27 of trust, confidence or fiduciary responsibility (e.g., pharmacist,
28 physician, or other medical professional).

29 (f) The current offense included a finding of sexual motivation
30 pursuant to RCW 9.94A.835.

31 (g) The offense was part of an ongoing pattern of sexual abuse of
32 the same victim under the age of (~~eighteen~~) 18 years manifested by
33 multiple incidents over a prolonged period of time.

34 (h) The current offense involved domestic violence, as defined in
35 RCW 10.99.020, or stalking, as defined in RCW 9A.46.110, and one or
36 more of the following was present:

37 (i) The offense was part of an ongoing pattern of psychological,
38 physical, or sexual abuse of a victim or multiple victims manifested
39 by multiple incidents over a prolonged period of time;

1 (ii) The offense occurred within sight or sound of the victim's
2 or the offender's minor children under the age of eighteen years; or

3 (iii) The offender's conduct during the commission of the current
4 offense manifested deliberate cruelty or intimidation of the victim.

5 (i) The offense resulted in the pregnancy of a child victim of
6 rape.

7 (j) The defendant knew that the victim of the current offense was
8 a youth who was not residing with a legal custodian and the defendant
9 established or promoted the relationship for the primary purpose of
10 victimization.

11 (k) The offense was committed with the intent to obstruct or
12 impair human or animal health care or agricultural or forestry
13 research or commercial production.

14 (l) The current offense is trafficking in the first degree or
15 trafficking in the second degree and any victim was a minor at the
16 time of the offense.

17 (m) The offense involved a high degree of sophistication or
18 planning.

19 (n) The defendant used his or her position of trust, confidence,
20 or fiduciary responsibility to facilitate the commission of the
21 current offense.

22 (o) The defendant committed a current sex offense, has a history
23 of sex offenses, and is not amenable to treatment.

24 (p) The offense involved an invasion of the victim's privacy.

25 (q) The defendant demonstrated or displayed an egregious lack of
26 remorse.

27 (r) The offense involved a destructive and foreseeable impact on
28 persons other than the victim.

29 (s) The defendant committed the offense to obtain or maintain his
30 or her membership or to advance his or her position in the hierarchy
31 of an organization, association, or identifiable group.

32 (t) The defendant committed the current offense shortly after
33 being released from incarceration.

34 (u) The current offense is a burglary and the victim of the
35 burglary was present in the building or residence when the crime was
36 committed.

37 (v) The offense was committed against a law enforcement officer
38 who was performing his or her official duties at the time of the
39 offense, the offender knew that the victim was a law enforcement

1 officer, and the victim's status as a law enforcement officer is not
2 an element of the offense.

3 (w) The defendant committed the offense against a victim who was
4 acting as a good samaritan.

5 (x) The defendant committed the offense against a public official
6 or officer of the court in retaliation of the public official's
7 performance of his or her duty to the criminal justice system.

8 (y) The victim's injuries substantially exceed the level of
9 bodily harm necessary to satisfy the elements of the offense. This
10 aggravator is not an exception to RCW 9.94A.530(2).

11 (z) (i) (A) The current offense is theft in the first degree, theft
12 in the second degree, possession of stolen property in the first
13 degree, or possession of stolen property in the second degree; (B)
14 the stolen property involved is metal property; and (C) the property
15 damage to the victim caused in the course of the theft of metal
16 property is more than three times the value of the stolen metal
17 property, or the theft of the metal property creates a public hazard.

18 (ii) For purposes of this subsection, "metal property" means
19 commercial metal property, private metal property, or nonferrous
20 metal property, as defined in RCW 19.290.010.

21 (aa) The defendant committed the offense with the intent to
22 directly or indirectly cause any benefit, aggrandizement, gain,
23 profit, or other advantage to or for a criminal street gang as
24 defined in RCW 9.94A.030, its reputation, influence, or membership.

25 (bb) The current offense involved paying to view, over the
26 internet in violation of RCW 9.68A.075, depictions of a minor engaged
27 in an act of sexually explicit conduct as defined in RCW
28 9.68A.011(~~((4))~~) (7) (a) through (g).

29 (cc) The offense was intentionally committed because the
30 defendant perceived the victim to be homeless, as defined in RCW
31 9.94A.030.

32 (dd) The current offense involved a felony crime against persons,
33 except for assault in the third degree pursuant to RCW
34 9A.36.031(1)(k), that occurs in a courtroom, jury room, judge's
35 chamber, or any waiting area or corridor immediately adjacent to a
36 courtroom, jury room, or judge's chamber. This subsection shall apply
37 only: (i) During the times when a courtroom, jury room, or judge's
38 chamber is being used for judicial purposes during court proceedings;
39 and (ii) if signage was posted in compliance with RCW 2.28.200 at the
40 time of the offense.

1 (ee) During the commission of the current offense, the defendant
2 was driving in the opposite direction of the normal flow of traffic
3 on a multiple lane highway, as defined by RCW 46.04.350, with a
4 posted speed limit of forty-five miles per hour or greater.

5 (ff) The current offense involved the assault of a utility
6 employee of any publicly or privately owned utility company or
7 agency, who is at the time of the act engaged in official duties,
8 including: (i) The maintenance or repair of utility poles, lines,
9 conduits, pipes, or other infrastructure; or (ii) connecting,
10 disconnecting, or recording utility meters.

11 **Sec. 6.** RCW 9.94A.701 and 2021 c 242 s 6 are each amended to
12 read as follows:

13 (1) If an offender is sentenced to the custody of the department
14 for one of the following crimes, the court shall, in addition to the
15 other terms of the sentence, sentence the offender to community
16 custody for three years:

17 (a) A sex offense not sentenced under RCW 9.94A.507; or

18 (b) A serious violent offense.

19 (2) A court shall, in addition to the other terms of the
20 sentence, sentence an offender to community custody for eighteen
21 months when the court sentences the person to the custody of the
22 department for a violent offense that is not considered a serious
23 violent offense.

24 (3) A court shall, in addition to the other terms of the
25 sentence, sentence an offender to community custody for one year when
26 the court sentences the person to the custody of the department for:

27 (a) Any crime against persons under RCW 9.94A.411(2);

28 (b) An offense involving the unlawful possession of a firearm
29 under RCW 9.41.040, where the offender is a criminal street gang
30 member or associate;

31 (c) A felony offense under chapter 69.50 or 69.52 RCW, committed
32 on or after July 1, 2000; or

33 (d) A felony violation of RCW 9A.44.132(1) (failure to register)
34 that is the offender's first violation for a felony failure to
35 register.

36 (4) If an offender is sentenced under the drug offender
37 sentencing alternative, the court shall impose community custody as
38 provided in RCW 9.94A.660.

1 (5) If an offender is sentenced under the special sex offender
2 sentencing alternative, the court shall impose community custody as
3 provided in RCW 9.94A.670.

4 (6) If an offender is sentenced to a work ethic camp, the court
5 shall impose community custody as provided in RCW 9.94A.690.

6 (7) If an offender is sentenced under the parenting sentencing
7 alternative, the court shall impose a term of community custody as
8 provided in RCW 9.94A.655.

9 (8) If the offender is sentenced under the mental health
10 sentencing alternative, the court shall impose a term of community
11 custody as provided in RCW 9.94A.695.

12 (9) If a sex offender is sentenced as a nonpersistent offender
13 pursuant to RCW 9.94A.507, the court shall impose community custody
14 as provided in that section.

15 (10) If a person is granted a modification of sentence pursuant
16 to section 3 of this act and the person's original sentence included
17 less than five years of community custody, the court shall impose
18 five years of community custody as part of the modified sentence.

19 (11) The term of community custody specified by this section
20 shall be reduced by the court whenever an offender's standard range
21 term of confinement in combination with the term of community custody
22 exceeds the statutory maximum for the crime as provided in RCW
23 9A.20.021.

24 **Sec. 7.** RCW 9.94A.701 and 2024 c 306 s 10 are each amended to
25 read as follows:

26 (1) If an offender is sentenced to the custody of the department
27 for one of the following crimes, the court shall, in addition to the
28 other terms of the sentence, sentence the offender to community
29 custody for three years:

- 30 (a) A sex offense not sentenced under RCW 9.94A.507; or
- 31 (b) A serious violent offense.

32 (2) A court shall, in addition to the other terms of the
33 sentence, sentence an offender to community custody for 18 months
34 when the court sentences the person to the custody of the department
35 for a violent offense that is not considered a serious violent
36 offense.

37 (3) A court shall, in addition to the other terms of the
38 sentence, sentence an offender to community custody for one year when
39 the court sentences the person to the custody of the department for:

- 1 (a) Any crime against persons under RCW 9.94A.411(2);
- 2 (b) An offense involving the unlawful possession of a firearm
3 under RCW 9.41.040, where the offender is a criminal street gang
4 member or associate;
- 5 (c) A felony offense under chapter 69.50 or 69.52 RCW, committed
6 on or after July 1, 2000; or
- 7 (d) A felony violation of RCW 9A.44.132(1) (failure to register)
8 that is the offender's first violation for a felony failure to
9 register.
- 10 (4) If an offender is sentenced under the drug offender
11 sentencing alternative, the court shall impose community custody as
12 provided in:
- 13 (a) RCW 9.94A.660 and 9.94A.662 for a prison-based drug offender
14 sentencing alternative;
- 15 (b) RCW 9.94A.660 and 9.94A.664 for a residential-based drug
16 offender sentencing alternative;
- 17 (c) RCW 9.94A.662 and 9.94A.661(6) for a prison-based drug
18 offender sentencing alternative for driving under the influence; and
- 19 (d) RCW 9.94A.661 (5) and (6) for a residential-based drug
20 offender sentencing alternative for driving under the influence.
- 21 (5) If an offender is sentenced under the special sex offender
22 sentencing alternative, the court shall impose community custody as
23 provided in RCW 9.94A.670.
- 24 (6) If an offender is sentenced to a work ethic camp, the court
25 shall impose community custody as provided in RCW 9.94A.690.
- 26 (7) If an offender is sentenced under the parenting sentencing
27 alternative, the court shall impose a term of community custody as
28 provided in RCW 9.94A.655.
- 29 (8) If the offender is sentenced under the mental health
30 sentencing alternative, the court shall impose a term of community
31 custody as provided in RCW 9.94A.695.
- 32 (9) If a sex offender is sentenced as a nonpersistent offender
33 pursuant to RCW 9.94A.507, the court shall impose community custody
34 as provided in that section.
- 35 (10) If a person is granted a modification of sentence pursuant
36 to section 3 of this act and the person's original sentence included
37 less than five years of community custody, the court shall impose
38 five years of community custody as part of the modified sentence.
- 39 (11) The term of community custody specified by this section
40 shall be reduced by the court whenever an offender's standard

1 sentence range term of confinement in combination with the term of
2 community custody exceeds the statutory maximum for the crime as
3 provided in RCW 9A.20.021.

4 NEW SECTION. **Sec. 8.** Section 6 of this act expires January 1,
5 2026.

6 NEW SECTION. **Sec. 9.** Section 7 of this act takes effect January
7 1, 2026.

8 NEW SECTION. **Sec. 10.** 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, 2025, in the omnibus appropriations act, this
11 act is null and void.

--- END ---