
HOUSE BILL 1465

State of Washington

69th Legislature

2025 Regular Session

By Representatives Fitzgibbon and Ormsby; by request of Office of Financial Management

Read first time 01/21/25. Referred to Committee on Appropriations.

1 AN ACT Relating to cost sharing of county supervision of
2 defendants with local government; and amending RCW 9.95.204,
3 9.94A.702, and 9.92.060.

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

5 **Sec. 1.** RCW 9.95.204 and 2022 c 29 s 11 are each amended to read
6 as follows:

7 (1) When a superior court places a defendant convicted of a
8 misdemeanor or gross misdemeanor on probation and orders supervision
9 under RCW 9.92.060 or 9.95.210, the department of corrections has
10 responsibility for supervision of defendants pursuant to RCW
11 9.94A.501 and 9.94A.5011. The county must reimburse the department of
12 corrections for 25 percent of the cost of supervision for any
13 defendant for whom the superior court ordered supervision by the
14 department, unless the county assumes responsibility for the
15 supervision under subsection (2) of this section.

16 (2) A county legislative authority may assume responsibility for
17 the supervision of defendants within its jurisdiction who have been
18 convicted of a misdemeanor or gross misdemeanor and sentenced to
19 probation by a superior court. If a county legislative authority
20 chooses to assume responsibility for defendants supervised by the

1 department, the assumption of responsibility shall be made by
2 contract with the department of corrections on a biennial basis.

3 (3) The state of Washington, the department of corrections and
4 its employees, community corrections officers, and volunteers who
5 assist community corrections officers are not liable for any harm
6 caused by the actions of a superior court misdemeanor probationer
7 who is under the supervision of a county. A county, its probation
8 department and employees, probation officers, and volunteers who
9 assist probation officers are not liable for any harm caused by the
10 actions of a superior court misdemeanor probationer who is under the
11 supervision of the department of corrections.

12 (4) The state of Washington, the department of corrections and
13 its employees, community corrections officers, any county providing
14 supervision services pursuant to this section and its employees,
15 probation officers, and volunteers who assist community corrections
16 officers and probation officers in the superior court misdemeanor
17 probation program are not liable for civil damages resulting from any
18 act or omission in the rendering of superior court misdemeanor
19 probation activities unless the act or omission constitutes gross
20 negligence. For purposes of this section, "volunteers" is defined
21 according to RCW 51.12.035.

22 (5) (a) If a misdemeanor probationer requests permission to
23 travel or transfer to another state, the assigned probation officer
24 employed or contracted for by the county shall determine whether such
25 request is subject to RCW 9.94A.745, the interstate compact for adult
26 offender supervision. If such request is subject to the compact, the
27 probation officer shall:

28 (i) Notify the department of corrections of the probationer's
29 request;

30 (ii) Provide the department of corrections with the supporting
31 documentation it requests for processing an application for transfer;

32 (iii) Cease supervision of the probationer while another state
33 supervises the probationer pursuant to the compact;

34 (iv) Resume supervision if the probationer returns to this state
35 before the term of probation expires.

36 (b) The probationer shall receive credit for time served while
37 being supervised by another state.

38 **Sec. 2.** RCW 9.94A.702 and 2010 c 267 s 12 are each amended to
39 read as follows:

1 (1) If an offender is sentenced to a term of confinement for one
2 year or less for one of the following offenses, the court may impose
3 up to one year of community custody:

4 (a) A sex offense;

5 (b) A violent offense;

6 (c) A crime against a person under RCW 9.94A.411;

7 (d) A felony violation of chapter 69.50 or 69.52 RCW, or an
8 attempt, conspiracy, or solicitation to commit such a crime; or

9 (e) A felony violation of RCW 9A.44.132(1) (failure to register).

10 (2) If an offender is sentenced to a first-time offender waiver,
11 the court may impose community custody as provided in RCW 9.94A.650.

12 (3) The county must reimburse the department of corrections for
13 25 percent of the cost of supervision for any defendant for whom the
14 superior court ordered supervision by the department.

15 **Sec. 3.** RCW 9.92.060 and 2023 c 449 s 7 are each amended to read
16 as follows:

17 (1) (a) Whenever any person is convicted of any crime except
18 murder, burglary in the first degree, arson in the first degree,
19 robbery, rape of a child, or rape, the superior court may, in its
20 discretion, at the time of imposing sentence upon such person, direct
21 that such sentence be stayed and suspended until otherwise ordered by
22 the superior court, and, upon such terms as the superior court may
23 determine, that the sentenced person be placed under the charge of:

24 ~~((a))~~ (i) A community corrections officer employed by the
25 department of corrections, if the person is subject to supervision
26 under RCW 9.94A.501 or 9.94A.5011; or

27 ~~((b))~~ (ii) A probation officer employed or contracted for by
28 the county, if the county has elected to assume responsibility for
29 the supervision of superior court misdemeanor probationers.

30 (b) The county must reimburse the department of corrections for
31 25 percent of the cost of supervision for any defendant for whom the
32 superior court ordered supervision by the department, unless the
33 county assumes responsibility for the supervision under (a)(ii) of
34 this subsection.

35 (2) As a condition to suspension of sentence, the superior court
36 may require the convicted person to make such monetary payments, on
37 such terms as the superior court deems appropriate under the
38 circumstances, as are necessary: (a) To comply with any order of the
39 court for the payment of family support; (b) to make restitution to

1 any person or persons who may have suffered loss or damage by reason
2 of the commission of the crime in question or when the offender
3 pleads guilty to a lesser offense or fewer offenses and agrees with
4 the prosecutor's recommendation that the offender be required to pay
5 restitution to a victim of an offense or offenses which are not
6 prosecuted pursuant to a plea agreement; (c) to pay any fine imposed
7 and not suspended and the court or other costs incurred in the
8 prosecution of the case, including reimbursement of the state for
9 costs of extradition if return to this state by extradition was
10 required; and (d) to contribute to a county or interlocal drug fund.

11 (3) At any time, including at sentencing, the court may determine
12 that the offender is not required to pay, or may relieve the offender
13 of the requirement to pay, full or partial restitution and accrued
14 interest on restitution where the entity to whom restitution is owed
15 is an insurer or a state agency, except for restitution owed to the
16 department of labor and industries under chapter 7.68 RCW, if the
17 court finds that the offender does not have the current or likely
18 future ability to pay. A person does not have the current ability to
19 pay if the person is indigent as defined in RCW 10.01.160(3). For the
20 purposes of this subsection, the terms "insurer" and "state agency"
21 have the same meanings as provided in RCW 9.94A.750(3).

22 (4) As a condition of the suspended sentence, the superior court
23 may order the probationer to report to the secretary of corrections
24 or such officer as the secretary may designate and as a condition of
25 the probation to follow the instructions of the secretary. If the
26 county legislative authority has elected to assume responsibility for
27 the supervision of superior court misdemeanor probationers within
28 its jurisdiction, the superior court misdemeanor probationer shall
29 report to a probation officer employed or contracted for by the
30 county. In cases where a superior court misdemeanor probationer is
31 sentenced in one county, but resides within another county, there
32 must be provisions for the probationer to report to the agency having
33 supervision responsibility for the probationer's county of residence.

34 (5) If restitution to the victim has been ordered under
35 subsection (2)(b) of this section and the superior court has ordered
36 supervision, the officer supervising the probationer shall make a
37 reasonable effort to ascertain whether restitution has been made as
38 ordered. If the superior court has ordered supervision and
39 restitution has not been made, the officer shall inform the
40 prosecutor of that violation of the terms of the suspended sentence

1 not less than three months prior to the termination of the suspended
2 sentence.

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