
SECOND SUBSTITUTE HOUSE BILL 1668

State of Washington

69th Legislature

2025 Regular Session

By House Appropriations (originally sponsored by Representatives Davis, Griffey, Richards, and Nance)

READ FIRST TIME 02/28/25.

1 AN ACT Relating to community custody; amending RCW 9.94A.525,
2 9.94A.525, and 9.94A.722; adding a new section to chapter 71.24 RCW;
3 creating a new section; providing an effective date; and providing an
4 expiration date.

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

6 **Sec. 1.** RCW 9.94A.525 and 2023 c 415 s 2 are each amended to
7 read as follows:

8 The offender score is measured on the horizontal axis of the
9 sentencing grid. The offender score rules are as follows:

10 The offender score is the sum of points accrued under this
11 section rounded down to the nearest whole number.

12 (1)(a) A prior conviction is a conviction which exists before the
13 date of sentencing for the offense for which the offender score is
14 being computed. Convictions entered or sentenced on the same date as
15 the conviction for which the offender score is being computed shall
16 be deemed "other current offenses" within the meaning of RCW
17 9.94A.589.

18 (b) For the purposes of this section, adjudications of guilt
19 pursuant to Title 13 RCW which are not murder in the first or second
20 degree or class A felony sex offenses may not be included in the
21 offender score.

1 (2) (a) Class A and sex prior felony convictions shall always be
2 included in the offender score.

3 (b) Class B prior felony convictions other than sex offenses
4 shall not be included in the offender score, if since the last date
5 of release from confinement (including full-time residential
6 treatment) pursuant to a felony conviction, if any, or entry of
7 judgment and sentence, the offender had spent ten consecutive years
8 in the community without committing any crime that subsequently
9 results in a conviction.

10 (c) Except as provided in (e) of this subsection, class C prior
11 felony convictions other than sex offenses shall not be included in
12 the offender score if, since the last date of release from
13 confinement (including full-time residential treatment) pursuant to a
14 felony conviction, if any, or entry of judgment and sentence, the
15 offender had spent five consecutive years in the community without
16 committing any crime that subsequently results in a conviction.

17 (d) Except as provided in (e) of this subsection, serious traffic
18 convictions shall not be included in the offender score if, since the
19 last date of release from confinement (including full-time
20 residential treatment) pursuant to a conviction, if any, or entry of
21 judgment and sentence, the offender spent five years in the community
22 without committing any crime that subsequently results in a
23 conviction.

24 (e) If the present conviction is felony driving while under the
25 influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or
26 felony physical control of a vehicle while under the influence of
27 intoxicating liquor or any drug (RCW 46.61.504(6)), all predicate
28 crimes for the offense as defined by RCW 46.61.5055(14) shall be
29 included in the offender score, and prior convictions for felony
30 driving while under the influence of intoxicating liquor or any drug
31 (RCW 46.61.502(6)) or felony physical control of a vehicle while
32 under the influence of intoxicating liquor or any drug (RCW
33 46.61.504(6)) shall always be included in the offender score. All
34 other convictions of the defendant shall be scored according to this
35 section.

36 (f) Prior convictions for a repetitive domestic violence offense,
37 as defined in RCW 9.94A.030, shall not be included in the offender
38 score if, since the last date of release from confinement or entry of
39 judgment and sentence, the offender had spent ten consecutive years

1 in the community without committing any crime that subsequently
2 results in a conviction.

3 (g) This subsection applies to both prior adult convictions and
4 prior juvenile adjudications.

5 (3) Out-of-state convictions for offenses shall be classified
6 according to the comparable offense definitions and sentences
7 provided by Washington law. Federal convictions for offenses shall be
8 classified according to the comparable offense definitions and
9 sentences provided by Washington law. Neither out-of-state or federal
10 convictions which would have been presumptively adjudicated in
11 juvenile court under Washington law may be included in the offender
12 score unless they are comparable to murder in the first or second
13 degree or a class A felony sex offense. If there is no clearly
14 comparable offense under Washington law or the offense is one that is
15 usually considered subject to exclusive federal jurisdiction, the
16 offense shall be scored as a class C felony equivalent if it was a
17 felony under the relevant federal statute.

18 (4) Score prior convictions for felony anticipatory offenses
19 (attempts, criminal solicitations, and criminal conspiracies) the
20 same as if they were convictions for completed offenses.

21 (5) (a) In the case of multiple prior convictions, for the purpose
22 of computing the offender score, count all convictions separately,
23 except:

24 (i) Prior offenses which were found, under RCW 9.94A.589(1) (a),
25 to encompass the same criminal conduct, shall be counted as one
26 offense, the offense that yields the highest offender score. The
27 current sentencing court shall determine with respect to other prior
28 adult offenses for which sentences were served concurrently or prior
29 juvenile offenses for which sentences were served consecutively,
30 whether those offenses shall be counted as one offense or as separate
31 offenses using the "same criminal conduct" analysis found in RCW
32 9.94A.589(1) (a), and if the court finds that they shall be counted as
33 one offense, then the offense that yields the highest offender score
34 shall be used. The current sentencing court may presume that such
35 other prior offenses were not the same criminal conduct from
36 sentences imposed on separate dates, or in separate counties or
37 jurisdictions, or in separate complaints, indictments, or
38 informations;

39 (ii) In the case of multiple prior convictions for offenses
40 committed before July 1, 1986, for the purpose of computing the

1 offender score, count all convictions or adjudications served
2 concurrently as one offense. Use the conviction for the offense that
3 yields the highest offender score.

4 (b) As used in this subsection (5), "served concurrently" means
5 that: (i) The latter sentence was imposed with specific reference to
6 the former; (ii) the concurrent relationship of the sentences was
7 judicially imposed; and (iii) the concurrent timing of the sentences
8 was not the result of a probation or parole revocation on the former
9 offense.

10 (6) If the present conviction is one of the anticipatory offenses
11 of criminal attempt, solicitation, or conspiracy, count each prior
12 conviction as if the present conviction were for a completed offense.
13 When these convictions are used as criminal history, score them the
14 same as a completed crime.

15 (7) If the present conviction is for a nonviolent offense and not
16 covered by subsection (11), (12), or (13) of this section, count one
17 point for each adult prior felony conviction and one point for each
18 juvenile prior violent felony conviction which is scorable under
19 subsection (1)(b) of this section.

20 (8) If the present conviction is for a violent offense and not
21 covered in subsection (9), (10), (11), (12), or (13) of this section,
22 count two points for each prior adult violent felony conviction and
23 juvenile violent felony conviction which is scorable under subsection
24 (1)(b) of this section, and one point for each prior adult nonviolent
25 felony conviction.

26 (9) If the present conviction is for a serious violent offense,
27 count three points for prior adult convictions and juvenile
28 convictions which are scorable under subsection (1)(b) of this
29 section for crimes in this category, two points for each prior adult
30 and scorable juvenile violent conviction (not already counted), and
31 one point for each prior adult nonviolent felony conviction.

32 (10) If the present conviction is for Burglary 1, count prior
33 convictions as in subsection (8) of this section; however count two
34 points for each prior Burglary 2 or residential burglary conviction.

35 (11) If the present conviction is for a felony traffic offense
36 count two points for each prior conviction for Vehicular Homicide or
37 Vehicular Assault; for each felony offense count one point for each
38 adult prior conviction and 1/2 point for each juvenile prior
39 conviction which is scorable under subsection (1)(b) of this section;
40 for each serious traffic offense, other than those used for an

1 enhancement pursuant to RCW 46.61.520(2), count one point for each
2 adult prior conviction and 1/2 point for each juvenile prior
3 conviction which is scorable under subsection (1)(b) of this section;
4 count one point for each adult prior conviction for operation of a
5 vessel while under the influence of intoxicating liquor or any drug.

6 (12) If the present conviction is for homicide by watercraft or
7 assault by watercraft count two points for each adult prior
8 conviction for homicide by watercraft or assault by watercraft; for
9 each felony offense count one point for each adult prior conviction
10 and 1/2 point for each juvenile prior conviction which would be
11 scorable under subsection (1)(b) of this section; count one point for
12 each adult prior conviction for driving under the influence of
13 intoxicating liquor or any drug, actual physical control of a motor
14 vehicle while under the influence of intoxicating liquor or any drug,
15 or operation of a vessel while under the influence of intoxicating
16 liquor or any drug.

17 (13) If the present conviction is for manufacture of
18 methamphetamine count three points for each adult prior manufacture
19 of methamphetamine conviction. If the present conviction is for a
20 drug offense and the offender has a criminal history that includes a
21 sex offense or serious violent offense, count three points for each
22 adult prior felony drug offense conviction. All other felonies are
23 scored as in subsection (8) of this section if the current drug
24 offense is violent, or as in subsection (7) of this section if the
25 current drug offense is nonviolent.

26 ~~(14) ((If the present conviction is for Escape from Community~~
27 ~~Custody, RCW 72.09.310, count only adult prior escape convictions in~~
28 ~~the offender score. Count prior escape convictions as one point.~~

29 ~~(15))~~ If the present conviction is for Escape 1, RCW 9A.76.110,
30 or Escape 2, RCW 9A.76.120, count adult prior convictions as one
31 point and juvenile prior convictions which are scorable under
32 subsection (1)(b) of this section as 1/2 point.

33 ~~((16))~~ (15) If the present conviction is for Burglary 2 or
34 residential burglary, count priors as in subsection (7) of this
35 section; however, count two points for each prior Burglary 1
36 conviction, and two points for each prior Burglary 2 or residential
37 burglary conviction.

38 ~~((17))~~ (16) If the present conviction is for a sex offense,
39 count priors as in subsections (7) through (11) and (13) through
40 ~~((16))~~ (15) of this section; however count three points for each

1 adult prior sex offense conviction and juvenile prior class A felony
2 sex offense adjudication.

3 ~~((18))~~ (17) If the present conviction is for failure to
4 register as a sex offender under RCW 9A.44.130 or 9A.44.132, count
5 priors as in subsections (7) through (11) and (13) through ~~((16))~~
6 (15) of this section; however count three points for each adult prior
7 sex offense conviction and juvenile prior sex offense conviction
8 which is scorable under subsection (1)(b) of this section, excluding
9 adult prior convictions for failure to register as a sex offender
10 under RCW 9A.44.130 or 9A.44.132, which shall count as one point.

11 ~~((19))~~ (18) If the present conviction is for an offense
12 committed while the offender was under community custody, add one
13 point. For purposes of this subsection, community custody includes
14 community placement or postrelease supervision, as defined in chapter
15 9.94B RCW.

16 ~~((20))~~ (19) If the present conviction is for Theft of a Motor
17 Vehicle, Possession of a Stolen Vehicle, Taking a Motor Vehicle
18 Without Permission 1, or Taking a Motor Vehicle Without Permission 2,
19 count priors as in subsections (7) through ~~((18))~~ (17) of this
20 section; however count one point for prior convictions of Vehicle
21 Prowling 2, and three points for each adult prior Theft 1 (of a motor
22 vehicle), Theft 2 (of a motor vehicle), Possession of Stolen Property
23 1 (of a motor vehicle), Possession of Stolen Property 2 (of a motor
24 vehicle), Theft of a Motor Vehicle, Possession of a Stolen Vehicle,
25 Taking a Motor Vehicle Without Permission 1, or Taking a Motor
26 Vehicle Without Permission 2 conviction.

27 ~~((21))~~ (20) If the present conviction is for a felony domestic
28 violence offense where domestic violence as defined in RCW 9.94A.030
29 was pleaded and proven, count priors as in subsections (7) through
30 ~~((20))~~ (19) of this section; however, count points as follows:

31 (a) Count two points for each adult prior conviction where
32 domestic violence as defined in RCW 9.94A.030 was pleaded and proven
33 after August 1, 2011, for any of the following offenses: A felony
34 violation of a no-contact or protection order (RCW 7.105.450 or
35 former RCW 26.50.110), felony Harassment (RCW 9A.46.020(2)(b)),
36 felony Stalking (RCW 9A.46.110(5)(b)), Burglary 1 (RCW 9A.52.020),
37 Kidnapping 1 (RCW 9A.40.020), Kidnapping 2 (RCW 9A.40.030), Unlawful
38 imprisonment (RCW 9A.40.040), Robbery 1 (RCW 9A.56.200), Robbery 2
39 (RCW 9A.56.210), Assault 1 (RCW 9A.36.011), Assault 2 (RCW

1 9A.36.021), Assault 3 (RCW 9A.36.031), Arson 1 (RCW 9A.48.020), or
2 Arson 2 (RCW 9A.48.030);

3 (b) Count two points for each adult prior conviction where
4 domestic violence as defined in RCW 9.94A.030 was pleaded and proven
5 after July 23, 2017, for any of the following offenses: Assault of a
6 child in the first degree, RCW 9A.36.120; Assault of a child in the
7 second degree, RCW 9A.36.130; Assault of a child in the third degree,
8 RCW 9A.36.140; Criminal Mistreatment in the first degree, RCW
9 9A.42.020; or Criminal Mistreatment in the second degree, RCW
10 9A.42.030; and

11 (c) Count one point for each adult prior conviction for a
12 repetitive domestic violence offense as defined in RCW 9.94A.030,
13 where domestic violence as defined in RCW 9.94A.030, was pleaded and
14 proven after August 1, 2011.

15 (~~((22))~~) (21) The fact that a prior conviction was not included
16 in an offender's offender score or criminal history at a previous
17 sentencing shall have no bearing on whether it is included in the
18 criminal history or offender score for the current offense. Prior
19 convictions that were not counted in the offender score or included
20 in criminal history under repealed or previous versions of the
21 sentencing reform act shall be included in criminal history and shall
22 count in the offender score if the current version of the sentencing
23 reform act requires including or counting those convictions. Prior
24 convictions that were not included in criminal history or in the
25 offender score shall be included upon any resentencing to ensure
26 imposition of an accurate sentence.

27 **Sec. 2.** RCW 9.94A.525 and 2024 c 306 s 6 are each amended to
28 read as follows:

29 The offender score is measured on the horizontal axis of the
30 sentencing grid. The offender score rules are as follows:

31 The offender score is the sum of points accrued under this
32 section rounded down to the nearest whole number.

33 (1)(a) A prior conviction is a conviction which exists before the
34 date of sentencing for the offense for which the offender score is
35 being computed. Convictions entered or sentenced on the same date as
36 the conviction for which the offender score is being computed shall
37 be deemed "other current offenses" within the meaning of RCW
38 9.94A.589.

1 (b) For the purposes of this section, adjudications of guilt
2 pursuant to Title 13 RCW which are not murder in the first or second
3 degree or class A felony sex offenses may not be included in the
4 offender score.

5 (2)(a) Class A and sex prior felony convictions shall always be
6 included in the offender score.

7 (b) Class B prior felony convictions other than sex offenses
8 shall not be included in the offender score, if since the last date
9 of release from confinement (including full-time residential
10 treatment) pursuant to a felony conviction, if any, or entry of
11 judgment and sentence, the offender had spent 10 consecutive years in
12 the community without committing any crime that subsequently results
13 in a conviction.

14 (c) Except as provided in (e) of this subsection, class C prior
15 felony convictions other than sex offenses shall not be included in
16 the offender score if, since the last date of release from
17 confinement (including full-time residential treatment) pursuant to a
18 felony conviction, if any, or entry of judgment and sentence, the
19 offender had spent five consecutive years in the community without
20 committing any crime that subsequently results in a conviction.

21 (d) Except as provided in (e) of this subsection, serious traffic
22 convictions shall not be included in the offender score if, since the
23 last date of release from confinement (including full-time
24 residential treatment) pursuant to a conviction, if any, or entry of
25 judgment and sentence, the offender spent five years in the community
26 without committing any crime that subsequently results in a
27 conviction.

28 (e) If the present conviction is felony driving while under the
29 influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or
30 felony physical control of a vehicle while under the influence of
31 intoxicating liquor or any drug (RCW 46.61.504(6)), all predicate
32 crimes for the offense as defined by RCW 46.61.5055(14) shall be
33 included in the offender score, and prior convictions for felony
34 driving while under the influence of intoxicating liquor or any drug
35 (RCW 46.61.502(6)) or felony physical control of a vehicle while
36 under the influence of intoxicating liquor or any drug (RCW
37 46.61.504(6)) shall always be included in the offender score. All
38 other convictions of the defendant shall be scored according to this
39 section.

1 (f) Prior convictions for a repetitive domestic violence offense,
2 as defined in RCW 9.94A.030, shall not be included in the offender
3 score if, since the last date of release from confinement or entry of
4 judgment and sentence, the offender had spent 10 consecutive years in
5 the community without committing any crime that subsequently results
6 in a conviction.

7 (g) This subsection applies to both prior adult convictions and
8 prior juvenile adjudications.

9 (3) Out-of-state convictions for offenses shall be classified
10 according to the comparable offense definitions and sentences
11 provided by Washington law. Federal convictions for offenses shall be
12 classified according to the comparable offense definitions and
13 sentences provided by Washington law. Neither out-of-state or federal
14 convictions which would have been presumptively adjudicated in
15 juvenile court under Washington law may be included in the offender
16 score unless they are comparable to murder in the first or second
17 degree or a class A felony sex offense. If there is no clearly
18 comparable offense under Washington law or the offense is one that is
19 usually considered subject to exclusive federal jurisdiction, the
20 offense shall be scored as a class C felony equivalent if it was a
21 felony under the relevant federal statute.

22 (4) Score prior convictions for felony anticipatory offenses
23 (attempts, criminal solicitations, and criminal conspiracies) the
24 same as if they were convictions for completed offenses.

25 (5) (a) In the case of multiple prior convictions, for the purpose
26 of computing the offender score, count all convictions separately,
27 except:

28 (i) Prior offenses which were found, under RCW 9.94A.589(1) (a),
29 to encompass the same criminal conduct, shall be counted as one
30 offense, the offense that yields the highest offender score. The
31 current sentencing court shall determine with respect to other prior
32 adult offenses for which sentences were served concurrently or prior
33 juvenile offenses for which sentences were served consecutively,
34 whether those offenses shall be counted as one offense or as separate
35 offenses using the "same criminal conduct" analysis found in RCW
36 9.94A.589(1) (a), and if the court finds that they shall be counted as
37 one offense, then the offense that yields the highest offender score
38 shall be used. The current sentencing court may presume that such
39 other prior offenses were not the same criminal conduct from
40 sentences imposed on separate dates, or in separate counties or

1 jurisdictions, or in separate complaints, indictments, or
2 informations;

3 (ii) In the case of multiple prior convictions for offenses
4 committed before July 1, 1986, for the purpose of computing the
5 offender score, count all convictions or adjudications served
6 concurrently as one offense. Use the conviction for the offense that
7 yields the highest offender score.

8 (b) As used in this subsection (5), "served concurrently" means
9 that: (i) The latter sentence was imposed with specific reference to
10 the former; (ii) the concurrent relationship of the sentences was
11 judicially imposed; and (iii) the concurrent timing of the sentences
12 was not the result of a probation or parole revocation on the former
13 offense.

14 (6) If the present conviction is one of the anticipatory offenses
15 of criminal attempt, solicitation, or conspiracy, count each prior
16 conviction as if the present conviction were for a completed offense.
17 When these convictions are used as criminal history, score them the
18 same as a completed crime.

19 (7) If the present conviction is for a nonviolent offense and not
20 covered by subsection (11), (12), or (13) of this section, count one
21 point for each adult prior felony conviction and one point for each
22 juvenile prior violent felony conviction which is scorable under
23 subsection (1)(b) of this section.

24 (8) If the present conviction is for a violent offense and not
25 covered in subsection (9), (10), (11), (12), or (13) of this section,
26 count two points for each prior adult violent felony conviction and
27 juvenile violent felony conviction which is scorable under subsection
28 (1)(b) of this section, and one point for each prior adult nonviolent
29 felony conviction.

30 (9) If the present conviction is for a serious violent offense,
31 count three points for prior adult convictions and juvenile
32 convictions which are scorable under subsection (1)(b) of this
33 section for crimes in this category, two points for each prior adult
34 and scorable juvenile violent conviction (not already counted), and
35 one point for each prior adult nonviolent felony conviction.

36 (10) If the present conviction is for Burglary 1, count prior
37 convictions as in subsection (8) of this section; however count two
38 points for each prior Burglary 2 or residential burglary conviction.

39 (11) If the present conviction is for a felony traffic offense
40 count two points for each prior conviction for Vehicular Homicide or

1 Vehicular Assault; for each felony offense count one point for each
2 adult prior conviction and 1/2 point for each juvenile prior
3 conviction which is scorable under subsection (1)(b) of this section;
4 for each serious traffic offense, other than those used for an
5 enhancement pursuant to RCW 46.61.520(2), count one point for each
6 adult prior conviction and 1/2 point for each juvenile prior
7 conviction which is scorable under subsection (1)(b) of this section;
8 count one point for each adult prior conviction for operation of a
9 vessel while under the influence of intoxicating liquor or any drug;
10 count one point for a deferred prosecution granted under chapter
11 10.05 RCW for a second or subsequent violation of RCW 46.61.502 or
12 46.61.504, or an equivalent local ordinance.

13 (12) If the present conviction is for homicide by watercraft or
14 assault by watercraft count two points for each adult prior
15 conviction for homicide by watercraft or assault by watercraft; for
16 each felony offense count one point for each adult prior conviction
17 and 1/2 point for each juvenile prior conviction which would be
18 scorable under subsection (1)(b) of this section; count one point for
19 each adult prior conviction for driving under the influence of
20 intoxicating liquor or any drug, actual physical control of a motor
21 vehicle while under the influence of intoxicating liquor or any drug,
22 or operation of a vessel while under the influence of intoxicating
23 liquor or any drug.

24 (13) If the present conviction is for manufacture of
25 methamphetamine count three points for each adult prior manufacture
26 of methamphetamine conviction. If the present conviction is for a
27 drug offense and the offender has a criminal history that includes a
28 sex offense or serious violent offense, count three points for each
29 adult prior felony drug offense conviction. All other felonies are
30 scored as in subsection (8) of this section if the current drug
31 offense is violent, or as in subsection (7) of this section if the
32 current drug offense is nonviolent.

33 ~~(14) ((If the present conviction is for Escape from Community~~
34 ~~Custody, RCW 72.09.310, count only adult prior escape convictions in~~
35 ~~the offender score. Count prior escape convictions as one point.~~

36 ~~(15))~~ If the present conviction is for Escape 1, RCW 9A.76.110,
37 or Escape 2, RCW 9A.76.120, count adult prior convictions as one
38 point and juvenile prior convictions which are scorable under
39 subsection (1)(b) of this section as 1/2 point.

1 (~~(16)~~) (15) If the present conviction is for Burglary 2 or
2 residential burglary, count priors as in subsection (7) of this
3 section; however, count two points for each prior Burglary 1
4 conviction, and two points for each prior Burglary 2 or residential
5 burglary conviction.

6 (~~(17)~~) (16) If the present conviction is for a sex offense,
7 count priors as in subsections (7) through (11) and (13) through
8 (~~(16)~~) (15) of this section; however, count three points for each
9 adult prior sex offense conviction and juvenile prior class A felony
10 sex offense adjudication.

11 (~~(18)~~) (17) If the present conviction is for failure to
12 register as a sex offender under RCW 9A.44.130 or 9A.44.132, count
13 priors as in subsections (7) through (11) and (13) through (~~(16)~~)
14 (15) of this section; however, count three points for each adult
15 prior sex offense conviction and juvenile prior sex offense
16 conviction which is scorable under subsection (1)(b) of this section,
17 excluding adult prior convictions for failure to register as a sex
18 offender under RCW 9A.44.130 or 9A.44.132, which shall count as one
19 point.

20 (~~(19)~~) (18) If the present conviction is for an offense
21 committed while the offender was under community custody, add one
22 point. For purposes of this subsection, community custody includes
23 community placement or postrelease supervision, as defined in chapter
24 9.94B RCW.

25 (~~(20)~~) (19) If the present conviction is for Theft of a Motor
26 Vehicle, Possession of a Stolen Vehicle, Taking a Motor Vehicle
27 Without Permission 1, or Taking a Motor Vehicle Without Permission 2,
28 count priors as in subsections (7) through (~~(18)~~) (17) of this
29 section; however count one point for prior convictions of Vehicle
30 Prowling 2, and three points for each adult prior Theft 1 (of a motor
31 vehicle), Theft 2 (of a motor vehicle), Possession of Stolen Property
32 1 (of a motor vehicle), Possession of Stolen Property 2 (of a motor
33 vehicle), Theft of a Motor Vehicle, Possession of a Stolen Vehicle,
34 Taking a Motor Vehicle Without Permission 1, or Taking a Motor
35 Vehicle Without Permission 2 conviction.

36 (~~(21)~~) (20) If the present conviction is for a felony domestic
37 violence offense where domestic violence as defined in RCW 9.94A.030
38 was pleaded and proven, count priors as in subsections (7) through
39 (~~(20)~~) (19) of this section; however, count points as follows:

1 (a) Count two points for each adult prior conviction where
2 domestic violence as defined in RCW 9.94A.030 was pleaded and proven
3 after August 1, 2011, for any of the following offenses: A felony
4 violation of a no-contact or protection order (RCW 7.105.450 or
5 former RCW 26.50.110), felony Harassment (RCW 9A.46.020(2)(b)),
6 felony Stalking (RCW 9A.46.110(5)(b)), Burglary 1 (RCW 9A.52.020),
7 Kidnapping 1 (RCW 9A.40.020), Kidnapping 2 (RCW 9A.40.030), Unlawful
8 imprisonment (RCW 9A.40.040), Robbery 1 (RCW 9A.56.200), Robbery 2
9 (RCW 9A.56.210), Assault 1 (RCW 9A.36.011), Assault 2 (RCW
10 9A.36.021), Assault 3 (RCW 9A.36.031), Arson 1 (RCW 9A.48.020), or
11 Arson 2 (RCW 9A.48.030);

12 (b) Count two points for each adult prior conviction where
13 domestic violence as defined in RCW 9.94A.030 was pleaded and proven
14 after July 23, 2017, for any of the following offenses: Assault of a
15 child in the first degree, RCW 9A.36.120; Assault of a child in the
16 second degree, RCW 9A.36.130; Assault of a child in the third degree,
17 RCW 9A.36.140; Criminal Mistreatment in the first degree, RCW
18 9A.42.020; or Criminal Mistreatment in the second degree, RCW
19 9A.42.030; and

20 (c) Count one point for each adult prior conviction for a
21 repetitive domestic violence offense as defined in RCW 9.94A.030,
22 where domestic violence as defined in RCW 9.94A.030, was pleaded and
23 proven after August 1, 2011.

24 ~~((+22))~~ (21) The fact that a prior conviction was not included
25 in an offender's offender score or criminal history at a previous
26 sentencing shall have no bearing on whether it is included in the
27 criminal history or offender score for the current offense. Prior
28 convictions that were not counted in the offender score or included
29 in criminal history under repealed or previous versions of the
30 sentencing reform act shall be included in criminal history and shall
31 count in the offender score if the current version of the sentencing
32 reform act requires including or counting those convictions. Prior
33 convictions that were not included in criminal history or in the
34 offender score shall be included upon any resentencing to ensure
35 imposition of an accurate sentence.

36 **Sec. 3.** RCW 9.94A.722 and 2019 c 263 s 602 are each amended to
37 read as follows:

38 (1) When an offender receiving court-ordered mental health,
39 chemical dependency, or domestic violence treatment or treatment

1 ordered by the department (~~(of corrections)~~) presents for treatment
2 from a mental health or chemical dependency treatment provider, the
3 offender must disclose to the mental health, chemical dependency, or
4 domestic violence treatment provider whether he or she is subject to
5 supervision by the department (~~(of corrections)~~). If an offender has
6 received relief from disclosure pursuant to RCW 9.94A.562,
7 70.96A.155, or 71.05.132, the offender must provide the mental
8 health, chemical dependency, or domestic violence treatment provider
9 with a copy of the order granting the relief.

10 (2) If mental health or substance use disorder treatment is a
11 condition of a supervised individual's sentence, or a condition
12 imposed by the department, applicable behavioral health service
13 providers must provide updates regarding the supervised individual's
14 compliance with their treatment plan to the supervised individual's
15 community corrections officer.

16 NEW SECTION. Sec. 4. A new section is added to chapter 71.24
17 RCW to read as follows:

18 If mental health or substance use disorder treatment is a
19 condition of a supervised individual's criminal sentence under RCW
20 9.94A.703 or imposed as a condition by the department of corrections
21 under RCW 9.94A.704, any applicable behavioral health provider of
22 behavioral health services must provide updates regarding the
23 supervised individual's compliance with their treatment plan to the
24 supervised individual's community corrections officer.

25 NEW SECTION. Sec. 5. Section 1 of this act expires January 1,
26 2026.

27 NEW SECTION. Sec. 6. Section 2 of this act takes effect January
28 1, 2026.

29 NEW SECTION. Sec. 7. If specific funding for the purposes of
30 this act, referencing this act by bill or chapter number, is not
31 provided by June 30, 2025, in the omnibus appropriations act, this
32 act is null and void.

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