
HOUSE BILL 1668

State of Washington

69th Legislature

2025 Regular Session

By Representatives Davis, Griffey, Richards, and Nance

Read first time 01/28/25. Referred to Committee on Community Safety.

1 AN ACT Relating to community custody; amending RCW 72.09.310,
2 9.94A.633, 9.94A.633, 9.94A.737, 9.94A.525, 9.94A.525, 9.94A.722, and
3 9.94A.714; reenacting and amending RCW 9.94A.515; adding new sections
4 to chapter 72.09 RCW; adding a new section to chapter 71.24 RCW;
5 providing an effective date; and providing an expiration date.

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

7 **Sec. 1.** RCW 72.09.310 and 1992 c 75 s 6 are each amended to read
8 as follows:

9 (1) An inmate in community custody who willfully discontinues
10 making himself or herself available to the department for supervision
11 by making his or her whereabouts unknown or by failing to maintain
12 contact with the department as directed by the community corrections
13 officer shall be deemed an escapee and fugitive from justice, and
14 upon conviction shall be guilty of a class C felony under chapter
15 9A.20 RCW.

16 (2) The department must exercise discretion when deciding to
17 recommend to the prosecuting authority the charging of escape from
18 community custody under this section, including not recommending a
19 charge for every instance of an individual failing to make themselves
20 available to the department, but considering the severity of the
21 circumstances and prioritizing the recommendation of charging in more

1 egregious instances, such as when the individual poses a substantial
2 risk to public safety or when the individual has willfully absconded
3 for a prolonged period or under concerning circumstances.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 72.09
5 RCW to read as follows:

6 (1) Within five days of the department's issuance of an arrest
7 warrant for an individual under community custody who has absconded
8 from community supervision or violated any other community custody
9 conditions, community corrections officers must undertake all
10 reasonable efforts to ascertain the whereabouts of and apprehend the
11 individual subject to the warrant including coordinating with
12 department liaisons as provided for in subsection (2) of this
13 section.

14 (2) Subject to amounts appropriated for this specific purpose,
15 the department community corrections division must create a liaison
16 position to foster relationships between the division's field offices
17 and local law enforcement agencies, in order to support local law
18 enforcement assistance in apprehending supervised individuals who
19 have a department warrant. The division must also develop and
20 implement a mechanism for information sharing between the department
21 and local law enforcement agencies to facilitate the ability of local
22 law enforcement to assist in looking for and apprehending individuals
23 subject to a warrant. The focus of the department's local law
24 enforcement partnership and data sharing shall be on apprehending
25 supervised individuals who pose a substantial risk to public safety
26 or who have willfully absconded for a prolonged period of time or
27 under concerning circumstances.

28 **Sec. 3.** RCW 9.94A.633 and 2021 c 242 s 4 are each amended to
29 read as follows:

30 (1) (a) An offender who violates any condition or requirement of a
31 sentence may be sanctioned by the court with up to ~~((sixty))~~ 60 days'
32 confinement for each violation or by the department ~~((with up to~~
33 ~~thirty days' confinement))~~ as provided in RCW 9.94A.737.

34 (b) In lieu of confinement, an offender may be sanctioned with
35 work release, home detention with electronic monitoring, work crew,
36 community restitution, inpatient treatment, daily reporting, curfew,
37 educational or counseling sessions, supervision enhanced through
38 electronic monitoring, or any other community-based sanctions.

1 (2) If an offender was under community custody pursuant to one of
2 the following statutes, the offender may be sanctioned as follows:

3 (a) If the offender was transferred to community custody in lieu
4 of earned early release in accordance with RCW 9.94A.728, the
5 offender may be transferred to a more restrictive confinement status
6 to serve up to the remaining portion of the sentence, less credit for
7 any period actually spent in community custody or in detention
8 awaiting disposition of an alleged violation.

9 (b) If the offender was sentenced under the drug offender
10 sentencing alternative set out in RCW 9.94A.660, the offender may be
11 sanctioned in accordance with that section.

12 (c) If the offender was sentenced under the parenting sentencing
13 alternative set out in RCW 9.94A.655, the offender may be sanctioned
14 in accordance with that section.

15 (d) If the offender was sentenced under the special sex offender
16 sentencing alternative set out in RCW 9.94A.670, the suspended
17 sentence may be revoked and the offender committed to serve the
18 original sentence of confinement.

19 (e) If the offender was sentenced under the mental health
20 sentencing alternative set out in RCW 9.94A.695, the offender may be
21 sanctioned in accordance with that section.

22 (f) If the offender was sentenced to a work ethic camp pursuant
23 to RCW 9.94A.690, the offender may be reclassified to serve the
24 unexpired term of his or her sentence in total confinement.

25 (g) If a sex offender was sentenced pursuant to RCW 9.94A.507,
26 the offender may be transferred to a more restrictive confinement
27 status to serve up to the remaining portion of the sentence, less
28 credit for any period actually spent in community custody or in
29 detention awaiting disposition of an alleged violation.

30 (3) If a probationer is being supervised by the department
31 pursuant to RCW 9.92.060, 9.95.204, or 9.95.210, the probationer may
32 be sanctioned pursuant to subsection (1) of this section. The
33 department shall have authority to issue a warrant for the arrest of
34 an offender who violates a condition of community custody, as
35 provided in RCW 9.94A.716. Any sanctions shall be imposed by the
36 department pursuant to RCW 9.94A.737. Nothing in this subsection is
37 intended to limit the power of the sentencing court to respond to a
38 probationer's violation of conditions.

1 (4) The parole or probation of an offender who is charged with a
2 new felony offense may be suspended and the offender placed in total
3 confinement pending disposition of the new criminal charges if:

4 (a) The offender is on parole pursuant to RCW 9.95.110(1); or

5 (b) The offender is being supervised pursuant to RCW 9.94A.745
6 and is on parole or probation pursuant to the laws of another state.

7 **Sec. 4.** RCW 9.94A.633 and 2024 c 306 s 7 are each amended to
8 read as follows:

9 (1) (a) An offender who violates any condition or requirement of a
10 sentence may be sanctioned by the court with up to 60 days'
11 confinement for each violation or by the department (~~(with up to 30~~
12 ~~days' confinement)~~) as provided in RCW 9.94A.737.

13 (b) In lieu of confinement, an offender may be sanctioned with
14 work release, home detention with electronic monitoring, work crew,
15 community restitution, inpatient treatment, daily reporting, curfew,
16 educational or counseling sessions, supervision enhanced through
17 electronic monitoring, or any other community-based sanctions.

18 (2) If an offender was under community custody pursuant to one of
19 the following statutes, the offender may be sanctioned as follows:

20 (a) If the offender was transferred to community custody in lieu
21 of earned early release in accordance with RCW 9.94A.728, the
22 offender may be transferred to a more restrictive confinement status
23 to serve up to the remaining portion of the sentence, less credit for
24 any period actually spent in community custody or in detention
25 awaiting disposition of an alleged violation.

26 (b) If the offender was sentenced under the drug offender
27 sentencing alternative set out in RCW 9.94A.660, the offender may be
28 sanctioned in accordance with that section.

29 (c) If the offender was sentenced under the drug offender
30 sentencing alternative for driving under the influence set out in RCW
31 9.94A.661, the offender may be sanctioned in accordance with that
32 section.

33 (d) If the offender was sentenced under the parenting sentencing
34 alternative set out in RCW 9.94A.655, the offender may be sanctioned
35 in accordance with that section.

36 (e) If the offender was sentenced under the special sex offender
37 sentencing alternative set out in RCW 9.94A.670, the suspended
38 sentence may be revoked and the offender committed to serve the
39 original sentence of confinement.

1 (f) If the offender was sentenced under the mental health
2 sentencing alternative set out in RCW 9.94A.695, the offender may be
3 sanctioned in accordance with that section.

4 (g) If the offender was sentenced to a work ethic camp pursuant
5 to RCW 9.94A.690, the offender may be reclassified to serve the
6 unexpired term of his or her sentence in total confinement.

7 (h) If a sex offender was sentenced pursuant to RCW 9.94A.507,
8 the offender may be transferred to a more restrictive confinement
9 status to serve up to the remaining portion of the sentence, less
10 credit for any period actually spent in community custody or in
11 detention awaiting disposition of an alleged violation.

12 (3) If a probationer is being supervised by the department
13 pursuant to RCW 9.92.060, 9.95.204, or 9.95.210, the probationer may
14 be sanctioned pursuant to subsection (1) of this section. The
15 department shall have authority to issue a warrant for the arrest of
16 an offender who violates a condition of community custody, as
17 provided in RCW 9.94A.716. Any sanctions shall be imposed by the
18 department pursuant to RCW 9.94A.737. Nothing in this subsection is
19 intended to limit the power of the sentencing court to respond to a
20 probationer's violation of conditions.

21 (4) The parole or probation of an offender who is charged with a
22 new felony offense may be suspended and the offender placed in total
23 confinement pending disposition of the new criminal charges if:

24 (a) The offender is on parole pursuant to RCW 9.95.110(1); or

25 (b) The offender is being supervised pursuant to RCW 9.94A.745
26 and is on parole or probation pursuant to the laws of another state.

27 **Sec. 5.** RCW 9.94A.737 and 2020 c 82 s 1 are each amended to read
28 as follows:

29 (1) If an offender is accused of violating any condition or
30 requirement of community custody, the department shall address the
31 violation behavior. The department may hold offender disciplinary
32 proceedings not subject to chapter 34.05 RCW. The department shall
33 notify the offender in writing of the violation process.

34 (2)(a) The offender's violation behavior shall determine the
35 sanction the department imposes. The department shall adopt rules
36 creating a structured violation process that includes presumptive
37 sanctions, aggravating and mitigating factors, and definitions for
38 low level violations and high level violations.

1 (b) After an offender has committed and been sanctioned for five
2 low level violations, subsequent violations committed by that
3 offender may be considered high level violations, provided that any
4 decision to elevate a violation complies with policies and rules
5 established by the department.

6 (c)(i) The department must define aggravating factors that
7 indicate the offender may present a current and ongoing foreseeable
8 risk and which therefore elevate an offender's behavior to a high
9 level violation process.

10 (ii) The state and its officers, agents, and employees may not be
11 held criminally or civilly liable for a decision to elevate or not to
12 elevate an offender's behavior to a high level violation process
13 under this subsection unless the state or its officers, agents, and
14 employees acted with reckless disregard.

15 (3) The department may intervene when an offender commits a low
16 level violation by sanctioning the offender to one or more
17 nonconfinement sanctions or to not more than three days in total
18 confinement.

19 (a) The department shall develop rules to ensure that each
20 offender subject to a short-term confinement sanction is provided the
21 opportunity to respond to the alleged violation prior to imposition
22 of total confinement.

23 (b) The offender may appeal the short-term confinement sanction
24 to a panel of three reviewing officers designated by the secretary or
25 by the secretary's designee. The offender's appeal must be in writing
26 and hand-delivered to department staff, or postmarked, within seven
27 days after the sanction is imposed.

28 (4) If an offender is accused of committing a high level
29 violation, the department may sanction the offender to not more than
30 thirty days in total confinement per hearing(~~(-)~~), except as provided
31 herein:

32 (a) The offender is entitled to a hearing prior to the imposition
33 of sanctions; (~~and~~)

34 (b) The offender may be held in total confinement pending a
35 sanction hearing. Prehearing time served must be credited to the
36 offender's sanction time; and

37 (c) An offender may receive a sanction of greater than 30 days in
38 total confinement per hearing if a request for such a sanction has
39 been made and granted under subsection (6)(d) of this section.

1 (5) If the offender's underlying offense is one of the following
2 felonies provided in this subsection and the violation behavior
3 constitutes a new misdemeanor, gross misdemeanor, or felony, the
4 offender shall be held in total confinement pending a sanction
5 hearing, and until the earlier of: The date the sanction expires; the
6 date a prosecuting attorney files new charges against the offender;
7 or the date a prosecuting attorney provides the department with
8 written notice that new charges will not be filed for the violation
9 behavior. The following underlying offenses apply to the restrictions
10 in this subsection:

11 (a) Assault in the first degree, as defined in RCW 9A.36.011;

12 (b) Assault of a child in the first degree, as defined in RCW
13 9A.36.120;

14 (c) Assault of a child in the second degree, as defined in RCW
15 9A.36.130;

16 (d) Burglary in the first degree, as defined in RCW 9A.52.020;

17 (e) Child molestation in the first degree, as defined in RCW
18 9A.44.083;

19 (f) Commercial sexual abuse of a minor, as defined in RCW
20 9.68A.100;

21 (g) Dealing in depictions of a minor engaged in sexually explicit
22 conduct, as defined in RCW 9.68A.050;

23 (h) Homicide by abuse, as defined in RCW 9A.32.055;

24 (i) Indecent liberties with forcible compulsion, as defined in
25 RCW 9A.44.100(1)(a);

26 (j) Indecent liberties with a person capable of consent, as
27 defined in RCW 9A.44.100(1)(b);

28 (k) Kidnapping in the first degree, as defined in RCW 9A.40.020;

29 (l) Murder in the first degree, as defined in RCW 9A.32.030;

30 (m) Murder in the second degree, as defined in RCW 9A.32.050;

31 (n) Promoting commercial sexual abuse of a minor, as defined in
32 RCW 9.68A.101;

33 (o) Rape in the first degree, as defined in RCW 9A.44.040;

34 (p) Rape in the second degree, as defined in RCW 9A.44.050;

35 (q) Rape of a child in the first degree, as defined in RCW
36 9A.44.073;

37 (r) Rape of a child in the second degree, as defined in RCW
38 9A.44.076;

39 (s) Robbery in the first degree, as defined in RCW 9A.56.200;

1 (t) Sexual exploitation of a minor, as defined in RCW 9.68A.040;
2 or

3 (u) Vehicular homicide while under the influence of intoxicating
4 liquor or any drug, as defined in RCW 46.61.520(1)(a).

5 (6) The department shall adopt rules creating hearing procedures
6 for high level violations. The hearings are offender disciplinary
7 proceedings and are not subject to chapter 34.05 RCW. The procedures
8 shall include the following:

9 (a) The department shall provide the offender with written notice
10 of the alleged violation and the evidence supporting it. The notice
11 must include a statement of the rights specified in this subsection,
12 and the offender's right to file a personal restraint petition under
13 court rules after the final decision;

14 (b) Unless the offender waives the right to a hearing, the
15 department shall hold a hearing, and shall record it electronically.
16 For offenders not in total confinement, the department shall hold a
17 hearing within fifteen business days, but not less than twenty-four
18 hours, after written notice of the alleged violation. For offenders
19 in total confinement, the department shall hold a hearing within five
20 business days, but not less than twenty-four hours, after written
21 notice of the alleged violation;

22 (c) The offender shall have the right to: (i) Be present at the
23 hearing; (ii) have the assistance of a person qualified to assist the
24 offender in the hearing, appointed by the hearing officer if the
25 offender has a language or communications barrier; (iii) testify or
26 remain silent; (iv) call witnesses and present documentary evidence;
27 (v) question witnesses who appear and testify; and (vi) receive a
28 written summary of the reasons for the hearing officer's decision;
29 and

30 (d) The department shall establish and implement a process
31 whereby a community corrections officer may request, and the
32 department may impose, a sanction of greater than 30 days of total
33 confinement if an individual poses a substantial risk to public
34 safety or has absconded for a prolonged period of time or under
35 concerning circumstances.

36 (e) The sanction shall take effect if affirmed by the hearing
37 officer. The offender may appeal the sanction to a panel of three
38 reviewing officers designated by the secretary or by the secretary's
39 designee. The offender's appeal must be in writing and hand-delivered
40 to department staff, or postmarked, within seven days after the

1 sanction was imposed. The appeals panel shall affirm, reverse,
2 modify, vacate, or remand based on its findings. If a majority of the
3 panel finds that the sanction was not reasonably related to any of
4 the following: (i) The crime of conviction; (ii) the violation
5 committed; (iii) the offender's risk of reoffending; or (iv) the
6 safety of the community, then the panel will reverse, vacate, remand,
7 or modify the sanction.

8 (7) For purposes of this section, the hearings officer may not
9 rely on unconfirmed or unconfirmable allegations to find that the
10 offender violated a condition.

11 (8) Hearing officers shall report through a chain of command
12 separate from that of community corrections officers.

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

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

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

19 (1)(a) A prior conviction is a conviction which exists before the
20 date of sentencing for the offense for which the offender score is
21 being computed. Convictions entered or sentenced on the same date as
22 the conviction for which the offender score is being computed shall
23 be deemed "other current offenses" within the meaning of RCW
24 9.94A.589.

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

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

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

38 (c) Except as provided in (e) of this subsection, class C prior
39 felony convictions other than sex offenses shall not be included in

1 the offender score if, since the last date of release from
2 confinement (including full-time residential treatment) pursuant to a
3 felony conviction, if any, or entry of judgment and sentence, the
4 offender had spent five consecutive years in the community without
5 committing any crime that subsequently results in a conviction.

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

13 (e) If the present conviction is felony driving while under the
14 influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or
15 felony physical control of a vehicle while under the influence of
16 intoxicating liquor or any drug (RCW 46.61.504(6)), all predicate
17 crimes for the offense as defined by RCW 46.61.5055(14) shall be
18 included in the offender score, and prior convictions for felony
19 driving while under the influence of intoxicating liquor or any drug
20 (RCW 46.61.502(6)) or felony physical control of a vehicle while
21 under the influence of intoxicating liquor or any drug (RCW
22 46.61.504(6)) shall always be included in the offender score. All
23 other convictions of the defendant shall be scored according to this
24 section.

25 (f) Prior convictions for a repetitive domestic violence offense,
26 as defined in RCW 9.94A.030, shall not be included in the offender
27 score if, since the last date of release from confinement or entry of
28 judgment and sentence, the offender had spent ten consecutive years
29 in the community without committing any crime that subsequently
30 results in a conviction.

31 (g) This subsection applies to both prior adult convictions and
32 prior juvenile adjudications.

33 (3) Out-of-state convictions for offenses shall be classified
34 according to the comparable offense definitions and sentences
35 provided by Washington law. Federal convictions for offenses shall be
36 classified according to the comparable offense definitions and
37 sentences provided by Washington law. Neither out-of-state or federal
38 convictions which would have been presumptively adjudicated in
39 juvenile court under Washington law may be included in the offender
40 score unless they are comparable to murder in the first or second

1 degree or a class A felony sex offense. If there is no clearly
2 comparable offense under Washington law or the offense is one that is
3 usually considered subject to exclusive federal jurisdiction, the
4 offense shall be scored as a class C felony equivalent if it was a
5 felony under the relevant federal statute.

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

9 (5) (a) In the case of multiple prior convictions, for the purpose
10 of computing the offender score, count all convictions separately,
11 except:

12 (i) Prior offenses which were found, under RCW 9.94A.589(1) (a),
13 to encompass the same criminal conduct, shall be counted as one
14 offense, the offense that yields the highest offender score. The
15 current sentencing court shall determine with respect to other prior
16 adult offenses for which sentences were served concurrently or prior
17 juvenile offenses for which sentences were served consecutively,
18 whether those offenses shall be counted as one offense or as separate
19 offenses using the "same criminal conduct" analysis found in RCW
20 9.94A.589(1) (a), and if the court finds that they shall be counted as
21 one offense, then the offense that yields the highest offender score
22 shall be used. The current sentencing court may presume that such
23 other prior offenses were not the same criminal conduct from
24 sentences imposed on separate dates, or in separate counties or
25 jurisdictions, or in separate complaints, indictments, or
26 informations;

27 (ii) In the case of multiple prior convictions for offenses
28 committed before July 1, 1986, for the purpose of computing the
29 offender score, count all convictions or adjudications served
30 concurrently as one offense. Use the conviction for the offense that
31 yields the highest offender score.

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

38 (6) If the present conviction is one of the anticipatory offenses
39 of criminal attempt, solicitation, or conspiracy, count each prior
40 conviction as if the present conviction were for a completed offense.

1 When these convictions are used as criminal history, score them the
2 same as a completed crime.

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

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

14 (9) If the present conviction is for a serious violent offense,
15 count three points for prior adult convictions and juvenile
16 convictions which are scorable under subsection (1)(b) of this
17 section for crimes in this category, two points for each prior adult
18 and scorable juvenile violent conviction (not already counted), and
19 one point for each prior adult nonviolent felony conviction.

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

23 (11) If the present conviction is for a felony traffic offense
24 count two points for each prior conviction for Vehicular Homicide or
25 Vehicular Assault; for each felony offense count one point for each
26 adult prior conviction and 1/2 point for each juvenile prior
27 conviction which is scorable under subsection (1)(b) of this section;
28 for each serious traffic offense, other than those used for an
29 enhancement pursuant to RCW 46.61.520(2), count one point for each
30 adult prior conviction and 1/2 point for each juvenile prior
31 conviction which is scorable under subsection (1)(b) of this section;
32 count one point for each adult prior conviction for operation of a
33 vessel while under the influence of intoxicating liquor or any drug.

34 (12) If the present conviction is for homicide by watercraft or
35 assault by watercraft count two points for each adult prior
36 conviction for homicide by watercraft or assault by watercraft; for
37 each felony offense count one point for each adult prior conviction
38 and 1/2 point for each juvenile prior conviction which would be
39 scorable under subsection (1)(b) of this section; count one point for
40 each adult prior conviction for driving under the influence of

1 intoxicating liquor or any drug, actual physical control of a motor
2 vehicle while under the influence of intoxicating liquor or any drug,
3 or operation of a vessel while under the influence of intoxicating
4 liquor or any drug.

5 (13) If the present conviction is for manufacture of
6 methamphetamine count three points for each adult prior manufacture
7 of methamphetamine conviction. If the present conviction is for a
8 drug offense and the offender has a criminal history that includes a
9 sex offense or serious violent offense, count three points for each
10 adult prior felony drug offense conviction. All other felonies are
11 scored as in subsection (8) of this section if the current drug
12 offense is violent, or as in subsection (7) of this section if the
13 current drug offense is nonviolent.

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

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

21 ~~((16))~~ (15) If the present conviction is for Burglary 2 or
22 residential burglary, count priors as in subsection (7) of this
23 section; however, count two points for each prior Burglary 1
24 conviction, and two points for each prior Burglary 2 or residential
25 burglary conviction.

26 ~~((17))~~ (16) If the present conviction is for a sex offense,
27 count priors as in subsections (7) through (11) and (13) through
28 ~~((16))~~ (15) of this section; however count three points for each
29 adult prior sex offense conviction and juvenile prior class A felony
30 sex offense adjudication.

31 ~~((18))~~ (17) If the present conviction is for failure to
32 register as a sex offender under RCW 9A.44.130 or 9A.44.132, count
33 priors as in subsections (7) through (11) and (13) through ~~((16))~~
34 (15) of this section; however count three points for each adult prior
35 sex offense conviction and juvenile prior sex offense conviction
36 which is scorable under subsection (1)(b) of this section, excluding
37 adult prior convictions for failure to register as a sex offender
38 under RCW 9A.44.130 or 9A.44.132, which shall count as one point.

39 ~~((19))~~ (18) If the present conviction is for an offense
40 committed while the offender was under community custody, add one

1 point. For purposes of this subsection, community custody includes
2 community placement or postrelease supervision, as defined in chapter
3 9.94B RCW.

4 ~~((20))~~ (19) If the present conviction is for Theft of a Motor
5 Vehicle, Possession of a Stolen Vehicle, Taking a Motor Vehicle
6 Without Permission 1, or Taking a Motor Vehicle Without Permission 2,
7 count priors as in subsections (7) through ~~((18))~~ (17) of this
8 section; however count one point for prior convictions of Vehicle
9 Prowling 2, and three points for each adult prior Theft 1 (of a motor
10 vehicle), Theft 2 (of a motor vehicle), Possession of Stolen Property
11 1 (of a motor vehicle), Possession of Stolen Property 2 (of a motor
12 vehicle), Theft of a Motor Vehicle, Possession of a Stolen Vehicle,
13 Taking a Motor Vehicle Without Permission 1, or Taking a Motor
14 Vehicle Without Permission 2 conviction.

15 ~~((21))~~ (20) If the present conviction is for a felony domestic
16 violence offense where domestic violence as defined in RCW 9.94A.030
17 was pleaded and proven, count priors as in subsections (7) through
18 ~~((20))~~ (19) of this section; however, count points as follows:

19 (a) Count two points for each adult prior conviction where
20 domestic violence as defined in RCW 9.94A.030 was pleaded and proven
21 after August 1, 2011, for any of the following offenses: A felony
22 violation of a no-contact or protection order (RCW 7.105.450 or
23 former RCW 26.50.110), felony Harassment (RCW 9A.46.020(2)(b)),
24 felony Stalking (RCW 9A.46.110(5)(b)), Burglary 1 (RCW 9A.52.020),
25 Kidnapping 1 (RCW 9A.40.020), Kidnapping 2 (RCW 9A.40.030), Unlawful
26 imprisonment (RCW 9A.40.040), Robbery 1 (RCW 9A.56.200), Robbery 2
27 (RCW 9A.56.210), Assault 1 (RCW 9A.36.011), Assault 2 (RCW
28 9A.36.021), Assault 3 (RCW 9A.36.031), Arson 1 (RCW 9A.48.020), or
29 Arson 2 (RCW 9A.48.030);

30 (b) Count two points for each adult prior conviction where
31 domestic violence as defined in RCW 9.94A.030 was pleaded and proven
32 after July 23, 2017, for any of the following offenses: Assault of a
33 child in the first degree, RCW 9A.36.120; Assault of a child in the
34 second degree, RCW 9A.36.130; Assault of a child in the third degree,
35 RCW 9A.36.140; Criminal Mistreatment in the first degree, RCW
36 9A.42.020; or Criminal Mistreatment in the second degree, RCW
37 9A.42.030; and

38 (c) Count one point for each adult prior conviction for a
39 repetitive domestic violence offense as defined in RCW 9.94A.030,

1 where domestic violence as defined in RCW 9.94A.030, was pleaded and
2 proven after August 1, 2011.

3 ~~((22))~~ (21) The fact that a prior conviction was not included
4 in an offender's offender score or criminal history at a previous
5 sentencing shall have no bearing on whether it is included in the
6 criminal history or offender score for the current offense. Prior
7 convictions that were not counted in the offender score or included
8 in criminal history under repealed or previous versions of the
9 sentencing reform act shall be included in criminal history and shall
10 count in the offender score if the current version of the sentencing
11 reform act requires including or counting those convictions. Prior
12 convictions that were not included in criminal history or in the
13 offender score shall be included upon any resentencing to ensure
14 imposition of an accurate sentence.

15 **Sec. 7.** RCW 9.94A.525 and 2024 c 306 s 6 are each amended to
16 read as follows:

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

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

21 (1)(a) A prior conviction is a conviction which exists before the
22 date of sentencing for the offense for which the offender score is
23 being computed. Convictions entered or sentenced on the same date as
24 the conviction for which the offender score is being computed shall
25 be deemed "other current offenses" within the meaning of RCW
26 9.94A.589.

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

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

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

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

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

15 (e) If the present conviction is felony driving while under the
16 influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or
17 felony physical control of a vehicle while under the influence of
18 intoxicating liquor or any drug (RCW 46.61.504(6)), all predicate
19 crimes for the offense as defined by RCW 46.61.5055(14) shall be
20 included in the offender score, and prior convictions for felony
21 driving while under the influence of intoxicating liquor or any drug
22 (RCW 46.61.502(6)) or felony physical control of a vehicle while
23 under the influence of intoxicating liquor or any drug (RCW
24 46.61.504(6)) shall always be included in the offender score. All
25 other convictions of the defendant shall be scored according to this
26 section.

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

33 (g) This subsection applies to both prior adult convictions and
34 prior juvenile adjudications.

35 (3) Out-of-state convictions for offenses shall be classified
36 according to the comparable offense definitions and sentences
37 provided by Washington law. Federal convictions for offenses shall be
38 classified according to the comparable offense definitions and
39 sentences provided by Washington law. Neither out-of-state or federal
40 convictions which would have been presumptively adjudicated in

1 juvenile court under Washington law may be included in the offender
2 score unless they are comparable to murder in the first or second
3 degree or a class A felony sex offense. If there is no clearly
4 comparable offense under Washington law or the offense is one that is
5 usually considered subject to exclusive federal jurisdiction, the
6 offense shall be scored as a class C felony equivalent if it was a
7 felony under the relevant federal statute.

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

11 (5) (a) In the case of multiple prior convictions, for the purpose
12 of computing the offender score, count all convictions separately,
13 except:

14 (i) Prior offenses which were found, under RCW 9.94A.589(1) (a),
15 to encompass the same criminal conduct, shall be counted as one
16 offense, the offense that yields the highest offender score. The
17 current sentencing court shall determine with respect to other prior
18 adult offenses for which sentences were served concurrently or prior
19 juvenile offenses for which sentences were served consecutively,
20 whether those offenses shall be counted as one offense or as separate
21 offenses using the "same criminal conduct" analysis found in RCW
22 9.94A.589(1) (a), and if the court finds that they shall be counted as
23 one offense, then the offense that yields the highest offender score
24 shall be used. The current sentencing court may presume that such
25 other prior offenses were not the same criminal conduct from
26 sentences imposed on separate dates, or in separate counties or
27 jurisdictions, or in separate complaints, indictments, or
28 informations;

29 (ii) In the case of multiple prior convictions for offenses
30 committed before July 1, 1986, for the purpose of computing the
31 offender score, count all convictions or adjudications served
32 concurrently as one offense. Use the conviction for the offense that
33 yields the highest offender score.

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

1 (6) If the present conviction is one of the anticipatory offenses
2 of criminal attempt, solicitation, or conspiracy, count each prior
3 conviction as if the present conviction were for a completed offense.
4 When these convictions are used as criminal history, score them the
5 same as a completed crime.

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

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

17 (9) If the present conviction is for a serious violent offense,
18 count three points for prior adult convictions and juvenile
19 convictions which are scorable under subsection (1)(b) of this
20 section for crimes in this category, two points for each prior adult
21 and scorable juvenile violent conviction (not already counted), and
22 one point for each prior adult nonviolent felony conviction.

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

26 (11) If the present conviction is for a felony traffic offense
27 count two points for each prior conviction for Vehicular Homicide or
28 Vehicular Assault; for each felony offense count one point for each
29 adult prior conviction and 1/2 point for each juvenile prior
30 conviction which is scorable under subsection (1)(b) of this section;
31 for each serious traffic offense, other than those used for an
32 enhancement pursuant to RCW 46.61.520(2), count one point for each
33 adult prior conviction and 1/2 point for each juvenile prior
34 conviction which is scorable under subsection (1)(b) of this section;
35 count one point for each adult prior conviction for operation of a
36 vessel while under the influence of intoxicating liquor or any drug;
37 count one point for a deferred prosecution granted under chapter
38 10.05 RCW for a second or subsequent violation of RCW 46.61.502 or
39 46.61.504, or an equivalent local ordinance.

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

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

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

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

28 ~~((16))~~ (15) If the present conviction is for Burglary 2 or
29 residential burglary, count priors as in subsection (7) of this
30 section; however, count two points for each prior Burglary 1
31 conviction, and two points for each prior Burglary 2 or residential
32 burglary conviction.

33 ~~((17))~~ (16) If the present conviction is for a sex offense,
34 count priors as in subsections (7) through (11) and (13) through
35 ~~((16))~~ (15) of this section; however, count three points for each
36 adult prior sex offense conviction and juvenile prior class A felony
37 sex offense adjudication.

38 ~~((18))~~ (17) If the present conviction is for failure to
39 register as a sex offender under RCW 9A.44.130 or 9A.44.132, count
40 priors as in subsections (7) through (11) and (13) through ~~((16))~~

1 ~~(15)~~ of this section; however, count three points for each adult
2 prior sex offense conviction and juvenile prior sex offense
3 conviction which is scorable under subsection (1)(b) of this section,
4 excluding adult prior convictions for failure to register as a sex
5 offender under RCW 9A.44.130 or 9A.44.132, which shall count as one
6 point.

7 ~~((19))~~ (18) If the present conviction is for an offense
8 committed while the offender was under community custody, add one
9 point. For purposes of this subsection, community custody includes
10 community placement or postrelease supervision, as defined in chapter
11 9.94B RCW.

12 ~~((20))~~ (19) If the present conviction is for Theft of a Motor
13 Vehicle, Possession of a Stolen Vehicle, Taking a Motor Vehicle
14 Without Permission 1, or Taking a Motor Vehicle Without Permission 2,
15 count priors as in subsections (7) through ~~((18))~~ (17) of this
16 section; however count one point for prior convictions of Vehicle
17 Prowling 2, and three points for each adult prior Theft 1 (of a motor
18 vehicle), Theft 2 (of a motor vehicle), Possession of Stolen Property
19 1 (of a motor vehicle), Possession of Stolen Property 2 (of a motor
20 vehicle), Theft of a Motor Vehicle, Possession of a Stolen Vehicle,
21 Taking a Motor Vehicle Without Permission 1, or Taking a Motor
22 Vehicle Without Permission 2 conviction.

23 ~~((21))~~ (20) If the present conviction is for a felony domestic
24 violence offense where domestic violence as defined in RCW 9.94A.030
25 was pleaded and proven, count priors as in subsections (7) through
26 ~~((20))~~ (19) of this section; however, count points as follows:

27 (a) Count two points for each adult prior conviction where
28 domestic violence as defined in RCW 9.94A.030 was pleaded and proven
29 after August 1, 2011, for any of the following offenses: A felony
30 violation of a no-contact or protection order (RCW 7.105.450 or
31 former RCW 26.50.110), felony Harassment (RCW 9A.46.020(2)(b)),
32 felony Stalking (RCW 9A.46.110(5)(b)), Burglary 1 (RCW 9A.52.020),
33 Kidnapping 1 (RCW 9A.40.020), Kidnapping 2 (RCW 9A.40.030), Unlawful
34 imprisonment (RCW 9A.40.040), Robbery 1 (RCW 9A.56.200), Robbery 2
35 (RCW 9A.56.210), Assault 1 (RCW 9A.36.011), Assault 2 (RCW
36 9A.36.021), Assault 3 (RCW 9A.36.031), Arson 1 (RCW 9A.48.020), or
37 Arson 2 (RCW 9A.48.030);

38 (b) Count two points for each adult prior conviction where
39 domestic violence as defined in RCW 9.94A.030 was pleaded and proven
40 after July 23, 2017, for any of the following offenses: Assault of a

1 child in the first degree, RCW 9A.36.120; Assault of a child in the
2 second degree, RCW 9A.36.130; Assault of a child in the third degree,
3 RCW 9A.36.140; Criminal Mistreatment in the first degree, RCW
4 9A.42.020; or Criminal Mistreatment in the second degree, RCW
5 9A.42.030; and

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

10 ~~((22))~~ (21) The fact that a prior conviction was not included
11 in an offender's offender score or criminal history at a previous
12 sentencing shall have no bearing on whether it is included in the
13 criminal history or offender score for the current offense. Prior
14 convictions that were not counted in the offender score or included
15 in criminal history under repealed or previous versions of the
16 sentencing reform act shall be included in criminal history and shall
17 count in the offender score if the current version of the sentencing
18 reform act requires including or counting those convictions. Prior
19 convictions that were not included in criminal history or in the
20 offender score shall be included upon any resentencing to ensure
21 imposition of an accurate sentence.

22 **Sec. 8.** RCW 9.94A.722 and 2019 c 263 s 602 are each amended to
23 read as follows:

24 (1) When an offender receiving court-ordered mental health,
25 chemical dependency, or domestic violence treatment or treatment
26 ordered by the department (~~(of corrections)~~) presents for treatment
27 from a mental health or chemical dependency treatment provider, the
28 offender must disclose to the mental health, chemical dependency, or
29 domestic violence treatment provider whether he or she is subject to
30 supervision by the department (~~(of corrections)~~). If an offender has
31 received relief from disclosure pursuant to RCW 9.94A.562,
32 70.96A.155, or 71.05.132, the offender must provide the mental
33 health, chemical dependency, or domestic violence treatment provider
34 with a copy of the order granting the relief.

35 (2) If mental health or substance use disorder treatment is a
36 condition of a supervised individual's sentence, or a condition
37 imposed by the department, applicable behavioral health service
38 providers must provide updates regarding the supervised individual's

1 compliance with their treatment plan to the supervised individual's
2 community corrections officer.

3 NEW SECTION. **Sec. 9.** A new section is added to chapter 71.24
4 RCW to read as follows:

5 If mental health or substance use disorder treatment is a
6 condition of a supervised individual's criminal sentence under RCW
7 9.94A.703 or imposed as a condition by the department of corrections
8 under RCW 9.94A.704, any applicable behavioral health provider of
9 behavioral health services must provide updates regarding the
10 supervised individual's compliance with their treatment plan to the
11 supervised individual's community corrections officer.

12 **Sec. 10.** RCW 9.94A.714 and 2012 1st sp.s. c 6 s 5 are each
13 amended to read as follows:

14 (1) The department may work with the Washington association of
15 sheriffs and police chiefs to establish and operate an electronic
16 monitoring program for offenders who violate the terms of their
17 community custody.

18 (2) The department must ensure that the electronic monitoring
19 capabilities for individuals under department supervision include:

20 (a) Real-time monitoring that can occur without relying on
21 community corrections officers to proactively check for community
22 custody violations;

23 (b) Steel reinforced ankle bracelets with sensor technology that
24 can send an immediate tamper alert to law enforcement with the
25 supervised individual's location;

26 (c) Electronic monitoring with victim notification technology as
27 defined in RCW 9.94A.030; and

28 (d) Alcohol monitoring bracelets that use transdermal analysis to
29 measure alcohol levels in insensible perspiration on the skin.

30 (3) Local governments, their subdivisions and employees, the
31 department and its employees, and the Washington association of
32 sheriffs and police chiefs and its employees are immune from civil
33 liability for damages arising from incidents involving offenders who
34 are placed on electronic monitoring unless it is shown that an
35 employee acted with gross negligence or bad faith.

36 NEW SECTION. **Sec. 11.** A new section is added to chapter 72.09
37 RCW to read as follows:

1 The department shall develop and implement a system to track
2 scheduled polygraph tests imposed on supervised individuals as part
3 of the individual's monitored compliance with court-imposed
4 conditions and other conditions of supervision, and collect data and
5 information on the number of times a supervised individual misses a
6 scheduled polygraph test. The system the department implements must
7 include and utilize capabilities for reminding community corrections
8 officers of scheduled polygraphs for those individuals under the
9 officer's supervision.

10 **Sec. 12.** RCW 9.94A.515 and 2024 c 301 s 29 and 2024 c 55 s 1 are
11 each reenacted and amended to read as follows:

	TABLE 2
	CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL
15	XVI Aggravated Murder 1 (RCW 10.95.020)
16	XV Homicide by abuse (RCW 9A.32.055)
17	Malicious explosion 1 (RCW
18	70.74.280(1))
19	Murder 1 (RCW 9A.32.030)
20	XIV Murder 2 (RCW 9A.32.050)
21	Trafficking 1 (RCW 9A.40.100(1))
22	XIII Malicious explosion 2 (RCW
23	70.74.280(2))
24	Malicious placement of an explosive 1
25	(RCW 70.74.270(1))
26	XII Assault 1 (RCW 9A.36.011)
27	Assault of a Child 1 (RCW 9A.36.120)
28	Malicious placement of an imitation
29	device 1 (RCW 70.74.272(1)(a))
30	Promoting Commercial Sexual Abuse
31	of a Minor (RCW 9.68A.101)
32	Rape 1 (RCW 9A.44.040)
33	Rape of a Child 1 (RCW 9A.44.073)
34	Trafficking 2 (RCW 9A.40.100(3))

1 XI Manslaughter 1 (RCW 9A.32.060)
2 Rape 2 (RCW 9A.44.050)
3 Rape of a Child 2 (RCW 9A.44.076)
4 Vehicular Homicide, by being under the
5 influence of intoxicating liquor or
6 any drug (RCW 46.61.520)
7 Vehicular Homicide, by the operation of
8 any vehicle in a reckless manner
9 (RCW 46.61.520)
10 X Child Molestation 1 (RCW 9A.44.083)
11 Criminal Mistreatment 1 (RCW
12 9A.42.020)
13 Indecent Liberties (with forcible
14 compulsion) (RCW
15 9A.44.100(1)(a))
16 Kidnapping 1 (RCW 9A.40.020)
17 Leading Organized Crime (RCW
18 9A.82.060(1)(a))
19 Malicious explosion 3 (RCW
20 70.74.280(3))
21 Sexually Violent Predator Escape (RCW
22 9A.76.115)
23 IX Abandonment of Dependent Person 1
24 (RCW 9A.42.060)
25 Assault of a Child 2 (RCW 9A.36.130)
26 Explosive devices prohibited (RCW
27 70.74.180)
28 Hit and Run—Death (RCW
29 46.52.020(4)(a))
30 Homicide by Watercraft, by being under
31 the influence of intoxicating liquor
32 or any drug (RCW 79A.60.050)
33 Inciting Criminal Profiteering (RCW
34 9A.82.060(1)(b))

1 Malicious placement of an explosive 2
2 (RCW 70.74.270(2))
3 Robbery 1 (RCW 9A.56.200)
4 Sexual Exploitation (RCW 9.68A.040)
5 VIII Arson 1 (RCW 9A.48.020)
6 Commercial Sexual Abuse of a Minor
7 (RCW 9.68A.100)
8 Homicide by Watercraft, by the
9 operation of any vessel in a reckless
10 manner (RCW 79A.60.050)
11 Manslaughter 2 (RCW 9A.32.070)
12 Promoting Prostitution 1 (RCW
13 9A.88.070)
14 Theft of Ammonia (RCW 69.55.010)
15 VII Air bag diagnostic systems (causing
16 bodily injury or death) (RCW
17 46.37.660(2)(b))
18 Air bag replacement requirements
19 (causing bodily injury or death)
20 (RCW 46.37.660(1)(b))
21 Burglary 1 (RCW 9A.52.020)
22 Child Molestation 2 (RCW 9A.44.086)
23 Civil Disorder Training (RCW
24 9A.48.120)
25 Custodial Sexual Misconduct 1 (RCW
26 9A.44.160)
27 Dealing in depictions of minor engaged
28 in sexually explicit conduct 1
29 (RCW 9.68A.050(1))
30 Drive-by Shooting (RCW 9A.36.045)
31 False Reporting 1 (RCW
32 9A.84.040(2)(a))
33 Homicide by Watercraft, by disregard
34 for the safety of others (RCW
35 79A.60.050)

1 Indecent Liberties (without forcible
2 compulsion) (RCW 9A.44.100(1)
3 (b) and (c))
4 Introducing Contraband 1 (RCW
5 9A.76.140)
6 Malicious placement of an explosive 3
7 (RCW 70.74.270(3))
8 Manufacture or import counterfeit,
9 nonfunctional, damaged, or
10 previously deployed air bag
11 (causing bodily injury or death)
12 (RCW 46.37.650(1)(b))
13 Negligently Causing Death By Use of a
14 Signal Preemption Device (RCW
15 46.37.675)
16 Sell, install, or reinstall counterfeit,
17 nonfunctional, damaged, or
18 previously deployed airbag (RCW
19 46.37.650(2)(b))
20 Sending, bringing into state depictions
21 of minor engaged in sexually
22 explicit conduct 1 (RCW
23 9.68A.060(1))
24 Unlawful Possession of a Firearm in the
25 first degree (RCW 9.41.040(1))
26 Use of a Machine Gun or Bump-fire
27 Stock in Commission of a Felony
28 (RCW 9.41.225)
29 Vehicular Homicide, by disregard for
30 the safety of others (RCW
31 46.61.520)
32 VI Bail Jumping with Murder 1 (RCW
33 9A.76.170(3)(a))
34 Bribery (RCW 9A.68.010)
35 Incest 1 (RCW 9A.64.020(1))
36 Intimidating a Judge (RCW 9A.72.160)

1 Intimidating a Juror/Witness (RCW
2 9A.72.110, 9A.72.130)
3 Malicious placement of an imitation
4 device 2 (RCW 70.74.272(1)(b))
5 Possession of Depictions of a Minor
6 Engaged in Sexually Explicit
7 Conduct 1 (RCW 9.68A.070(1))
8 Rape of a Child 3 (RCW 9A.44.079)
9 Theft of a Firearm (RCW 9A.56.300)
10 Theft from a Vulnerable Adult 1 (RCW
11 9A.56.400(1))
12 Unlawful Storage of Ammonia (RCW
13 69.55.020)
14 V Abandonment of Dependent Person 2
15 (RCW 9A.42.070)
16 Advancing money or property for
17 extortionate extension of credit
18 (RCW 9A.82.030)
19 Air bag diagnostic systems (RCW
20 46.37.660(2)(c))
21 Air bag replacement requirements
22 (RCW 46.37.660(1)(c))
23 Bail Jumping with class A Felony
24 (RCW 9A.76.170(3)(b))
25 Child Molestation 3 (RCW 9A.44.089)
26 Criminal Mistreatment 2 (RCW
27 9A.42.030)
28 Custodial Sexual Misconduct 2 (RCW
29 9A.44.170)
30 Dealing in Depictions of Minor
31 Engaged in Sexually Explicit
32 Conduct 2 (RCW 9.68A.050(2))
33 Domestic Violence Court Order
34 Violation (RCW 7.105.450,
35 10.99.040, 10.99.050, 26.09.300,
36 26.26B.050, or 26.52.070)

1 Escape from Community Custody
2 (RCW 72.09.310)
3 Extortion 1 (RCW 9A.56.120)
4 Extortionate Extension of Credit (RCW
5 9A.82.020)
6 Extortionate Means to Collect
7 Extensions of Credit (RCW
8 9A.82.040)
9 Incest 2 (RCW 9A.64.020(2))
10 Kidnapping 2 (RCW 9A.40.030)
11 Manufacture or import counterfeit,
12 nonfunctional, damaged, or
13 previously deployed air bag (RCW
14 46.37.650(1)(c))
15 Perjury 1 (RCW 9A.72.020)
16 Persistent prison misbehavior (RCW
17 9.94.070)
18 Possession of a Stolen Firearm (RCW
19 9A.56.310)
20 Rape 3 (RCW 9A.44.060)
21 Rendering Criminal Assistance 1 (RCW
22 9A.76.070)
23 Sell, install, or reinstall counterfeit,
24 nonfunctional, damaged, or
25 previously deployed airbag (RCW
26 46.37.650(2)(c))
27 Sending, Bringing into State Depictions
28 of Minor Engaged in Sexually
29 Explicit Conduct 2 (RCW
30 9.68A.060(2))
31 Sexual Misconduct with a Minor 1
32 (RCW 9A.44.093)
33 Sexually Violating Human Remains
34 (RCW 9A.44.105)
35 Stalking (RCW 9A.46.110)

1 Taking Motor Vehicle Without
2 Permission 1 (RCW 9A.56.070)
3 IV Arson 2 (RCW 9A.48.030)
4 Assault 2 (RCW 9A.36.021)
5 Assault 3 (of a Peace Officer with a
6 Projectile Stun Gun) (RCW
7 9A.36.031(1)(h))
8 Assault 4 (third domestic violence
9 offense) (RCW 9A.36.041(3))
10 Assault by Watercraft (RCW
11 79A.60.060)
12 Bribing a Witness/Bribe Received by
13 Witness (RCW 9A.72.090,
14 9A.72.100)
15 Cheating 1 (RCW 9.46.1961)
16 Commercial Bribery (RCW 9A.68.060)
17 Counterfeiting (RCW 9.16.035(4))
18 Driving While Under the Influence
19 (RCW 46.61.502(6))
20 Endangerment with a Controlled
21 Substance (RCW 9A.42.100)
22 Escape 1 (RCW 9A.76.110)
23 Hate Crime (RCW 9A.36.080)
24 Hit and Run—Injury (RCW
25 46.52.020(4)(b))
26 Hit and Run with Vessel—Injury
27 Accident (RCW 79A.60.200(3))
28 Identity Theft 1 (RCW 9.35.020(2))
29 Indecent Exposure to Person Under Age
30 14 (subsequent sex offense) (RCW
31 9A.88.010)
32 Influencing Outcome of Sporting Event
33 (RCW 9A.82.070)

1 Physical Control of a Vehicle While
2 Under the Influence (RCW
3 46.61.504(6))
4 Possession of Depictions of a Minor
5 Engaged in Sexually Explicit
6 Conduct 2 (RCW 9.68A.070(2))
7 Residential Burglary (RCW 9A.52.025)
8 Robbery 2 (RCW 9A.56.210)
9 Theft of Livestock 1 (RCW 9A.56.080)
10 Threats to Bomb (RCW 9.61.160)
11 Trafficking in Catalytic Converters 1
12 (RCW 9A.82.190)
13 Trafficking in Stolen Property 1 (RCW
14 9A.82.050)
15 Unlawful factoring of a credit card or
16 payment card transaction (RCW
17 9A.56.290(4)(b))
18 Unlawful transaction of health coverage
19 as a health care service contractor
20 (RCW 48.44.016(3))
21 Unlawful transaction of health coverage
22 as a health maintenance
23 organization (RCW 48.46.033(3))
24 Unlawful transaction of insurance
25 business (RCW 48.15.023(3))
26 Unlicensed practice as an insurance
27 professional (RCW 48.17.063(2))
28 Use of Proceeds of Criminal
29 Profiteering (RCW 9A.82.080 (1)
30 and (2))
31 Vehicle Prowling 2 (third or subsequent
32 offense) (RCW 9A.52.100(3))

1 Vehicular Assault, by being under the
2 influence of intoxicating liquor or
3 any drug, or by the operation or
4 driving of a vehicle in a reckless
5 manner (RCW 46.61.522)

6 Viewing of Depictions of a Minor
7 Engaged in Sexually Explicit
8 Conduct 1 (RCW 9.68A.075(1))

9 III Animal Cruelty 1 (RCW 16.52.205)

10 Assault 3 (Except Assault 3 of a Peace
11 Officer With a Projectile Stun Gun)
12 (RCW 9A.36.031 except subsection
13 (1)(h))

14 Assault of a Child 3 (RCW 9A.36.140)

15 Bail Jumping with class B or C Felony
16 (RCW 9A.76.170(3)(c))

17 Burglary 2 (RCW 9A.52.030)

18 Communication with a Minor for
19 Immoral Purposes (RCW
20 9.68A.090)

21 Criminal Gang Intimidation (RCW
22 9A.46.120)

23 Custodial Assault (RCW 9A.36.100)

24 Cyber Harassment (RCW
25 9A.90.120(2)(b))

26 Escape 2 (RCW 9A.76.120)

27 Extortion 2 (RCW 9A.56.130)

28 False Reporting 2 (RCW
29 9A.84.040(2)(b))

30 Harassment (RCW 9A.46.020)

31 Hazing (RCW 28B.10.901(2)(b))

32 Intimidating a Public Servant (RCW
33 9A.76.180)

34 Introducing Contraband 2 (RCW
35 9A.76.150)

1 Malicious Injury to Railroad Property
2 (RCW 81.60.070)
3 Manufacture of Untraceable Firearm
4 with Intent to Sell (RCW 9.41.190)
5 Manufacture or Assembly of an
6 Undetectable Firearm or
7 Untraceable Firearm (RCW
8 9.41.325)
9 Mortgage Fraud (RCW 19.144.080)
10 Negligently Causing Substantial Bodily
11 Harm By Use of a Signal
12 Preemption Device (RCW
13 46.37.674)
14 Organized Retail Theft 1 (RCW
15 9A.56.350(2))
16 Perjury 2 (RCW 9A.72.030)
17 Possession of Incendiary Device (RCW
18 9.40.120)
19 Possession of Machine Gun, Bump-Fire
20 Stock, Undetectable Firearm, or
21 Short-Barreled Shotgun or Rifle
22 (RCW 9.41.190)
23 Promoting Prostitution 2 (RCW
24 9A.88.080)
25 Retail Theft with Special Circumstances
26 1 (RCW 9A.56.360(2))
27 Securities Act violation (RCW
28 21.20.400)
29 Tampering with a Witness (RCW
30 9A.72.120)
31 Telephone Harassment (subsequent
32 conviction or threat of death)
33 (RCW 9.61.230(2))
34 Theft of Livestock 2 (RCW 9A.56.083)
35 Theft with the Intent to Resell 1 (RCW
36 9A.56.340(2))

1 Trafficking in Catalytic Converters 2
2 (RCW 9A.82.200)
3 Trafficking in Stolen Property 2 (RCW
4 9A.82.055)
5 Unlawful Hunting of Big Game 1
6 (RCW 77.15.410(3)(b))
7 Unlawful Imprisonment (RCW
8 9A.40.040)
9 Unlawful Misbranding of Fish or
10 Shellfish 1 (RCW 77.140.060(3))
11 Unlawful possession of firearm in the
12 second degree (RCW 9.41.040(2))
13 Unlawful Taking of Endangered Fish or
14 Wildlife 1 (RCW 77.15.120(3)(b))
15 Unlawful Trafficking in Fish, Shellfish,
16 or Wildlife 1 (RCW
17 77.15.260(3)(b))
18 Unlawful Use of a Nondesignated
19 Vessel (RCW 77.15.530(4))
20 Vehicular Assault, by the operation or
21 driving of a vehicle with disregard
22 for the safety of others (RCW
23 46.61.522)
24 II Commercial Fishing Without a License
25 1 (RCW 77.15.500(3)(b))
26 Computer Trespass 1 (RCW 9A.90.040)
27 Counterfeiting (RCW 9.16.035(3))
28 Electronic Data Service Interference
29 (RCW 9A.90.060)
30 Electronic Data Tampering 1 (RCW
31 9A.90.080)
32 Electronic Data Theft (RCW
33 9A.90.100)
34 Engaging in Fish Dealing Activity
35 Unlicensed 1 (RCW 77.15.620(3))

1 ((Escape from Community Custody
2 (RCW 72.09.310)))
3 Failure to Register as a Sex Offender
4 (second or subsequent offense)
5 (RCW 9A.44.130 prior to June 10,
6 2010, and RCW 9A.44.132)
7 Health Care False Claims (RCW
8 48.80.030)
9 Identity Theft 2 (RCW 9.35.020(3))
10 Improperly Obtaining Financial
11 Information (RCW 9.35.010)
12 Malicious Mischief 1 (RCW 9A.48.070)
13 Organized Retail Theft 2 (RCW
14 9A.56.350(3))
15 Possession of Stolen Property 1 (RCW
16 9A.56.150)
17 Possession of a Stolen Vehicle (RCW
18 9A.56.068)
19 Possession, sale, or offering for sale of
20 seven or more unmarked catalytic
21 converters (RCW 9A.82.180(5))
22 Retail Theft with Special Circumstances
23 2 (RCW 9A.56.360(3))
24 Scrap Processing, Recycling, or
25 Supplying Without a License
26 (second or subsequent offense)
27 (RCW 19.290.100)
28 Theft 1 (RCW 9A.56.030)
29 Theft of a Motor Vehicle (RCW
30 9A.56.065)
31 Theft of Rental, Leased, Lease-
32 purchased, or Loaned Property
33 (valued at \$5,000 or more) (RCW
34 9A.56.096(5)(a))
35 Theft with the Intent to Resell 2 (RCW
36 9A.56.340(3))

1 Trafficking in Insurance Claims (RCW
2 48.30A.015)
3 Unlawful factoring of a credit card or
4 payment card transaction (RCW
5 9A.56.290(4)(a))
6 Unlawful Participation of Non-Indians
7 in Indian Fishery (RCW
8 77.15.570(2))
9 Unlawful Practice of Law (RCW
10 2.48.180)
11 Unlawful Purchase or Use of a License
12 (RCW 77.15.650(3)(b))
13 Unlawful Trafficking in Fish, Shellfish,
14 or Wildlife 2 (RCW
15 77.15.260(3)(a))
16 Unlicensed Practice of a Profession or
17 Business (RCW 18.130.190(7))
18 Voyeurism 1 (RCW 9A.44.115)
19 I Attempting to Elude a Pursuing Police
20 Vehicle (RCW 46.61.024)
21 False Verification for Welfare (RCW
22 74.08.055)
23 Forgery (RCW 9A.60.020)
24 Fraudulent Creation or Revocation of a
25 Mental Health Advance Directive
26 (RCW 9A.60.060)
27 Malicious Mischief 2 (RCW 9A.48.080)
28 Mineral Trespass (RCW 78.44.330)
29 Possession of Stolen Property 2 (RCW
30 9A.56.160)
31 Reckless Burning 1 (RCW 9A.48.040)
32 Spotlighting Big Game 1 (RCW
33 77.15.450(3)(b))
34 Suspension of Department Privileges 1
35 (RCW 77.15.670(3)(b))

1 Taking Motor Vehicle Without
2 Permission 2 (RCW 9A.56.075)
3 Theft 2 (RCW 9A.56.040)
4 Theft from a Vulnerable Adult 2 (RCW
5 9A.56.400(2))
6 Theft of Rental, Leased, Lease-
7 purchased, or Loaned Property
8 (valued at \$750 or more but less
9 than \$5,000) (RCW
10 9A.56.096(5)(b))
11 Transaction of insurance business
12 beyond the scope of licensure
13 (RCW 48.17.063)
14 Unlawful Fish and Shellfish Catch
15 Accounting (RCW 77.15.630(3)(b))
16 Unlawful Issuance of Checks or Drafts
17 (RCW 9A.56.060)
18 Unlawful Possession of Fictitious
19 Identification (RCW 9A.56.320)
20 Unlawful Possession of Instruments of
21 Financial Fraud (RCW 9A.56.320)
22 Unlawful Possession of Payment
23 Instruments (RCW 9A.56.320)
24 Unlawful Possession of a Personal
25 Identification Device (RCW
26 9A.56.320)
27 Unlawful Production of Payment
28 Instruments (RCW 9A.56.320)
29 Unlawful Releasing, Planting,
30 Possessing, or Placing Deleterious
31 Exotic Wildlife (RCW
32 77.15.250(2)(b))
33 Unlawful Trafficking in Food Stamps
34 (RCW 9.91.142)
35 Unlawful Use of Food Stamps (RCW
36 9.91.144)

1 Unlawful Use of Net to Take Fish 1
2 (RCW 77.15.580(3)(b))
3 Vehicle Prowl 1 (RCW 9A.52.095)
4 Violating Commercial Fishing Area or
5 Time 1 (RCW 77.15.550(3)(b))

6 NEW SECTION. **Sec. 13.** Sections 3 and 6 of this act expire
7 January 1, 2026.

8 NEW SECTION. **Sec. 14.** Sections 4 and 7 of this act take effect
9 January 1, 2026.

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