

ESSB 5891 - H AMD 849

By Representative Probst

ADOPTED 05/24/2011

1 On page 3, beginning on line 1, strike all of section 2 and insert
2 the following:

3 "Sec. 2. RCW 9.94A.501 and 2010 c 267 s 10 and 2010 c 224 s 3 are
4 each reenacted and amended to read as follows:

5 (1) The department shall supervise (~~(every offender convicted of a~~
6 ~~misdemeanor or gross misdemeanor offense who is)~~) the following
7 offenders who are sentenced to probation in superior court, pursuant
8 to RCW 9.92.060, 9.95.204, or 9.95.210 (~~(, for an offense included in~~
9 ~~(a) and (b) of this subsection. The superior court shall order~~
10 ~~probation for:~~

11 ~~(a) Offenders convicted of fourth degree assault, violation of a~~
12 ~~domestic violence court order pursuant to RCW 10.99.040, 10.99.050,~~
13 ~~26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145,~~
14 ~~and who also have a prior conviction for one or more of the following:~~

15 ~~(i) A violent offense;~~

16 ~~(ii) A sex offense;~~

17 ~~(iii) A crime against a person as provided in RCW 9.94A.411;~~

18 ~~(iv) Fourth degree assault; or~~

19 ~~(v) Violation of a domestic violence court order; and~~

20 ~~(b))):~~

21 (a) Offenders convicted of:

22 (i) Sexual misconduct with a minor second degree;

23 (ii) Custodial sexual misconduct second degree;

24 (iii) Communication with a minor for immoral purposes; and

25 (iv) Violation of RCW 9A.44.132(2) (failure to register); and

26 (b) Offenders who have:

27 (i) A current conviction for a repetitive domestic violence

1 offense where domestic violence has been plead and proven after August
2 1, 2011; and

3 (ii) A prior conviction for a repetitive domestic violence offense
4 or domestic violence felony offense where domestic violence has been
5 plead and proven after August 1, 2011.

6 (2) Misdemeanor and gross misdemeanor offenders supervised by the
7 department pursuant to this section shall be placed on community
8 custody.

9 (3) The department shall supervise every felony offender sentenced
10 to community custody pursuant to RCW 9.94A.701 or 9.94A.702 whose risk
11 assessment(~~(, conducted pursuant to subsection (6) of this section,~~)
12 classifies the offender as one who is at a high risk to reoffend.

13 (4) Notwithstanding any other provision of this section, the
14 department shall supervise an offender sentenced to community custody
15 regardless of risk classification if the offender:

16 (a) Has a current conviction for a sex offense or a serious
17 violent offense (~~(as defined in RCW 9.94A.030)~~) and was sentenced to a
18 term of community custody pursuant to RCW 9.94A.701, 9.94A.702, or
19 9.94A.507;

20 (b) Has been identified by the department as a dangerous mentally
21 ill offender pursuant to RCW 72.09.370;

22 (c) Has an indeterminate sentence and is subject to parole
23 pursuant to RCW 9.95.017;

24 (d) Has a current conviction for violating RCW 9A.44.132(1)
25 (failure to register) and was sentenced to a term of community custody
26 pursuant to RCW 9.94A.701;

27 (e) Has a current conviction for a domestic violence felony
28 offense where domestic violence has been plead and proven after August
29 1, 2011, and a prior conviction for a repetitive domestic violence
30 offense or domestic violence felony offense where domestic violence
31 has been plead and proven after August 1, 2011;

32 (f) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660, or
33 9.94A.670; or

34 ~~((f))~~ (g) Is subject to supervision pursuant to RCW 9.94A.745.

1 (5) The department is not authorized to, and may not, supervise
2 any offender sentenced to a term of community custody or any
3 probationer unless the offender or probationer is one for whom
4 supervision is required under (~~subsection (1), (2), (3), or (4) of~~)
5 this section or section 3 of this act.

6 (6) The department shall conduct a risk assessment for every
7 felony offender sentenced to a term of community custody who may be
8 subject to supervision under this section or section 3 of this act."

9

EFFECT: Restores supervision of persons convicted of Sexual Misconduct with a Minor in the second degree, Custodial Sexual Misconduct in the second degree, Communication with a Minor for Immoral Purposes, and misdemeanor Failure to Register as a sex offender. Eliminates the one-year limit on supervision of these offenders, as well as offenders convicted of a repetitive domestic violence offense who have a qualifying prior offense.

Restores supervision of felony sex offenders who receive a sentence of one year or less in jail if their risk assessment indicates they have a low or moderate risk to reoffend.

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