

RCW 9.94A.709 Community custody—Sex offenders—Conditions. (1)

At any time prior to the completion or termination of a sex offender's term of community custody, if the court finds that public safety would be enhanced, the court may impose and enforce an order extending any or all of the conditions of community custody for a period up to the maximum allowable sentence for the crime as it is classified in chapter 9A.20 RCW, regardless of the expiration of the offender's term of community custody.

(2) (a) On the motion of the offender, following the offender's release from total confinement, the court may amend the substantive conditions of community custody imposed by the court.

(b) The offender shall have the burden of proving by a preponderance of the evidence that there has been a substantial change in circumstances such that the condition of community custody is no longer necessary for community safety. In determining whether there has been a substantial change in circumstances, the court may not base its determination solely on the fact that time has passed without a violation.

(c) An offender may file a motion to modify substantive conditions of community custody imposed by the court no more than once in every 12-month period that the order is in effect, starting from the date of the order.

(d) The time limit for collateral attacks established under RCW 10.73.090 does not apply to any motion filed pursuant to this subsection.

(e) A motion under this subsection may not reopen the offender's conviction to challenges that would otherwise be barred by RCW 10.73.090, 10.73.100, 10.73.140, or other procedural barriers.

(3) If a violation of a condition extended under this section occurs after the expiration of the offender's term of community custody, it shall be deemed a violation of the sentence for the purposes of RCW 9.94A.631 and may be punishable as contempt of court as provided for in RCW 7.21.040.

(4) If the court extends a condition beyond the expiration of the term of community custody, the department is not responsible for supervision of the offender's compliance with the condition. [2024 c 118 s 3; 2008 c 231 s 14.]

Application—Effective date—2024 c 118: See notes following RCW 9.94A.704.

Intent—Application—Application of repealers—Effective date—2008 c 231: See notes following RCW 9.94A.701.

Severability—2008 c 231: See note following RCW 9.94A.500.