

RCW 9.94A.704 Community custody—Supervision by the department—

Conditions. (1) Every person who is sentenced to a period of community custody shall report to and be placed under the supervision of the department, subject to RCW 9.94A.501.

(2) (a) The department shall assess the offender's risk of reoffense and may establish and modify additional conditions of community custody based upon the risk to community safety.

(b) Within the funds available for community custody, the department shall determine conditions as provided for in this section, and shall supervise offenders during community custody on the basis of risk to community safety and conditions imposed by the court. The secretary shall adopt rules to implement the provisions of this subsection (2) (b).

(3) If the offender is supervised by the department, the department shall at a minimum instruct the offender to:

(a) Report as directed to a community corrections officer;

(b) Remain within prescribed geographical boundaries;

(c) Notify the community corrections officer of any change in the offender's address or employment; and

(d) Disclose the fact of supervision to any mental health, chemical dependency, or domestic violence treatment provider, as required by RCW 9.94A.722.

(4) The department may require the offender to participate in rehabilitative programs, or otherwise perform affirmative conduct, and to obey all laws.

(5) If the offender was sentenced pursuant to a conviction for a sex offense or domestic violence, the department may:

(a) Require the offender to refrain from direct or indirect contact with the victim of the crime or immediate family member of the victim of the crime. If a victim or an immediate family member of a victim has requested that the offender not contact him or her after notice as provided in RCW 72.09.340, the department shall require the offender to refrain from contact with the requestor. Where the victim is a minor, the parent or guardian of the victim may make a request on the victim's behalf. This subsection is not intended to reduce the preexisting authority of the department to impose no-contact conditions regardless of the offender's crime and regardless of who is protected by the no-contact condition, where such condition is based on risk to community safety.

(b) Impose electronic monitoring. Within the resources made available by the department for this purpose, the department shall carry out any electronic monitoring using the most appropriate technology given the individual circumstances of the offender. As used in this section, "electronic monitoring" has the same meaning as in RCW 9.94A.030.

(6) The department may not impose conditions that are contrary to those ordered by the court and may not contravene or decrease court-imposed conditions.

(7) (a) The department shall notify the offender in writing of any additional conditions or modifications.

(b) Within 10 business days of receiving notice of a condition imposed or modified by the department, an offender may request an administrative review under rules adopted by the department. The condition shall remain in effect if the reviewing officer finds that it is reasonably related to at least one of the following: The crime

of conviction, the offender's risk of reoffending, or the safety of the community.

(8) The department shall notify the offender in writing upon community custody intake of the department's violation process.

(9) The department may require offenders to pay for special services rendered including electronic monitoring, day reporting, and telephone reporting, dependent on the offender's ability to pay. The department may pay for these services for offenders who are not able to pay.

(10)(a) When an offender on community custody is under the authority of the board, the department shall assess the offender's risk of recidivism and shall recommend to the board any additional or modified conditions based upon the offender's crime of conviction, risk of reoffense, or risk to community safety and may recommend affirmative conduct or electronic monitoring consistent with subsections (4) through (6) of this section.

(b) The board may impose or modify conditions in addition to court-ordered conditions. The board may not impose conditions that are contrary to those ordered by the court and may not contravene or decrease court-imposed conditions. The board must consider and may impose department-recommended conditions. The board must impose a condition requiring the offender to refrain from contact with the victim or immediate family member of the victim as provided in subsection (5)(a) of this section. Regardless of the offender's date of sentencing, additional conditions imposed or modified by the board may be based upon the offender's crime of conviction, risk of reoffense, or risk to community safety. The additional conditions of community custody need not be crime-related if the conditions reasonably relate to either the risk of reoffense or risk to community safety.

(c) Within 10 business days of receiving notice of a condition imposed by the board or the department, an offender may request an administrative hearing under rules adopted by the board. The condition shall remain in effect if the hearing examiner finds that it is reasonably related to at least one of the following:

- (i) The crime of conviction;
- (ii) The offender's risk of reoffending;
- (iii) The safety of the community; or
- (iv) The offender's risk of domestic violence reoffense.

(d) If the department finds that an emergency exists requiring the immediate imposition of additional conditions in order to prevent the offender from committing a crime, the department may impose such conditions. The department may not impose conditions that are contrary to those set by the board or the court and may not contravene or decrease court-imposed or board-imposed conditions. Conditions imposed under this subsection shall take effect immediately after notice to the offender by personal service, but shall not remain in effect longer than seven working days unless approved by the board.

(e) The board shall notify the offender in writing of any additional or modified conditions.

(11) In setting, modifying, and enforcing conditions of community custody, the department shall be deemed to be performing a quasi-judicial function. [2024 c 118 s 1; 2022 c 29 s 9; 2019 c 263 s 601; 2016 c 108 s 1. Prior: 2015 c 287 s 7; 2015 c 134 s 8; 2014 c 35 s 1; 2012 1st sp.s. c 6 s 3; 2009 c 375 s 6; 2009 c 28 s 12; 2008 c 231 s 10.]

Application—2024 c 118: "This act applies to all offenders sentenced to a term of community custody before, on, or after March 15, 2024." [2024 c 118 s 9.]

Effective date—2024 c 118: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 15, 2024]." [2024 c 118 s 11.]

Housing voucher program outcome evaluation and benefit-cost analysis—Transfer of residual funds to the general fund—2022 c 29: See notes following RCW 9.94A.729.

Findings—Intent—2019 c 263 ss 202-803: See note following RCW 10.01.240.

Effective date—2019 c 263 ss 501-504, 601, 602, and 701-708: See note following RCW 9.94A.500.

Effective date—2015 c 134: See note following RCW 9.94A.501.

Effective date—2012 1st sp.s. c 6 ss 1, 3 through 9, and 11 through 14: See note following RCW 9.94A.631.

Application—2012 1st sp.s. c 6: See note following RCW 9.94A.631.

Application—2009 c 375: See note following RCW 9.94A.501.

Effective date—2009 c 28: See note following RCW 2.24.040.

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.