

**RCW 9.94A.501 Department must supervise specified offenders—**

**Risk assessment of felony offenders.** (1) The department shall supervise the following offenders who are sentenced to probation in superior court, pursuant to RCW 9.92.060, 9.95.204, or 9.95.210:

(a) Offenders convicted of:

- (i) Sexual misconduct with a minor second degree;
- (ii) Custodial sexual misconduct second degree;
- (iii) Communication with a minor for immoral purposes; and
- (iv) Violation of RCW 9A.44.132(2) (failure to register); and

(b) Offenders who have:

(i) A current conviction for a repetitive domestic violence offense where domestic violence has been pleaded and proven after August 1, 2011; and

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

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

(3) The department shall supervise every felony offender sentenced to community custody pursuant to RCW 9.94A.701 or 9.94A.702 whose risk assessment classifies the offender as one who is at a high risk to reoffend.

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

(a) Has a current conviction for a sex offense or a serious violent offense and was sentenced to a term of community custody pursuant to RCW 9.94A.701, 9.94A.702, or 9.94A.507;

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

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

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

(e) (i) Has a current conviction for a domestic violence felony offense where domestic violence has been pleaded and proven after August 1, 2011, and a prior conviction for a repetitive domestic violence offense or domestic violence felony offense where domestic violence was pleaded and proven after August 1, 2011. This subsection (4)(e)(i) applies only to offenses committed prior to July 24, 2015;

(ii) Has a current conviction for a domestic violence felony offense where domestic violence was pleaded and proven. The state and its officers, agents, and employees shall not be held criminally or civilly liable for its supervision of an offender under this subsection (4)(e)(ii) unless the state and its officers, agents, and employees acted with gross negligence;

(f) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660, 9.94A.670, 9.94A.711, or 9.94A.695;

(g) Is subject to supervision pursuant to RCW 9.94A.745; or

(h) Was convicted and sentenced under RCW 46.61.520 (vehicular homicide), RCW 46.61.522 (vehicular assault), RCW 46.61.502(6) (felony DUI), or RCW 46.61.504(6) (felony physical control).

(5) The department shall supervise any offender who is released by the indeterminate sentence review board and who was sentenced to

community custody or subject to community custody under the terms of release.

(6) The department is not authorized to, and may not, supervise any offender sentenced to a term of community custody or any probationer unless the offender or probationer is one for whom supervision is required under this section or \*RCW 9.94A.5011.

(7) The department shall conduct a risk assessment for every felony offender sentenced to a term of community custody who may be subject to supervision under this section or \*RCW 9.94A.5011.

(8) The period of time the department is authorized to supervise an offender under this section may not exceed the duration of community custody specified under RCW 9.94B.050, 9.94A.701 (1) through (9), or 9.94A.702, except in cases where the court has imposed an exceptional term of community custody under RCW 9.94A.535.

(9) The period of time the department is authorized to supervise an offender under this section may be reduced by the earned award of supervision compliance credit pursuant to RCW 9.94A.717. [2021 c 242 § 2; 2020 c 275 § 1; 2019 c 191 § 2; 2016 sp.s. c 28 § 1. Prior: 2015 c 290 § 1; 2015 c 134 § 1; 2013 2nd sp.s. c 35 § 15; 2011 1st sp.s. c 40 § 2; prior: 2010 c 267 § 10; 2010 c 224 § 3; 2009 c 376 § 2; (2009 c 376 § 1 expired August 1, 2009); 2009 c 375 § 2; (2009 c 375 § 1 expired August 1, 2009); 2008 c 231 § 24; 2005 c 362 § 1; 2003 c 379 § 3.]

**\*Reviser's note:** RCW 9.94A.5011 expired August 1, 2014.

**Applicability—2021 c 242:** See note following RCW 9.94A.695.

**Implementation—2020 c 275:** "The department of corrections has discretion to implement RCW 9.94A.501 and 9.94A.717 over a period of time not to exceed twelve months. For any offender under active supervision by the department as of June 11, 2020, he or she is not eligible to earn supervision compliance credit pursuant to RCW 9.94A.717 until he or she has received an orientation by the department regarding supervision compliance credit." [2020 c 275 § 3.]

**Effective date—2015 c 134:** "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 [April 29, 2015]." [2015 c 134 § 9.]

**Application—Recalculation of community custody terms—2011 1st sp.s. c 40:** "(1) Except as otherwise provided in this section, the provisions of this act apply to persons convicted before, on, or after June 15, 2011.

(2) By January 1, 2012, consistent with RCW 9.94A.171, 9.94A.501, and section 3 of this act, the department of corrections shall recalculate the term of community custody for offenders currently in confinement or serving a term of community custody. The department of corrections shall reset the date that community custody will end for those offenders. The recalculation shall not extend a term of community custody beyond that to which an offender is currently subject.

(3) By January 1, 2012, consistent with the provisions of RCW 9.94A.650, the department of corrections shall recalculate the term of community custody for each offender sentenced to a first-time offender waiver under RCW 9.94A.650 and currently in confinement or serving a

term of community custody. The department of corrections shall reset the date that community custody will end for those offenders. The recalculation shall not extend a term of community custody beyond that to which an offender is currently subject." [2011 1st sp.s. c 40 § 42.]

**Effective date—2011 1st sp.s. c 40 §§ 1-9 and 42:** "Sections 1 through 9 and 42 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately [June 15, 2011]." [2011 1st sp.s. c 40 § 44.]

**Application—2010 c 267:** See note following RCW 9A.44.128.

**Expiration date—2009 c 376 § 1:** "Section 1 of this act expires August 1, 2009." [2009 c 376 § 4.]

**Expiration date—2009 c 375 §§ 1, 3, and 13:** "Sections 1, 3, and 13 of this act expire August 1, 2009." [2009 c 375 § 19.]

**Application—2009 c 375:** "This act applies retroactively and prospectively regardless of whether the offender is currently on community custody or probation with the department, currently incarcerated with a term of community custody or probation with the department, or sentenced after July 26, 2009." [2009 c 375 § 20.]

**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.

**Effective date—2005 c 362:** "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 [May 10, 2005]." [2005 c 362 § 5.]

**Severability—Effective dates—2003 c 379:** See notes following RCW 9.94A.728.

*Conditions of probation: RCW 9.95.210.*

*Misdemeanant probation services—County supervision: RCW 9.95.204.*

*Suspending sentences: RCW 9.92.060.*