

CERTIFICATION OF ENROLLMENT  
**SUBSTITUTE SENATE BILL 6162**

Chapter 376, Laws of 2009  
(partial veto)

61st Legislature  
2009 Regular Session

COMMUNITY CUSTODY--SERIOUS VIOLENT OFFENSES

EFFECTIVE DATE: 07/26/09

Passed by the Senate April 25, 2009  
YEAS 42 NAYS 1

BRAD OWEN

\_\_\_\_\_  
**President of the Senate**

Passed by the House April 26, 2009  
YEAS 95 NAYS 0

FRANK CHOPP

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**Speaker of the House of Representatives**

Approved May 6, 2009, 2:22 p.m., with  
the exception of Section 3 which is  
vetoed.

CHRISTINE GREGOIRE

\_\_\_\_\_  
**Governor of the State of Washington**

CERTIFICATE

I, Thomas Hoemann, Secretary of  
the Senate of the State of  
Washington, do hereby certify that  
the attached is **SUBSTITUTE SENATE  
BILL 6162** as passed by the Senate  
and the House of Representatives  
on the dates hereon set forth.

THOMAS HOEMANN

\_\_\_\_\_  
**Secretary**

FILED

May 8, 2009

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 6162**

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Passed Legislature - 2009 Regular Session

**State of Washington                      61st Legislature                      2009 Regular Session**

**By Senate Ways & Means (originally sponsored by Senator Prentice)**

READ FIRST TIME 04/24/09.

1            AN ACT Relating to criminal justice: Providing for the supervision  
2 of offenders sentenced to community custody regardless of risk  
3 classification if the offender has a current conviction for a serious  
4 violent offense as defined in RCW 9.94A.030; amending RCW 9.94A.501 and  
5 9.94A.501; creating a new section; providing effective dates; providing  
6 an expiration date; and declaring an emergency.

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

8            **Sec. 1.** RCW 9.94A.501 and 2009 c ... (ESSB 5288) s 1 are each  
9 amended to read as follows:

10            (1) The department shall supervise every offender convicted of a  
11 misdemeanor or gross misdemeanor offense who is sentenced to probation  
12 in superior court, pursuant to RCW 9.92.060, 9.95.204, or 9.95.210, for  
13 an offense included in (a) and (b) of this subsection. The superior  
14 court shall order probation for:

15            (a) Offenders convicted of fourth degree assault, violation of a  
16 domestic violence court order pursuant to RCW 10.99.040, 10.99.050,  
17 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145,  
18 and who also have a prior conviction for one or more of the following:

19            (i) A violent offense;

1 (ii) A sex offense;

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

3 (iv) Fourth degree assault; or

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

5 (b) Offenders convicted of:

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

7 (ii) Custodial sexual misconduct second degree;

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

9 (iv) Failure to register pursuant to RCW 9A.44.130.

10 (2) Misdemeanor and gross misdemeanor offenders supervised by the

11 department pursuant to this section shall be placed on community

12 custody.

13 (3) The department shall supervise every felony offender sentenced

14 to community custody whose risk assessment, conducted pursuant to

15 subsection (6) of this section, places the offender in one of the two

16 highest risk categories.

17 (4) Notwithstanding any other provision of this section, the

18 department shall supervise an offender sentenced to community custody

19 regardless of risk classification if the offender:

20 (a) Has a current conviction for a sex offense or a serious violent

21 offense as defined in RCW 9.94A.030;

22 (b) Has been identified by the department as a dangerous mentally

23 ill offender pursuant to RCW 72.09.370;

24 (c) Has an indeterminate sentence and is subject to parole pursuant

25 to RCW 9.95.017;

26 (d) Was sentenced under RCW 9.94A.650, 9.94A.660, or 9.94A.670; or

27 (e) Is subject to supervision pursuant to RCW 9.94A.745.

28 (5) The department is not authorized to, and may not, supervise any

29 offender sentenced to a term of community custody, community placement,

30 or community supervision or any probationer unless the offender or

31 probationer is one for whom supervision is required under subsection

32 (1), (2), (3), or (4) of this section.

33 (6) The department shall conduct a risk assessment for every felony

34 offender sentenced to a term of community custody, community placement,

35 or community supervision who may be subject to supervision under this

36 section.

1       **Sec. 2.** RCW 9.94A.501 and 2009 c ... (ESSB 5288) s 2 are each  
2 amended to read as follows:

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

8       (a) Offenders convicted of fourth degree assault, violation of a  
9 domestic violence court order pursuant to RCW 10.99.040, 10.99.050,  
10 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145,  
11 and who also have a prior conviction for one or more of the following:

- 12       (i) A violent offense;
- 13       (ii) A sex offense;
- 14       (iii) A crime against a person as provided in RCW 9.94A.411;
- 15       (iv) Fourth degree assault; or
- 16       (v) Violation of a domestic violence court order; and

17       (b) Offenders convicted of:

- 18       (i) Sexual misconduct with a minor second degree;
- 19       (ii) Custodial sexual misconduct second degree;
- 20       (iii) Communication with a minor for immoral purposes; and
- 21       (iv) Failure to register pursuant to RCW 9A.44.130.

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

25       (3) The department shall supervise every felony offender sentenced  
26 to community custody whose risk assessment, conducted pursuant to  
27 subsection (6) of this section, classifies the offender as one who is  
28 at a high risk to reoffend.

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

32       (a) Has a current conviction for a sex offense or a serious violent  
33 offense as defined in RCW 9.94A.030;

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

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

38       (d) Was sentenced under RCW 9.94A.650, 9.94A.660, or 9.94A.670; or

1 (e) Is subject to supervision pursuant to RCW 9.94A.745.

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

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

9 **\*NEW SECTION. Sec. 3. (1) Section 1 of this act is necessary for**  
10 ***the immediate preservation of the public peace, health, or safety, or***  
11 ***support of the state government and its existing public institutions,***  
12 ***and takes effect immediately, or when section 1, chapter . . . (ESSB***  
13 ***5288), Laws of 2009 takes effect, whichever is later.***

14 ***(2) Section 2 of this act takes effect August 1, 2009.***

*\*Sec. 3 was vetoed. See message at end of chapter.*

15 **NEW SECTION. Sec. 4.** Section 1 of this act expires August 1,  
16 2009.

17 **NEW SECTION. Sec. 5.** If Engrossed Substitute Senate Bill No.  
18 5288, as amended by the House, is not enacted into law by August 1,  
19 2009, this act is null and void.

Passed by the Senate April 25, 2009.

Passed by the House April 26, 2009.

Approved by the Governor May 6, 2009, with the exception of  
certain items that were vetoed.

Filed in Office of Secretary of State May 8, 2009.

Note: Governor's explanation of partial veto is as follows:

"I have approved, except for Section 3, Substitute Senate Bill 6162  
entitled:

"AN ACT Relating to criminal justice: Providing for the  
supervision of offenders sentenced to community custody regardless of  
risk classification if the offender has a current conviction for a  
serious violent offense as defined in RCW 9.94A.030."

Substitute Senate Bill 6162 corrects an error in Engrossed Second  
Substitute Senate Bill 5288 by ensuring that all serious violent  
offenders are sentenced to community custody regardless of risk level.  
I have vetoed the emergency clause in ESSB 5288, and so I am also  
vetoing the emergency clause in Section 3 of SSB 6162 as it is not  
necessary.

For this reason, I have vetoed Section 3 of Substitute Senate Bill  
6162. With the exception of Section 3, Substitute Senate Bill 6162 is  
approved."