

SB 5070 - H COMM AMD

By Committee on Public Safety

NOT ADOPTED 4/14/2015

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 9.94A.501 and 2013 2nd sp.s. c 35 s 15 are each
4 amended to read as follows:

5 (1) The department shall supervise the following offenders who
6 are sentenced to probation in superior court, pursuant to RCW
7 9.92.060, 9.95.204, or 9.95.210:

8 (a) Offenders convicted of:

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

10 (ii) Custodial sexual misconduct second degree;

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

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

13 (b) Offenders who have:

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

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

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

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

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

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

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

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

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

8 (e)(i) Has a current conviction for a domestic violence felony
9 offense where domestic violence has been plead and proven after
10 August 1, 2011, and a prior conviction for a repetitive domestic
11 violence offense or domestic violence felony offense where domestic
12 violence ((has been)) was plead and proven after August 1, 2011. This
13 subsection (4)(e)(i) applies only to offenses committed prior to the
14 effective date of this section;

15 (ii) Has a conviction for a domestic violence felony offense
16 where domestic violence was plead and proven and that was committed
17 after the effective date of this section. The state and its officers,
18 agents, and employees shall not be held criminally or civilly liable
19 for its supervision of an offender under this subsection (4)(e)(ii)
20 unless the state and its officers, agents, and employees acted with
21 gross negligence;

22 (f) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660, or
23 9.94A.670;

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

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

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

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

35 Correct the title.

EFFECT: Provides that the state and its officers, agents, and
employees are not liable for their supervision of an offender under

the new supervision provisions of the bill unless they acted with gross negligence rather than reckless disregard.

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