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**SUBSTITUTE HOUSE BILL 2048**

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**State of Washington 68th Legislature 2024 Regular Session**

**By** House Community Safety, Justice, & Reentry (originally sponsored by Representatives Mosbrucker, Goodman, Graham, Doglio, and Davis)

AN ACT Relating to supervision of domestic violence in criminal sentencing; amending RCW 9.94A.501; creating new sections; and providing an expiration date.

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

NEW SECTION. **Sec.**  The legislature recognizes the ongoing and increasing epidemic of domestic violence. Even when a perpetrator is held accountable by our criminal justice system, including by total confinement in a state correctional facility, many victims of domestic violence face the ongoing challenge of realizing physical and psychological safety in their daily lives. One mechanism by which the state supports survivors is through community supervision of defendants convicted of certain domestic violence offenses upon their release back into our communities.

The legislature acknowledges that the department of corrections serves a critical function by operating as the state agency entrusted with supervision of certain defendants. It is imperative that in every instance when a Washington court orders supervision for a defendant convicted of a qualifying domestic violence offense, the department of corrections undertakes its supervisory role. Accordingly, the legislature recognizes that certain changes must be made to the Washington sentencing reform act to ensure that the department of corrections' supervisory obligations are clear.

NEW SECTION. **Sec.**  (1) The department of corrections shall conduct an internal audit and report on its supervisory obligations under RCW 9.94A.501 (1)(b) and (4)(e). The audit and report shall, for the period identified in subsection (2) of this section: (a) Identify the number of individuals for whom a Washington court ordered supervision by the department under RCW 9.94A.501(1)(b) and (4)(e); (b) identify the number of individuals within the number identified in (a) of this subsection for whom supervision by the department was ordered but supervision did not occur or has not occurred; and (c) provide the reason or reasons why the department did not undertake supervision of an individual if the numbers identified in (a) and (b) of this subsection are not the same.

(2) The audit and report required by this section must cover the period between July 1, 2022, and June 30, 2024.

(3) The department shall report the findings of its audit to the appropriate committees of the legislature by December 1, 2024.

(4) This section expires December 31, 2024.

**Sec.**  RCW 9.94A.501 and 2021 c 242 s 2 are each amended to read as follows:

(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.

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