

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2048

68th Legislature
2024 Regular Session

Passed by the House February 6, 2024
Yeas 97 Nays 0

**Speaker of the House of
Representatives**

Passed by the Senate February 27,
2024
Yeas 48 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2048** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2048

Passed Legislature - 2024 Regular Session

State of Washington 68th Legislature 2024 Regular Session

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

READ FIRST TIME 01/23/24.

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

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

5 NEW SECTION. **Sec. 1.** The legislature recognizes the ongoing and
6 increasing epidemic of domestic violence. Even when a perpetrator is
7 held accountable by our criminal justice system, including by total
8 confinement in a state correctional facility, many victims of
9 domestic violence face the ongoing challenge of realizing physical
10 and psychological safety in their daily lives. One mechanism by which
11 the state supports survivors is through community supervision of
12 defendants convicted of certain domestic violence offenses upon their
13 release back into our communities.

14 The legislature acknowledges that the department of corrections
15 serves a critical function by operating as the state agency entrusted
16 with supervision of certain defendants. It is imperative that in
17 every instance when a Washington court orders supervision for a
18 defendant convicted of a qualifying domestic violence offense, the
19 department of corrections undertakes its supervisory role.
20 Accordingly, the legislature recognizes that certain changes must be

1 made to the Washington sentencing reform act to ensure that the
2 department of corrections' supervisory obligations are clear.

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

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

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

19 (4) This section expires December 31, 2024.

20 **Sec. 3.** RCW 9.94A.501 and 2021 c 242 s 2 are each amended to
21 read as follows:

22 (1) The department shall supervise the following offenders who
23 are sentenced to probation in superior court, pursuant to RCW
24 9.92.060, 9.95.204, or 9.95.210:

25 (a) Offenders convicted of:

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

27 (ii) Custodial sexual misconduct second degree;

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

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

30 (b) Offenders who have:

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

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

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

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

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

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

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

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

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

21 (e)(i) Has a current conviction for a domestic violence felony
22 offense (~~where domestic violence has been pleaded and proven~~) after
23 August 1, 2011, and a prior conviction for a repetitive domestic
24 violence offense or domestic violence felony offense (~~where domestic
25 violence was pleaded and proven~~) after August 1, 2011. This
26 subsection (4)(e)(i) applies only to offenses committed prior to July
27 24, 2015;

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

34 (f) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660,
35 9.94A.670, 9.94A.711, or 9.94A.695;

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

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

1 (5) The department shall supervise any offender who is released
2 by the indeterminate sentence review board and who was sentenced to
3 community custody or subject to community custody under the terms of
4 release.

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

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

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

17 (9) The period of time the department is authorized to supervise
18 an offender under this section may be reduced by the earned award of
19 supervision compliance credit pursuant to RCW 9.94A.717.

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