

SUBSTITUTE HOUSE BILL 1180

State of Washington

69th Legislature

2025 Regular Session

By House Community Safety (originally sponsored by Representatives Farivar, Goodman, Reed, Obras, Simmons, Ormsby, and Hill)

READ FIRST TIME 02/20/25.

1 AN ACT Relating to implementing certain recommendations from the
2 sex offender policy board concerning the criminal offense of failure
3 to register; amending RCW 9A.44.132, 9.94A.030, 9.94A.030, 9.94A.701,
4 9.94A.701, 9.94A.702, 9.94A.501, and 72.09.270; reenacting and
5 amending RCW 9.94A.515 and 9.94A.501; creating a new section;
6 providing an effective date; and providing an expiration date.

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

8 **Sec. 1.** RCW 9.94A.515 and 2024 c 301 s 29 and 2024 c 55 s 1 are
9 each reenacted and amended to read as follows:

10 TABLE 2

11 CRIMES INCLUDED WITHIN EACH
12 SERIOUSNESS LEVEL

13 XVI Aggravated Murder 1 (RCW 10.95.020)

14 XV Homicide by abuse (RCW 9A.32.055)

15 Malicious explosion 1 (RCW
16 70.74.280(1))

17 Murder 1 (RCW 9A.32.030)

18 XIV Murder 2 (RCW 9A.32.050)

19 Trafficking 1 (RCW 9A.40.100(1))

1 XIII Malicious explosion 2 (RCW
2 70.74.280(2))
3 Malicious placement of an explosive 1
4 (RCW 70.74.270(1))
5 XII Assault 1 (RCW 9A.36.011)
6 Assault of a Child 1 (RCW 9A.36.120)
7 Malicious placement of an imitation
8 device 1 (RCW 70.74.272(1)(a))
9 Promoting Commercial Sexual Abuse
10 of a Minor (RCW 9.68A.101)
11 Rape 1 (RCW 9A.44.040)
12 Rape of a Child 1 (RCW 9A.44.073)
13 Trafficking 2 (RCW 9A.40.100(3))
14 XI Manslaughter 1 (RCW 9A.32.060)
15 Rape 2 (RCW 9A.44.050)
16 Rape of a Child 2 (RCW 9A.44.076)
17 Vehicular Homicide, by being under the
18 influence of intoxicating liquor or
19 any drug (RCW 46.61.520)
20 Vehicular Homicide, by the operation of
21 any vehicle in a reckless manner
22 (RCW 46.61.520)
23 X Child Molestation 1 (RCW 9A.44.083)
24 Criminal Mistreatment 1 (RCW
25 9A.42.020)
26 Indecent Liberties (with forcible
27 compulsion) (RCW
28 9A.44.100(1)(a))
29 Kidnapping 1 (RCW 9A.40.020)
30 Leading Organized Crime (RCW
31 9A.82.060(1)(a))
32 Malicious explosion 3 (RCW
33 70.74.280(3))
34 Sexually Violent Predator Escape (RCW
35 9A.76.115)

1 IX Abandonment of Dependent Person 1
2 (RCW 9A.42.060)
3 Assault of a Child 2 (RCW 9A.36.130)
4 Explosive devices prohibited (RCW
5 70.74.180)
6 Hit and Run—Death (RCW
7 46.52.020(4)(a))
8 Homicide by Watercraft, by being under
9 the influence of intoxicating liquor
10 or any drug (RCW 79A.60.050)
11 Inciting Criminal Profiteering (RCW
12 9A.82.060(1)(b))
13 Malicious placement of an explosive 2
14 (RCW 70.74.270(2))
15 Robbery 1 (RCW 9A.56.200)
16 Sexual Exploitation (RCW 9.68A.040)
17 VIII Arson 1 (RCW 9A.48.020)
18 Commercial Sexual Abuse of a Minor
19 (RCW 9.68A.100)
20 Homicide by Watercraft, by the
21 operation of any vessel in a reckless
22 manner (RCW 79A.60.050)
23 Manslaughter 2 (RCW 9A.32.070)
24 Promoting Prostitution 1 (RCW
25 9A.88.070)
26 Theft of Ammonia (RCW 69.55.010)
27 VII Air bag diagnostic systems (causing
28 bodily injury or death) (RCW
29 46.37.660(2)(b))
30 Air bag replacement requirements
31 (causing bodily injury or death)
32 (RCW 46.37.660(1)(b))
33 Burglary 1 (RCW 9A.52.020)
34 Child Molestation 2 (RCW 9A.44.086)

1 Civil Disorder Training (RCW
2 9A.48.120)
3 Custodial Sexual Misconduct 1 (RCW
4 9A.44.160)
5 Dealing in depictions of minor engaged
6 in sexually explicit conduct 1
7 (RCW 9.68A.050(1))
8 Drive-by Shooting (RCW 9A.36.045)
9 False Reporting 1 (RCW
10 9A.84.040(2)(a))
11 Homicide by Watercraft, by disregard
12 for the safety of others (RCW
13 79A.60.050)
14 Indecent Liberties (without forcible
15 compulsion) (RCW 9A.44.100(1)
16 (b) and (c))
17 Introducing Contraband 1 (RCW
18 9A.76.140)
19 Malicious placement of an explosive 3
20 (RCW 70.74.270(3))
21 Manufacture or import counterfeit,
22 nonfunctional, damaged, or
23 previously deployed air bag
24 (causing bodily injury or death)
25 (RCW 46.37.650(1)(b))
26 Negligently Causing Death By Use of a
27 Signal Preemption Device (RCW
28 46.37.675)
29 Sell, install, or reinstall counterfeit,
30 nonfunctional, damaged, or
31 previously deployed airbag (RCW
32 46.37.650(2)(b))
33 Sending, bringing into state depictions
34 of minor engaged in sexually
35 explicit conduct 1 (RCW
36 9.68A.060(1))

1 Unlawful Possession of a Firearm in the
2 first degree (RCW 9A.10.040(1))
3 Use of a Machine Gun or Bump-fire
4 Stock in Commission of a Felony
5 (RCW 9A.10.225)
6 Vehicular Homicide, by disregard for
7 the safety of others (RCW
8 46.61.520)
9 VI Bail Jumping with Murder 1 (RCW
10 9A.76.170(3)(a))
11 Bribery (RCW 9A.68.010)
12 Incest 1 (RCW 9A.64.020(1))
13 Intimidating a Judge (RCW 9A.72.160)
14 Intimidating a Juror/Witness (RCW
15 9A.72.110, 9A.72.130)
16 Malicious placement of an imitation
17 device 2 (RCW 70.74.272(1)(b))
18 Possession of Depictions of a Minor
19 Engaged in Sexually Explicit
20 Conduct 1 (RCW 9.68A.070(1))
21 Rape of a Child 3 (RCW 9A.44.079)
22 Theft of a Firearm (RCW 9A.56.300)
23 Theft from a Vulnerable Adult 1 (RCW
24 9A.56.400(1))
25 Unlawful Storage of Ammonia (RCW
26 69.55.020)
27 V Abandonment of Dependent Person 2
28 (RCW 9A.42.070)
29 Advancing money or property for
30 extortionate extension of credit
31 (RCW 9A.82.030)
32 Air bag diagnostic systems (RCW
33 46.37.660(2)(c))
34 Air bag replacement requirements
35 (RCW 46.37.660(1)(c))

1 Bail Jumping with class A Felony
2 (RCW 9A.76.170(3)(b))
3 Child Molestation 3 (RCW 9A.44.089)
4 Criminal Mistreatment 2 (RCW
5 9A.42.030)
6 Custodial Sexual Misconduct 2 (RCW
7 9A.44.170)
8 Dealing in Depictions of Minor
9 Engaged in Sexually Explicit
10 Conduct 2 (RCW 9.68A.050(2))
11 Domestic Violence Court Order
12 Violation (RCW 7.105.450,
13 10.99.040, 10.99.050, 26.09.300,
14 26.26B.050, or 26.52.070)
15 Extortion 1 (RCW 9A.56.120)
16 Extortionate Extension of Credit (RCW
17 9A.82.020)
18 Extortionate Means to Collect
19 Extensions of Credit (RCW
20 9A.82.040)
21 Incest 2 (RCW 9A.64.020(2))
22 Kidnapping 2 (RCW 9A.40.030)
23 Manufacture or import counterfeit,
24 nonfunctional, damaged, or
25 previously deployed air bag (RCW
26 46.37.650(1)(c))
27 Perjury 1 (RCW 9A.72.020)
28 Persistent prison misbehavior (RCW
29 9.94.070)
30 Possession of a Stolen Firearm (RCW
31 9A.56.310)
32 Rape 3 (RCW 9A.44.060)
33 Rendering Criminal Assistance 1 (RCW
34 9A.76.070)

1 Sell, install, or reinstall counterfeit,
2 nonfunctional, damaged, or
3 previously deployed airbag (RCW
4 46.37.650(2)(c))
5 Sending, Bringing into State Depictions
6 of Minor Engaged in Sexually
7 Explicit Conduct 2 (RCW
8 9.68A.060(2))
9 Sexual Misconduct with a Minor 1
10 (RCW 9A.44.093)
11 Sexually Violating Human Remains
12 (RCW 9A.44.105)
13 Stalking (RCW 9A.46.110)
14 Taking Motor Vehicle Without
15 Permission 1 (RCW 9A.56.070)
16 IV Arson 2 (RCW 9A.48.030)
17 Assault 2 (RCW 9A.36.021)
18 Assault 3 (of a Peace Officer with a
19 Projectile Stun Gun) (RCW
20 9A.36.031(1)(h))
21 Assault 4 (third domestic violence
22 offense) (RCW 9A.36.041(3))
23 Assault by Watercraft (RCW
24 79A.60.060)
25 Bribing a Witness/Bribe Received by
26 Witness (RCW 9A.72.090,
27 9A.72.100)
28 Cheating 1 (RCW 9.46.1961)
29 Commercial Bribery (RCW 9A.68.060)
30 Counterfeiting (RCW 9.16.035(4))
31 Driving While Under the Influence
32 (RCW 46.61.502(6))
33 Endangerment with a Controlled
34 Substance (RCW 9A.42.100)
35 Escape 1 (RCW 9A.76.110)

1 Hate Crime (RCW 9A.36.080)
2 Hit and Run—Injury (RCW
3 46.52.020(4)(b))
4 Hit and Run with Vessel—Injury
5 Accident (RCW 79A.60.200(3))
6 Identity Theft 1 (RCW 9.35.020(2))
7 Indecent Exposure to Person Under Age
8 14 (subsequent sex offense) (RCW
9 9A.88.010)
10 Influencing Outcome of Sporting Event
11 (RCW 9A.82.070)
12 Physical Control of a Vehicle While
13 Under the Influence (RCW
14 46.61.504(6))
15 Possession of Depictions of a Minor
16 Engaged in Sexually Explicit
17 Conduct 2 (RCW 9.68A.070(2))
18 Residential Burglary (RCW 9A.52.025)
19 Robbery 2 (RCW 9A.56.210)
20 Theft of Livestock 1 (RCW 9A.56.080)
21 Threats to Bomb (RCW 9.61.160)
22 Trafficking in Catalytic Converters 1
23 (RCW 9A.82.190)
24 Trafficking in Stolen Property 1 (RCW
25 9A.82.050)
26 Unlawful factoring of a credit card or
27 payment card transaction (RCW
28 9A.56.290(4)(b))
29 Unlawful transaction of health coverage
30 as a health care service contractor
31 (RCW 48.44.016(3))
32 Unlawful transaction of health coverage
33 as a health maintenance
34 organization (RCW 48.46.033(3))
35 Unlawful transaction of insurance
36 business (RCW 48.15.023(3))

1 Unlicensed practice as an insurance
2 professional (RCW 48.17.063(2))
3 Use of Proceeds of Criminal
4 Profiteering (RCW 9A.82.080 (1)
5 and (2))
6 Vehicle Prowling 2 (third or subsequent
7 offense) (RCW 9A.52.100(3))
8 Vehicular Assault, by being under the
9 influence of intoxicating liquor or
10 any drug, or by the operation or
11 driving of a vehicle in a reckless
12 manner (RCW 46.61.522)
13 Viewing of Depictions of a Minor
14 Engaged in Sexually Explicit
15 Conduct 1 (RCW 9.68A.075(1))
16 III Animal Cruelty 1 (RCW 16.52.205)
17 Assault 3 (Except Assault 3 of a Peace
18 Officer With a Projectile Stun Gun)
19 (RCW 9A.36.031 except subsection
20 (1)(h))
21 Assault of a Child 3 (RCW 9A.36.140)
22 Bail Jumping with class B or C Felony
23 (RCW 9A.76.170(3)(c))
24 Burglary 2 (RCW 9A.52.030)
25 Communication with a Minor for
26 Immoral Purposes (RCW
27 9.68A.090)
28 Criminal Gang Intimidation (RCW
29 9A.46.120)
30 Custodial Assault (RCW 9A.36.100)
31 Cyber Harassment (RCW
32 9A.90.120(2)(b))
33 Escape 2 (RCW 9A.76.120)
34 Extortion 2 (RCW 9A.56.130)
35 False Reporting 2 (RCW
36 9A.84.040(2)(b))

1 Harassment (RCW 9A.46.020)
2 Hazing (RCW 28B.10.901(2)(b))
3 Intimidating a Public Servant (RCW
4 9A.76.180)
5 Introducing Contraband 2 (RCW
6 9A.76.150)
7 Malicious Injury to Railroad Property
8 (RCW 81.60.070)
9 Manufacture of Untraceable Firearm
10 with Intent to Sell (RCW 9.41.190)
11 Manufacture or Assembly of an
12 Undetectable Firearm or
13 Untraceable Firearm (RCW
14 9.41.325)
15 Mortgage Fraud (RCW 19.144.080)
16 Negligently Causing Substantial Bodily
17 Harm By Use of a Signal
18 Preemption Device (RCW
19 46.37.674)
20 Organized Retail Theft 1 (RCW
21 9A.56.350(2))
22 Perjury 2 (RCW 9A.72.030)
23 Possession of Incendiary Device (RCW
24 9.40.120)
25 Possession of Machine Gun, Bump-Fire
26 Stock, Undetectable Firearm, or
27 Short-Barreled Shotgun or Rifle
28 (RCW 9.41.190)
29 Promoting Prostitution 2 (RCW
30 9A.88.080)
31 Retail Theft with Special Circumstances
32 1 (RCW 9A.56.360(2))
33 Securities Act violation (RCW
34 21.20.400)
35 Tampering with a Witness (RCW
36 9A.72.120)

1 Telephone Harassment (subsequent
2 conviction or threat of death)
3 (RCW 9A.61.230(2))
4 Theft of Livestock 2 (RCW 9A.56.083)
5 Theft with the Intent to Resell 1 (RCW
6 9A.56.340(2))
7 Trafficking in Catalytic Converters 2
8 (RCW 9A.82.200)
9 Trafficking in Stolen Property 2 (RCW
10 9A.82.055)
11 Unlawful Hunting of Big Game 1
12 (RCW 77.15.410(3)(b))
13 Unlawful Imprisonment (RCW
14 9A.40.040)
15 Unlawful Misbranding of Fish or
16 Shellfish 1 (RCW 77.140.060(3))
17 Unlawful possession of firearm in the
18 second degree (RCW 9.41.040(2))
19 Unlawful Taking of Endangered Fish or
20 Wildlife 1 (RCW 77.15.120(3)(b))
21 Unlawful Trafficking in Fish, Shellfish,
22 or Wildlife 1 (RCW
23 77.15.260(3)(b))
24 Unlawful Use of a Nondesignated
25 Vessel (RCW 77.15.530(4))
26 Vehicular Assault, by the operation or
27 driving of a vehicle with disregard
28 for the safety of others (RCW
29 46.61.522)
30 II Commercial Fishing Without a License
31 1 (RCW 77.15.500(3)(b))
32 Computer Trespass 1 (RCW 9A.90.040)
33 Counterfeiting (RCW 9.16.035(3))
34 Electronic Data Service Interference
35 (RCW 9A.90.060)

1 Electronic Data Tampering 1 (RCW
2 9A.90.080)
3 Electronic Data Theft (RCW
4 9A.90.100)
5 Engaging in Fish Dealing Activity
6 Unlicensed 1 (RCW 77.15.620(3))
7 Escape from Community Custody
8 (RCW 72.09.310)
9 ~~((Failure to Register as a Sex Offender~~
10 ~~(second or subsequent offense)~~
11 ~~(RCW 9A.44.130 prior to June 10,~~
12 ~~2010, and RCW 9A.44.132)))~~
13 Health Care False Claims (RCW
14 48.80.030)
15 Identity Theft 2 (RCW 9.35.020(3))
16 Improperly Obtaining Financial
17 Information (RCW 9.35.010)
18 Malicious Mischief 1 (RCW 9A.48.070)
19 Organized Retail Theft 2 (RCW
20 9A.56.350(3))
21 Possession of Stolen Property 1 (RCW
22 9A.56.150)
23 Possession of a Stolen Vehicle (RCW
24 9A.56.068)
25 Possession, sale, or offering for sale of
26 seven or more unmarked catalytic
27 converters (RCW 9A.82.180(5))
28 Retail Theft with Special Circumstances
29 2 (RCW 9A.56.360(3))
30 Scrap Processing, Recycling, or
31 Supplying Without a License
32 (second or subsequent offense)
33 (RCW 19.290.100)
34 Theft 1 (RCW 9A.56.030)
35 Theft of a Motor Vehicle (RCW
36 9A.56.065)

1 Theft of Rental, Leased, Lease-
2 purchased, or Loaned Property
3 (valued at \$5,000 or more) (RCW
4 9A.56.096(5)(a))
5 Theft with the Intent to Resell 2 (RCW
6 9A.56.340(3))
7 Trafficking in Insurance Claims (RCW
8 48.30A.015)
9 Unlawful factoring of a credit card or
10 payment card transaction (RCW
11 9A.56.290(4)(a))
12 Unlawful Participation of Non-Indians
13 in Indian Fishery (RCW
14 77.15.570(2))
15 Unlawful Practice of Law (RCW
16 2.48.180)
17 Unlawful Purchase or Use of a License
18 (RCW 77.15.650(3)(b))
19 Unlawful Trafficking in Fish, Shellfish,
20 or Wildlife 2 (RCW
21 77.15.260(3)(a))
22 Unlicensed Practice of a Profession or
23 Business (RCW 18.130.190(7))
24 Voyeurism 1 (RCW 9A.44.115)
25 I Attempting to Elude a Pursuing Police
26 Vehicle (RCW 46.61.024)
27 False Verification for Welfare (RCW
28 74.08.055)
29 Forgery (RCW 9A.60.020)
30 Fraudulent Creation or Revocation of a
31 Mental Health Advance Directive
32 (RCW 9A.60.060)
33 Malicious Mischief 2 (RCW 9A.48.080)
34 Mineral Trespass (RCW 78.44.330)
35 Possession of Stolen Property 2 (RCW
36 9A.56.160)

1 Reckless Burning 1 (RCW 9A.48.040)
2 Spotlighting Big Game 1 (RCW
3 77.15.450(3)(b))
4 Suspension of Department Privileges 1
5 (RCW 77.15.670(3)(b))
6 Taking Motor Vehicle Without
7 Permission 2 (RCW 9A.56.075)
8 Theft 2 (RCW 9A.56.040)
9 Theft from a Vulnerable Adult 2 (RCW
10 9A.56.400(2))
11 Theft of Rental, Leased, Lease-
12 purchased, or Loaned Property
13 (valued at \$750 or more but less
14 than \$5,000) (RCW
15 9A.56.096(5)(b))
16 Transaction of insurance business
17 beyond the scope of licensure
18 (RCW 48.17.063)
19 Unlawful Fish and Shellfish Catch
20 Accounting (RCW 77.15.630(3)(b))
21 Unlawful Issuance of Checks or Drafts
22 (RCW 9A.56.060)
23 Unlawful Possession of Fictitious
24 Identification (RCW 9A.56.320)
25 Unlawful Possession of Instruments of
26 Financial Fraud (RCW 9A.56.320)
27 Unlawful Possession of Payment
28 Instruments (RCW 9A.56.320)
29 Unlawful Possession of a Personal
30 Identification Device (RCW
31 9A.56.320)
32 Unlawful Production of Payment
33 Instruments (RCW 9A.56.320)

1 Unlawful Releasing, Planting,
2 Possessing, or Placing Deleterious
3 Exotic Wildlife (RCW
4 77.15.250(2)(b))
5 Unlawful Trafficking in Food Stamps
6 (RCW 9.91.142)
7 Unlawful Use of Food Stamps (RCW
8 9.91.144)
9 Unlawful Use of Net to Take Fish 1
10 (RCW 77.15.580(3)(b))
11 Vehicle Prowl 1 (RCW 9A.52.095)
12 Violating Commercial Fishing Area or
13 Time 1 (RCW 77.15.550(3)(b))

14 **Sec. 2.** RCW 9A.44.132 and 2023 c 150 s 6 are each amended to
15 read as follows:

16 (1) A person commits the crime of failure to register as a sex
17 offender if the person has a duty to register under RCW 9A.44.130 for
18 a felony sex offense and knowingly fails to comply with any of the
19 requirements of RCW 9A.44.130.

20 (a) The failure to register as a sex offender pursuant to this
21 subsection is a class C felony if the person has a duty to register
22 under RCW 9A.44.130(1) (a) (~~and:~~

23 ~~(i) It is the person's first conviction for a felony failure to~~
24 ~~register; or~~

25 ~~(ii) The person has previously been convicted of a felony failure~~
26 ~~to register as a sex offender in this state or pursuant to the laws~~
27 ~~of another state, or pursuant to federal law.~~

28 ~~(b) If a person has a duty to register under RCW 9A.44.130(1) (a)~~
29 ~~and has been convicted of a felony failure to register as a sex~~
30 ~~offender in this state or pursuant to the laws of another state, or~~
31 ~~pursuant to federal law, on two or more prior occasions, the failure~~
32 ~~to register under this subsection is a class B felony)).~~

33 ~~((e))~~ (b) The failure to register as a sex offender is a gross
34 misdemeanor if the person has a duty to register under RCW
35 9A.44.130(1) (b).

36 (2) A person is guilty of failure to register as a sex offender
37 if the person has a duty to register under RCW 9A.44.130 for a sex

1 offense other than a felony and knowingly fails to comply with any of
2 the requirements of RCW 9A.44.130. The failure to register as a sex
3 offender under this subsection is a gross misdemeanor.

4 (3) A person commits the crime of failure to register as a
5 kidnapping offender if the person has a duty to register under RCW
6 9A.44.130 for a kidnapping offense and knowingly fails to comply with
7 any of the requirements of RCW 9A.44.130.

8 (a) If the person has a duty to register for a felony kidnapping
9 offense, the failure to register as a kidnapping offender is a class
10 C felony.

11 (b) If the person has a duty to register for a kidnapping offense
12 other than a felony, the failure to register as a kidnapping offender
13 is a gross misdemeanor.

14 (4) Unless relieved of the duty to register pursuant to RCW
15 9A.44.141 and 9A.44.142, a violation of this section is an ongoing
16 offense for purposes of the statute of limitations under RCW
17 9A.04.080.

18 **Sec. 3.** RCW 9.94A.030 and 2022 c 231 s 11 are each amended to
19 read as follows:

20 Unless the context clearly requires otherwise, the definitions in
21 this section apply throughout this chapter.

22 (1) "Board" means the indeterminate sentence review board created
23 under chapter 9.95 RCW.

24 (2) "Collect," or any derivative thereof, "collect and remit," or
25 "collect and deliver," when used with reference to the department,
26 means that the department, either directly or through a collection
27 agreement authorized by RCW 9.94A.760, is responsible for monitoring
28 and enforcing the offender's sentence with regard to the legal
29 financial obligation, receiving payment thereof from the offender,
30 and, consistent with current law, delivering daily the entire payment
31 to the superior court clerk without depositing it in a departmental
32 account.

33 (3) "Commission" means the sentencing guidelines commission.

34 (4) "Community corrections officer" means an employee of the
35 department who is responsible for carrying out specific duties in
36 supervision of sentenced offenders and monitoring of sentence
37 conditions.

38 (5) "Community custody" means that portion of an offender's
39 sentence of confinement in lieu of earned release time or imposed as

1 part of a sentence under this chapter and served in the community
2 subject to controls placed on the offender's movement and activities
3 by the department.

4 (6) "Community protection zone" means the area within 880 feet of
5 the facilities and grounds of a public or private school.

6 (7) "Community restitution" means compulsory service, without
7 compensation, performed for the benefit of the community by the
8 offender.

9 (8) "Confinement" means total or partial confinement.

10 (9) "Conviction" means an adjudication of guilt pursuant to Title
11 10 or 13 RCW and includes a verdict of guilty, a finding of guilty,
12 and acceptance of a plea of guilty.

13 (10) "Crime-related prohibition" means an order of a court
14 prohibiting conduct that directly relates to the circumstances of the
15 crime for which the offender has been convicted, and shall not be
16 construed to mean orders directing an offender affirmatively to
17 participate in rehabilitative programs or to otherwise perform
18 affirmative conduct. However, affirmative acts necessary to monitor
19 compliance with the order of a court may be required by the
20 department.

21 (11) "Criminal history" means the list of a defendant's prior
22 convictions and juvenile adjudications, whether in this state, in
23 federal court, or elsewhere, and any issued certificates of
24 restoration of opportunity pursuant to RCW 9.97.020.

25 (a) The history shall include, where known, for each conviction
26 (i) whether the defendant has been placed on probation and the length
27 and terms thereof; and (ii) whether the defendant has been
28 incarcerated and the length of incarceration.

29 (b) A conviction may be removed from a defendant's criminal
30 history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640,
31 9.95.240, or a similar out-of-state statute, or if the conviction has
32 been vacated pursuant to a governor's pardon. However, when a
33 defendant is charged with a recidivist offense, "criminal history"
34 includes a vacated prior conviction for the sole purpose of
35 establishing that such vacated prior conviction constitutes an
36 element of the present recidivist offense as provided in RCW
37 9.94A.640(4)(b) and 9.96.060(~~(+7)~~) (8)(c).

38 (c) The determination of a defendant's criminal history is
39 distinct from the determination of an offender score. A prior
40 conviction that was not included in an offender score calculated

1 pursuant to a former version of the sentencing reform act remains
2 part of the defendant's criminal history.

3 (12) "Criminal street gang" means any ongoing organization,
4 association, or group of three or more persons, whether formal or
5 informal, having a common name or common identifying sign or symbol,
6 having as one of its primary activities the commission of criminal
7 acts, and whose members or associates individually or collectively
8 engage in or have engaged in a pattern of criminal street gang
9 activity. This definition does not apply to employees engaged in
10 concerted activities for their mutual aid and protection, or to the
11 activities of labor and bona fide nonprofit organizations or their
12 members or agents.

13 (13) "Criminal street gang associate or member" means any person
14 who actively participates in any criminal street gang and who
15 intentionally promotes, furthers, or assists in any criminal act by
16 the criminal street gang.

17 (14) "Criminal street gang-related offense" means any felony or
18 misdemeanor offense, whether in this state or elsewhere, that is
19 committed for the benefit of, at the direction of, or in association
20 with any criminal street gang, or is committed with the intent to
21 promote, further, or assist in any criminal conduct by the gang, or
22 is committed for one or more of the following reasons:

23 (a) To gain admission, prestige, or promotion within the gang;

24 (b) To increase or maintain the gang's size, membership,
25 prestige, dominance, or control in any geographical area;

26 (c) To exact revenge or retribution for the gang or any member of
27 the gang;

28 (d) To obstruct justice, or intimidate or eliminate any witness
29 against the gang or any member of the gang;

30 (e) To directly or indirectly cause any benefit, aggrandizement,
31 gain, profit, or other advantage for the gang, its reputation,
32 influence, or membership; or

33 (f) To provide the gang with any advantage in, or any control or
34 dominance over any criminal market sector, including, but not limited
35 to, manufacturing, delivering, or selling any controlled substance
36 (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen
37 property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88
38 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual
39 abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter
40 9.68 RCW).

1 (15) "Day fine" means a fine imposed by the sentencing court that
2 equals the difference between the offender's net daily income and the
3 reasonable obligations that the offender has for the support of the
4 offender and any dependents.

5 (16) "Day reporting" means a program of enhanced supervision
6 designed to monitor the offender's daily activities and compliance
7 with sentence conditions, and in which the offender is required to
8 report daily to a specific location designated by the department or
9 the sentencing court.

10 (17) "Department" means the department of corrections.

11 (18) "Determinate sentence" means a sentence that states with
12 exactitude the number of actual years, months, or days of total
13 confinement, of partial confinement, of community custody, the number
14 of actual hours or days of community restitution work, or dollars or
15 terms of a legal financial obligation. The fact that an offender
16 through earned release can reduce the actual period of confinement
17 shall not affect the classification of the sentence as a determinate
18 sentence.

19 (19) "Disposable earnings" means that part of the earnings of an
20 offender remaining after the deduction from those earnings of any
21 amount required by law to be withheld. For the purposes of this
22 definition, "earnings" means compensation paid or payable for
23 personal services, whether denominated as wages, salary, commission,
24 bonuses, or otherwise, and, notwithstanding any other provision of
25 law making the payments exempt from garnishment, attachment, or other
26 process to satisfy a court-ordered legal financial obligation,
27 specifically includes periodic payments pursuant to pension or
28 retirement programs, or insurance policies of any type, but does not
29 include payments made under Title 50 RCW, except as provided in RCW
30 50.40.020 and 50.40.050, or Title 74 RCW.

31 (20)(a) "Domestic violence" has the same meaning as defined in
32 RCW 10.99.020.

33 (b) "Domestic violence" also means: (i) Physical harm, bodily
34 injury, assault, or the infliction of fear of imminent physical harm,
35 bodily injury, or assault, sexual assault, or stalking, as defined in
36 RCW 9A.46.110, of one intimate partner by another intimate partner as
37 defined in RCW 10.99.020; or (ii) physical harm, bodily injury,
38 assault, or the infliction of fear of imminent physical harm, bodily
39 injury, or assault, sexual assault, or stalking, as defined in RCW

1 9A.46.110, of one family or household member by another family or
2 household member as defined in RCW 10.99.020.

3 (21) "Drug offender sentencing alternative" is a sentencing
4 option available to persons convicted of a felony offense who are
5 eligible for the option under RCW 9.94A.660.

6 (22) "Drug offense" means:

7 (a) Any felony violation of chapter 69.50 RCW except possession
8 of a controlled substance (RCW 69.50.4013) or forged prescription for
9 a controlled substance (RCW 69.50.403);

10 (b) Any offense defined as a felony under federal law that
11 relates to the possession, manufacture, distribution, or
12 transportation of a controlled substance; or

13 (c) Any out-of-state conviction for an offense that under the
14 laws of this state would be a felony classified as a drug offense
15 under (a) of this subsection.

16 (23) "Earned release" means earned release from confinement as
17 provided in RCW 9.94A.728.

18 (24) "Electronic monitoring" means tracking the location of an
19 individual through the use of technology that is capable of
20 determining or identifying the monitored individual's presence or
21 absence at a particular location including, but not limited to:

22 (a) Radio frequency signaling technology, which detects if the
23 monitored individual is or is not at an approved location and
24 notifies the monitoring agency of the time that the monitored
25 individual either leaves the approved location or tampers with or
26 removes the monitoring device; or

27 (b) Active or passive global positioning system technology, which
28 detects the location of the monitored individual and notifies the
29 monitoring agency of the monitored individual's location and which
30 may also include electronic monitoring with victim notification
31 technology that is capable of notifying a victim or protected party,
32 either directly or through a monitoring agency, if the monitored
33 individual enters within the restricted distance of a victim or
34 protected party, or within the restricted distance of a designated
35 location.

36 (25) "Escape" means:

37 (a) Sexually violent predator escape (RCW 9A.76.115), escape in
38 the first degree (RCW 9A.76.110), escape in the second degree (RCW
39 9A.76.120), willful failure to return from furlough (RCW 72.66.060),
40 willful failure to return from work release (RCW 72.65.070), or

1 willful failure to be available for supervision by the department
2 while in community custody (RCW 72.09.310); or

3 (b) Any federal or out-of-state conviction for an offense that
4 under the laws of this state would be a felony classified as an
5 escape under (a) of this subsection.

6 (26) "Felony traffic offense" means:

7 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW
8 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-
9 run injury-accident (RCW 46.52.020(4)), felony driving while under
10 the influence of intoxicating liquor or any drug (RCW 46.61.502(6)),
11 or felony physical control of a vehicle while under the influence of
12 intoxicating liquor or any drug (RCW 46.61.504(6)); or

13 (b) Any federal or out-of-state conviction for an offense that
14 under the laws of this state would be a felony classified as a felony
15 traffic offense under (a) of this subsection.

16 (27) "Fine" means a specific sum of money ordered by the
17 sentencing court to be paid by the offender to the court over a
18 specific period of time.

19 (28) "First-time offender" means any person who has no prior
20 convictions for a felony and is eligible for the first-time offender
21 waiver under RCW 9.94A.650.

22 (29) "Home detention" is a subset of electronic monitoring and
23 means a program of partial confinement available to offenders wherein
24 the offender is confined in a private residence 24 hours a day,
25 unless an absence from the residence is approved, authorized, or
26 otherwise permitted in the order by the court or other supervising
27 agency that ordered home detention, and the offender is subject to
28 electronic monitoring.

29 (30) "Homelessness" or "homeless" means a condition where an
30 individual lacks a fixed, regular, and adequate nighttime residence
31 and who has a primary nighttime residence that is:

32 (a) A supervised, publicly or privately operated shelter designed
33 to provide temporary living accommodations;

34 (b) A public or private place not designed for, or ordinarily
35 used as, a regular sleeping accommodation for human beings; or

36 (c) A private residence where the individual stays as a transient
37 invitee.

38 (31) "Legal financial obligation" means a sum of money that is
39 ordered by a superior court of the state of Washington for legal
40 financial obligations which may include restitution to the victim,

1 statutorily imposed crime victims' compensation fees as assessed
2 pursuant to RCW 7.68.035, court costs, county or interlocal drug
3 funds, court-appointed attorneys' fees, and costs of defense, fines,
4 and any other financial obligation that is assessed to the offender
5 as a result of a felony conviction. Upon conviction for vehicular
6 assault while under the influence of intoxicating liquor or any drug,
7 RCW 46.61.522(1)(b), or vehicular homicide while under the influence
8 of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal
9 financial obligations may also include payment to a public agency of
10 the expense of an emergency response to the incident resulting in the
11 conviction, subject to RCW 38.52.430.

12 (32) "Most serious offense" means any of the following felonies
13 or a felony attempt to commit any of the following felonies:

14 (a) Any felony defined under any law as a class A felony or
15 criminal solicitation of or criminal conspiracy to commit a class A
16 felony;

17 (b) Assault in the second degree;

18 (c) Assault of a child in the second degree;

19 (d) Child molestation in the second degree;

20 (e) Controlled substance homicide;

21 (f) Extortion in the first degree;

22 (g) Incest when committed against a child under age 14;

23 (h) Indecent liberties;

24 (i) Kidnapping in the second degree;

25 (j) Leading organized crime;

26 (k) Manslaughter in the first degree;

27 (l) Manslaughter in the second degree;

28 (m) Promoting prostitution in the first degree;

29 (n) Rape in the third degree;

30 (o) Sexual exploitation;

31 (p) Vehicular assault, when caused by the operation or driving of
32 a vehicle by a person while under the influence of intoxicating
33 liquor or any drug or by the operation or driving of a vehicle in a
34 reckless manner;

35 (q) Vehicular homicide, when proximately caused by the driving of
36 any vehicle by any person while under the influence of intoxicating
37 liquor or any drug as defined by RCW 46.61.502, or by the operation
38 of any vehicle in a reckless manner;

39 (r) Any other class B felony offense with a finding of sexual
40 motivation;

1 (s) Any other felony with a deadly weapon verdict under RCW
2 9.94A.825;

3 (t) Any felony offense in effect at any time prior to December 2,
4 1993, that is comparable to a most serious offense under this
5 subsection, or any federal or out-of-state conviction for an offense
6 that under the laws of this state would be a felony classified as a
7 most serious offense under this subsection;

8 (u)(i) A prior conviction for indecent liberties under RCW
9 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex.
10 sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b),
11 and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW
12 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986,
13 until July 1, 1988;

14 (ii) A prior conviction for indecent liberties under RCW
15 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988,
16 if: (A) The crime was committed against a child under the age of 14;
17 or (B) the relationship between the victim and perpetrator is
18 included in the definition of indecent liberties under RCW
19 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27,
20 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25,
21 1993, through July 27, 1997;

22 (v) Any out-of-state conviction for a felony offense with a
23 finding of sexual motivation if the minimum sentence imposed was 10
24 years or more; provided that the out-of-state felony offense must be
25 comparable to a felony offense under this title and Title 9A RCW and
26 the out-of-state definition of sexual motivation must be comparable
27 to the definition of sexual motivation contained in this section.

28 (33) "Nonviolent offense" means an offense which is not a violent
29 offense.

30 (34) "Offender" means a person who has committed a felony
31 established by state law and is 18 years of age or older or is less
32 than 18 years of age but whose case is under superior court
33 jurisdiction under RCW 13.04.030 or has been transferred by the
34 appropriate juvenile court to a criminal court pursuant to RCW
35 13.40.110. In addition, for the purpose of community custody
36 requirements under this chapter, "offender" also means a misdemeanor
37 or gross misdemeanor probationer ordered by a superior court to
38 probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and
39 supervised by the department pursuant to RCW 9.94A.501 and

1 9.94A.5011. Throughout this chapter, the terms "offender" and
2 "defendant" are used interchangeably.

3 (35) "Partial confinement" means confinement for no more than one
4 year in a facility or institution operated or utilized under contract
5 by the state or any other unit of government, or, if home detention,
6 electronic monitoring, or work crew has been ordered by the court or
7 home detention has been ordered by the department as part of the
8 parenting program or the graduated reentry program, in an approved
9 residence, for a substantial portion of each day with the balance of
10 the day spent in the community. Partial confinement includes work
11 release, home detention, work crew, electronic monitoring, and a
12 combination of work crew, electronic monitoring, and home detention.

13 (36) "Pattern of criminal street gang activity" means:

14 (a) The commission, attempt, conspiracy, or solicitation of, or
15 any prior juvenile adjudication of or adult conviction of, two or
16 more of the following criminal street gang-related offenses:

17 (i) Any "serious violent" felony offense as defined in this
18 section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a
19 Child 1 (RCW 9A.36.120);

20 (ii) Any "violent" offense as defined by this section, excluding
21 Assault of a Child 2 (RCW 9A.36.130);

22 (iii) Deliver or Possession with Intent to Deliver a Controlled
23 Substance (chapter 69.50 RCW);

24 (iv) Any violation of the firearms and dangerous weapon act
25 (chapter 9.41 RCW);

26 (v) Theft of a Firearm (RCW 9A.56.300);

27 (vi) Possession of a Stolen Firearm (RCW 9A.56.310);

28 (vii) Hate Crime (RCW 9A.36.080);

29 (viii) Harassment where a subsequent violation or deadly threat
30 is made (RCW 9A.46.020(2)(b));

31 (ix) Criminal Gang Intimidation (RCW 9A.46.120);

32 (x) Any felony conviction by a person 18 years of age or older
33 with a special finding of involving a juvenile in a felony offense
34 under RCW 9.94A.833;

35 (xi) Residential Burglary (RCW 9A.52.025);

36 (xii) Burglary 2 (RCW 9A.52.030);

37 (xiii) Malicious Mischief 1 (RCW 9A.48.070);

38 (xiv) Malicious Mischief 2 (RCW 9A.48.080);

39 (xv) Theft of a Motor Vehicle (RCW 9A.56.065);

40 (xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);

1 (xvii) Taking a Motor Vehicle Without Permission 1 (RCW
2 9A.56.070);

3 (xviii) Taking a Motor Vehicle Without Permission 2 (RCW
4 9A.56.075);

5 (xix) Extortion 1 (RCW 9A.56.120);

6 (xx) Extortion 2 (RCW 9A.56.130);

7 (xxi) Intimidating a Witness (RCW 9A.72.110);

8 (xxii) Tampering with a Witness (RCW 9A.72.120);

9 (xxiii) Reckless Endangerment (RCW 9A.36.050);

10 (xxiv) Coercion (RCW 9A.36.070);

11 (xxv) Harassment (RCW 9A.46.020); or

12 (xxvi) Malicious Mischief 3 (RCW 9A.48.090);

13 (b) That at least one of the offenses listed in (a) of this
14 subsection shall have occurred after July 1, 2008;

15 (c) That the most recent committed offense listed in (a) of this
16 subsection occurred within three years of a prior offense listed in
17 (a) of this subsection; and

18 (d) Of the offenses that were committed in (a) of this
19 subsection, the offenses occurred on separate occasions or were
20 committed by two or more persons.

21 (37) "Persistent offender" is an offender who:

22 (a) (i) Has been convicted in this state of any felony considered
23 a most serious offense; and

24 (ii) Has, before the commission of the offense under (a) of this
25 subsection, been convicted as an offender on at least two separate
26 occasions, whether in this state or elsewhere, of felonies that under
27 the laws of this state would be considered most serious offenses and
28 would be included in the offender score under RCW 9.94A.525; provided
29 that of the two or more previous convictions, at least one conviction
30 must have occurred before the commission of any of the other most
31 serious offenses for which the offender was previously convicted; or

32 (b) (i) Has been convicted of: (A) Rape in the first degree, rape
33 of a child in the first degree, child molestation in the first
34 degree, rape in the second degree, rape of a child in the second
35 degree, or indecent liberties by forcible compulsion; (B) any of the
36 following offenses with a finding of sexual motivation: Murder in the
37 first degree, murder in the second degree, homicide by abuse,
38 kidnapping in the first degree, kidnapping in the second degree,
39 assault in the first degree, assault in the second degree, assault of
40 a child in the first degree, assault of a child in the second degree,

1 or burglary in the first degree; or (C) an attempt to commit any
2 crime listed in this subsection (37)(b)(i); and

3 (ii) Has, before the commission of the offense under (b)(i) of
4 this subsection, been convicted as an offender on at least one
5 occasion, whether in this state or elsewhere, of an offense listed in
6 (b)(i) of this subsection or any federal or out-of-state offense or
7 offense under prior Washington law that is comparable to the offenses
8 listed in (b)(i) of this subsection. A conviction for rape of a child
9 in the first degree constitutes a conviction under (b)(i) of this
10 subsection only when the offender was 16 years of age or older when
11 the offender committed the offense. A conviction for rape of a child
12 in the second degree constitutes a conviction under (b)(i) of this
13 subsection only when the offender was 18 years of age or older when
14 the offender committed the offense.

15 (38) "Predatory" means: (a) The perpetrator of the crime was a
16 stranger to the victim, as defined in this section; (b) the
17 perpetrator established or promoted a relationship with the victim
18 prior to the offense and the victimization of the victim was a
19 significant reason the perpetrator established or promoted the
20 relationship; or (c) the perpetrator was: (i) A teacher, counselor,
21 volunteer, or other person in authority in any public or private
22 school and the victim was a student of the school under his or her
23 authority or supervision. For purposes of this subsection, "school"
24 does not include home-based instruction as defined in RCW
25 28A.225.010; (ii) a coach, trainer, volunteer, or other person in
26 authority in any recreational activity and the victim was a
27 participant in the activity under his or her authority or
28 supervision; (iii) a pastor, elder, volunteer, or other person in
29 authority in any church or religious organization, and the victim was
30 a member or participant of the organization under his or her
31 authority; or (iv) a teacher, counselor, volunteer, or other person
32 in authority providing home-based instruction and the victim was a
33 student receiving home-based instruction while under his or her
34 authority or supervision. For purposes of this subsection: (A) "Home-
35 based instruction" has the same meaning as defined in RCW
36 28A.225.010; and (B) "teacher, counselor, volunteer, or other person
37 in authority" does not include the parent or legal guardian of the
38 victim.

39 (39) "Private school" means a school regulated under chapter
40 28A.195 or 28A.205 RCW.

1 (40) "Public school" has the same meaning as in RCW 28A.150.010.

2 (41) "Recidivist offense" means a felony offense where a prior
3 conviction of the same offense or other specified offense is an
4 element of the crime including, but not limited to:

5 (a) Assault in the fourth degree where domestic violence is
6 pleaded and proven, RCW 9A.36.041(3);

7 (b) Cyber harassment, RCW 9A.90.120(2)(b)(i);

8 (c) Harassment, RCW 9A.46.020(2)(b)(i);

9 (d) Indecent exposure, RCW 9A.88.010(2)(c);

10 (e) Stalking, RCW 9A.46.110(5)(b)(i) and (iii);

11 (f) Telephone harassment, RCW 9.61.230(2)(a); and

12 (g) Violation of a no-contact or protection order, RCW 7.105.450
13 or former RCW 26.50.110(5).

14 (42) "Repetitive domestic violence offense" means any:

15 (a)(i) Domestic violence assault that is not a felony offense
16 under RCW 9A.36.041;

17 (ii) Domestic violence violation of a no-contact order under
18 chapter 10.99 RCW that is not a felony offense;

19 (iii) Domestic violence violation of a protection order under
20 chapter 26.09, 26.26A, or 26.26B RCW or former chapter 26.50 RCW, or
21 violation of a domestic violence protection order under chapter 7.105
22 RCW, that is not a felony offense;

23 (iv) Domestic violence harassment offense under RCW 9A.46.020
24 that is not a felony offense; or

25 (v) Domestic violence stalking offense under RCW 9A.46.110 that
26 is not a felony offense; or

27 (b) Any federal, out-of-state, tribal court, military, county, or
28 municipal conviction for an offense that under the laws of this state
29 would be classified as a repetitive domestic violence offense under
30 (a) of this subsection.

31 (43) "Restitution" means a specific sum of money ordered by the
32 sentencing court to be paid by the offender to the court over a
33 specified period of time as payment of damages. The sum may include
34 both public and private costs.

35 (44) "Risk assessment" means the application of the risk
36 instrument recommended to the department by the Washington state
37 institute for public policy as having the highest degree of
38 predictive accuracy for assessing an offender's risk of reoffense.

39 (45) "Serious traffic offense" means:

1 (a) Nonfelony driving while under the influence of intoxicating
2 liquor or any drug (RCW 46.61.502), nonfelony actual physical control
3 while under the influence of intoxicating liquor or any drug (RCW
4 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an
5 attended vehicle (RCW 46.52.020(5)); or

6 (b) Any federal, out-of-state, county, or municipal conviction
7 for an offense that under the laws of this state would be classified
8 as a serious traffic offense under (a) of this subsection.

9 (46) "Serious violent offense" is a subcategory of violent
10 offense and means:

11 (a)(i) Murder in the first degree;

12 (ii) Homicide by abuse;

13 (iii) Murder in the second degree;

14 (iv) Manslaughter in the first degree;

15 (v) Assault in the first degree;

16 (vi) Kidnapping in the first degree;

17 (vii) Rape in the first degree;

18 (viii) Assault of a child in the first degree; or

19 (ix) An attempt, criminal solicitation, or criminal conspiracy to
20 commit one of these felonies; or

21 (b) Any federal or out-of-state conviction for an offense that
22 under the laws of this state would be a felony classified as a
23 serious violent offense under (a) of this subsection.

24 (47) "Sex offense" means:

25 (a)(i) A felony that is a violation of chapter 9A.44 RCW other
26 than RCW 9A.44.132;

27 (ii) A violation of RCW 9A.64.020;

28 (iii) A felony that is a violation of chapter 9.68A RCW other
29 than RCW 9.68A.080; or

30 (iv) A felony that is, under chapter 9A.28 RCW, a criminal
31 attempt, criminal solicitation, or criminal conspiracy to commit such
32 crimes (~~;~~ ~~or~~

33 ~~(v) A felony violation of RCW 9A.44.132(1) (failure to register~~
34 ~~as a sex offender) if the person has been convicted of violating RCW~~
35 ~~9A.44.132(1) (failure to register as a sex offender) or 9A.44.130~~
36 ~~prior to June 10, 2010, on at least one prior occasion));~~

37 (b) Any conviction for a felony offense in effect at any time
38 prior to July 1, 1976, that is comparable to a felony classified as a
39 sex offense in (a) of this subsection;

1 (c) A felony with a finding of sexual motivation under RCW
2 9.94A.835 or 13.40.135; or

3 (d) Any federal or out-of-state conviction for an offense that
4 under the laws of this state would be a felony classified as a sex
5 offense under (a) of this subsection.

6 (48) "Sexual motivation" means that one of the purposes for which
7 the defendant committed the crime was for the purpose of his or her
8 sexual gratification.

9 (49) "Standard sentence range" means the sentencing court's
10 discretionary range in imposing a nonappealable sentence.

11 (50) "Statutory maximum sentence" means the maximum length of
12 time for which an offender may be confined as punishment for a crime
13 as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute
14 defining the crime, or other statute defining the maximum penalty for
15 a crime.

16 (51) "Stranger" means that the victim did not know the offender
17 24 hours before the offense.

18 (52) "Total confinement" means confinement inside the physical
19 boundaries of a facility or institution operated or utilized under
20 contract by the state or any other unit of government for 24 hours a
21 day, or pursuant to RCW 72.64.050 and 72.64.060.

22 (53) "Transition training" means written and verbal instructions
23 and assistance provided by the department to the offender during the
24 two weeks prior to the offender's successful completion of the work
25 ethic camp program. The transition training shall include
26 instructions in the offender's requirements and obligations during
27 the offender's period of community custody.

28 (54) "Victim" means any person who has sustained emotional,
29 psychological, physical, or financial injury to person or property as
30 a direct result of the crime charged.

31 (55) "Victim of domestic violence" means an intimate partner or
32 household member who has been subjected to the infliction of physical
33 harm or sexual and psychological abuse by an intimate partner or
34 household member as part of a pattern of assaultive, coercive, and
35 controlling behaviors directed at achieving compliance from or
36 control over that intimate partner or household member. Domestic
37 violence includes, but is not limited to, the offenses listed in RCW
38 10.99.020 and 26.50.010 committed by an intimate partner or household
39 member against a victim who is an intimate partner or household
40 member.

1 (56) "Victim of sex trafficking, prostitution, or commercial
2 sexual abuse of a minor" means a person who has been forced or
3 coerced to perform a commercial sex act including, but not limited
4 to, being a victim of offenses defined in RCW 9A.40.100, 9A.88.070,
5 9.68A.101, and the trafficking victims protection act of 2000, 22
6 U.S.C. Sec. 7101 et seq.; or a person who was induced to perform a
7 commercial sex act when they were less than 18 years of age including
8 but not limited to the offenses defined in chapter 9.68A RCW.

9 (57) "Victim of sexual assault" means any person who is a victim
10 of a sexual assault offense, nonconsensual sexual conduct, or
11 nonconsensual sexual penetration and as a result suffers physical,
12 emotional, financial, or psychological impacts. Sexual assault
13 offenses include, but are not limited to, the offenses defined in
14 chapter 9A.44 RCW.

15 (58) "Violent offense" means:

16 (a) Any of the following felonies:

17 (i) Any felony defined under any law as a class A felony or an
18 attempt to commit a class A felony;

19 (ii) Criminal solicitation of or criminal conspiracy to commit a
20 class A felony;

21 (iii) Manslaughter in the first degree;

22 (iv) Manslaughter in the second degree;

23 (v) Indecent liberties if committed by forcible compulsion;

24 (vi) Kidnapping in the second degree;

25 (vii) Arson in the second degree;

26 (viii) Assault in the second degree;

27 (ix) Assault of a child in the second degree;

28 (x) Extortion in the first degree;

29 (xi) Robbery in the second degree;

30 (xii) Drive-by shooting;

31 (xiii) Vehicular assault, when caused by the operation or driving
32 of a vehicle by a person while under the influence of intoxicating
33 liquor or any drug or by the operation or driving of a vehicle in a
34 reckless manner; and

35 (xiv) Vehicular homicide, when proximately caused by the driving
36 of any vehicle by any person while under the influence of
37 intoxicating liquor or any drug as defined by RCW 46.61.502, or by
38 the operation of any vehicle in a reckless manner;

1 (b) Any conviction for a felony offense in effect at any time
2 prior to July 1, 1976, that is comparable to a felony classified as a
3 violent offense in (a) of this subsection; and

4 (c) Any federal or out-of-state conviction for an offense that
5 under the laws of this state would be a felony classified as a
6 violent offense under (a) or (b) of this subsection.

7 (59) "Work crew" means a program of partial confinement
8 consisting of civic improvement tasks for the benefit of the
9 community that complies with RCW 9.94A.725.

10 (60) "Work ethic camp" means an alternative incarceration program
11 as provided in RCW 9.94A.690 designed to reduce recidivism and lower
12 the cost of corrections by requiring offenders to complete a
13 comprehensive array of real-world job and vocational experiences,
14 character-building work ethics training, life management skills
15 development, substance abuse rehabilitation, counseling, literacy
16 training, and basic adult education.

17 (61) "Work release" means a program of partial confinement
18 available to offenders who are employed or engaged as a student in a
19 regular course of study at school.

20 **Sec. 4.** RCW 9.94A.030 and 2024 c 306 s 2 are each amended to
21 read as follows:

22 Unless the context clearly requires otherwise, the definitions in
23 this section apply throughout this chapter.

24 (1) "Board" means the indeterminate sentence review board created
25 under chapter 9.95 RCW.

26 (2) "Collect," or any derivative thereof, "collect and remit," or
27 "collect and deliver," when used with reference to the department,
28 means that the department, either directly or through a collection
29 agreement authorized by RCW 9.94A.760, is responsible for monitoring
30 and enforcing the offender's sentence with regard to the legal
31 financial obligation, receiving payment thereof from the offender,
32 and, consistent with current law, delivering daily the entire payment
33 to the superior court clerk without depositing it in a departmental
34 account.

35 (3) "Commission" means the sentencing guidelines commission.

36 (4) "Community corrections officer" means an employee of the
37 department who is responsible for carrying out specific duties in
38 supervision of sentenced offenders and monitoring of sentence
39 conditions.

1 (5) "Community custody" means that portion of an offender's
2 sentence of confinement in lieu of earned release time or imposed as
3 part of a sentence under this chapter and served in the community
4 subject to controls placed on the offender's movement and activities
5 by the department.

6 (6) "Community protection zone" means the area within 880 feet of
7 the facilities and grounds of a public or private school.

8 (7) "Community restitution" means compulsory service, without
9 compensation, performed for the benefit of the community by the
10 offender.

11 (8) "Confinement" means total or partial confinement.

12 (9) "Conviction" means an adjudication of guilt pursuant to Title
13 10 or 13 RCW and includes a verdict of guilty, a finding of guilty,
14 and acceptance of a plea of guilty.

15 (10) "Crime-related prohibition" means an order of a court
16 prohibiting conduct that directly relates to the circumstances of the
17 crime for which the offender has been convicted, and shall not be
18 construed to mean orders directing an offender affirmatively to
19 participate in rehabilitative programs or to otherwise perform
20 affirmative conduct. However, affirmative acts necessary to monitor
21 compliance with the order of a court may be required by the
22 department.

23 (11) "Criminal history" means the list of a defendant's prior
24 convictions and juvenile adjudications, whether in this state, in
25 federal court, or elsewhere, and any issued certificates of
26 restoration of opportunity pursuant to RCW 9.97.020.

27 (a) The history shall include, where known, for each conviction
28 (i) whether the defendant has been placed on probation and the length
29 and terms thereof; and (ii) whether the defendant has been
30 incarcerated and the length of incarceration.

31 (b) A conviction may be removed from a defendant's criminal
32 history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640,
33 9.95.240, or a similar out-of-state statute, or if the conviction has
34 been vacated pursuant to a governor's pardon. However, when a
35 defendant is charged with a recidivist offense, "criminal history"
36 includes a vacated prior conviction for the sole purpose of
37 establishing that such vacated prior conviction constitutes an
38 element of the present recidivist offense as provided in RCW
39 9.94A.640(4)(b) and 9.96.060(~~(+7)~~) (8)(c).

1 (c) The determination of a defendant's criminal history is
2 distinct from the determination of an offender score. A prior
3 conviction that was not included in an offender score calculated
4 pursuant to a former version of the sentencing reform act remains
5 part of the defendant's criminal history.

6 (12) "Criminal street gang" means any ongoing organization,
7 association, or group of three or more persons, whether formal or
8 informal, having a common name or common identifying sign or symbol,
9 having as one of its primary activities the commission of criminal
10 acts, and whose members or associates individually or collectively
11 engage in or have engaged in a pattern of criminal street gang
12 activity. This definition does not apply to employees engaged in
13 concerted activities for their mutual aid and protection, or to the
14 activities of labor and bona fide nonprofit organizations or their
15 members or agents.

16 (13) "Criminal street gang associate or member" means any person
17 who actively participates in any criminal street gang and who
18 intentionally promotes, furthers, or assists in any criminal act by
19 the criminal street gang.

20 (14) "Criminal street gang-related offense" means any felony or
21 misdemeanor offense, whether in this state or elsewhere, that is
22 committed for the benefit of, at the direction of, or in association
23 with any criminal street gang, or is committed with the intent to
24 promote, further, or assist in any criminal conduct by the gang, or
25 is committed for one or more of the following reasons:

26 (a) To gain admission, prestige, or promotion within the gang;

27 (b) To increase or maintain the gang's size, membership,
28 prestige, dominance, or control in any geographical area;

29 (c) To exact revenge or retribution for the gang or any member of
30 the gang;

31 (d) To obstruct justice, or intimidate or eliminate any witness
32 against the gang or any member of the gang;

33 (e) To directly or indirectly cause any benefit, aggrandizement,
34 gain, profit, or other advantage for the gang, its reputation,
35 influence, or membership; or

36 (f) To provide the gang with any advantage in, or any control or
37 dominance over any criminal market sector, including, but not limited
38 to, manufacturing, delivering, or selling any controlled substance
39 (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen
40 property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88

1 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual
2 abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter
3 9.68 RCW).

4 (15) "Day fine" means a fine imposed by the sentencing court that
5 equals the difference between the offender's net daily income and the
6 reasonable obligations that the offender has for the support of the
7 offender and any dependents.

8 (16) "Day reporting" means a program of enhanced supervision
9 designed to monitor the offender's daily activities and compliance
10 with sentence conditions, and in which the offender is required to
11 report daily to a specific location designated by the department or
12 the sentencing court.

13 (17) "Department" means the department of corrections.

14 (18) "Determinate sentence" means a sentence that states with
15 exactitude the number of actual years, months, or days of total
16 confinement, of partial confinement, of community custody, the number
17 of actual hours or days of community restitution work, or dollars or
18 terms of a legal financial obligation. The fact that an offender
19 through earned release can reduce the actual period of confinement
20 shall not affect the classification of the sentence as a determinate
21 sentence.

22 (19) "Disposable earnings" means that part of the earnings of an
23 offender remaining after the deduction from those earnings of any
24 amount required by law to be withheld. For the purposes of this
25 definition, "earnings" means compensation paid or payable for
26 personal services, whether denominated as wages, salary, commission,
27 bonuses, or otherwise, and, notwithstanding any other provision of
28 law making the payments exempt from garnishment, attachment, or other
29 process to satisfy a court-ordered legal financial obligation,
30 specifically includes periodic payments pursuant to pension or
31 retirement programs, or insurance policies of any type, but does not
32 include payments made under Title 50 RCW, except as provided in RCW
33 50.40.020 and 50.40.050, or Title 74 RCW.

34 (20)(a) "Domestic violence" has the same meaning as defined in
35 RCW 10.99.020.

36 (b) "Domestic violence" also means: (i) Physical harm, bodily
37 injury, assault, or the infliction of fear of imminent physical harm,
38 bodily injury, or assault, sexual assault, or stalking, as defined in
39 RCW 9A.46.110, of one intimate partner by another intimate partner as
40 defined in RCW 10.99.020; or (ii) physical harm, bodily injury,

1 assault, or the infliction of fear of imminent physical harm, bodily
2 injury, or assault, sexual assault, or stalking, as defined in RCW
3 9A.46.110, of one family or household member by another family or
4 household member as defined in RCW 10.99.020.

5 (21) "Drug offender sentencing alternative" is a sentencing
6 option available to persons convicted of a felony offense who are
7 eligible for the option under RCW 9.94A.660.

8 (22) "Drug offender sentencing alternative for driving under the
9 influence" is a sentencing option available to persons convicted of
10 felony driving while under the influence of intoxicating liquor or
11 any drug under RCW 46.61.502(6), or felony physical control of a
12 vehicle while under the influence of intoxicating liquor or any drug
13 under RCW 46.61.504(6) who are eligible under RCW 9.94A.661.

14 (23) "Drug offense" means:

15 (a) Any felony violation of chapter 69.50 RCW except possession
16 of a controlled substance (RCW 69.50.4013) or forged prescription for
17 a controlled substance (RCW 69.50.403);

18 (b) Any offense defined as a felony under federal law that
19 relates to the possession, manufacture, distribution, or
20 transportation of a controlled substance; or

21 (c) Any out-of-state conviction for an offense that under the
22 laws of this state would be a felony classified as a drug offense
23 under (a) of this subsection.

24 (24) "Earned release" means earned release from confinement as
25 provided in RCW 9.94A.728.

26 (25) "Electronic monitoring" means tracking the location of an
27 individual through the use of technology that is capable of
28 determining or identifying the monitored individual's presence or
29 absence at a particular location including, but not limited to:

30 (a) Radio frequency signaling technology, which detects if the
31 monitored individual is or is not at an approved location and
32 notifies the monitoring agency of the time that the monitored
33 individual either leaves the approved location or tampers with or
34 removes the monitoring device; or

35 (b) Active or passive global positioning system technology, which
36 detects the location of the monitored individual and notifies the
37 monitoring agency of the monitored individual's location and which
38 may also include electronic monitoring with victim notification
39 technology that is capable of notifying a victim or protected party,
40 either directly or through a monitoring agency, if the monitored

1 individual enters within the restricted distance of a victim or
2 protected party, or within the restricted distance of a designated
3 location.

4 (26) "Escape" means:

5 (a) Sexually violent predator escape (RCW 9A.76.115), escape in
6 the first degree (RCW 9A.76.110), escape in the second degree (RCW
7 9A.76.120), willful failure to return from furlough (RCW 72.66.060),
8 willful failure to return from work release (RCW 72.65.070), or
9 willful failure to be available for supervision by the department
10 while in community custody (RCW 72.09.310); or

11 (b) Any federal or out-of-state conviction for an offense that
12 under the laws of this state would be a felony classified as an
13 escape under (a) of this subsection.

14 (27) "Felony traffic offense" means:

15 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW
16 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-
17 run injury-accident (RCW 46.52.020(4)), felony driving while under
18 the influence of intoxicating liquor or any drug (RCW 46.61.502(6)),
19 or felony physical control of a vehicle while under the influence of
20 intoxicating liquor or any drug (RCW 46.61.504(6)); or

21 (b) Any federal or out-of-state conviction for an offense that
22 under the laws of this state would be a felony classified as a felony
23 traffic offense under (a) of this subsection.

24 (28) "Fine" means a specific sum of money ordered by the
25 sentencing court to be paid by the offender to the court over a
26 specific period of time.

27 (29) "First-time offender" means any person who has no prior
28 convictions for a felony and is eligible for the first-time offender
29 waiver under RCW 9.94A.650.

30 (30) "Home detention" is a subset of electronic monitoring and
31 means a program of partial confinement available to offenders wherein
32 the offender is confined in a private residence 24 hours a day,
33 unless an absence from the residence is approved, authorized, or
34 otherwise permitted in the order by the court or other supervising
35 agency that ordered home detention, and the offender is subject to
36 electronic monitoring.

37 (31) "Homelessness" or "homeless" means a condition where an
38 individual lacks a fixed, regular, and adequate nighttime residence
39 and who has a primary nighttime residence that is:

1 (a) A supervised, publicly or privately operated shelter designed
2 to provide temporary living accommodations;

3 (b) A public or private place not designed for, or ordinarily
4 used as, a regular sleeping accommodation for human beings; or

5 (c) A private residence where the individual stays as a transient
6 invitee.

7 (32) "Legal financial obligation" means a sum of money that is
8 ordered by a superior court of the state of Washington for legal
9 financial obligations which may include restitution to the victim,
10 statutorily imposed crime victims' compensation fees as assessed
11 pursuant to RCW 7.68.035, court costs, county or interlocal drug
12 funds, court-appointed attorneys' fees, and costs of defense, fines,
13 and any other financial obligation that is assessed to the offender
14 as a result of a felony conviction. Upon conviction for vehicular
15 assault while under the influence of intoxicating liquor or any drug,
16 RCW 46.61.522(1)(b), or vehicular homicide while under the influence
17 of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal
18 financial obligations may also include payment to a public agency of
19 the expense of an emergency response to the incident resulting in the
20 conviction, subject to RCW 38.52.430.

21 (33) "Most serious offense" means any of the following felonies
22 or a felony attempt to commit any of the following felonies:

23 (a) Any felony defined under any law as a class A felony or
24 criminal solicitation of or criminal conspiracy to commit a class A
25 felony;

26 (b) Assault in the second degree;

27 (c) Assault of a child in the second degree;

28 (d) Child molestation in the second degree;

29 (e) Controlled substance homicide;

30 (f) Extortion in the first degree;

31 (g) Incest when committed against a child under age 14;

32 (h) Indecent liberties;

33 (i) Kidnapping in the second degree;

34 (j) Leading organized crime;

35 (k) Manslaughter in the first degree;

36 (l) Manslaughter in the second degree;

37 (m) Promoting prostitution in the first degree;

38 (n) Rape in the third degree;

39 (o) Sexual exploitation;

1 (p) Vehicular assault, when caused by the operation or driving of
2 a vehicle by a person while under the influence of intoxicating
3 liquor or any drug or by the operation or driving of a vehicle in a
4 reckless manner;

5 (q) Vehicular homicide, when proximately caused by the driving of
6 any vehicle by any person while under the influence of intoxicating
7 liquor or any drug as defined by RCW 46.61.502, or by the operation
8 of any vehicle in a reckless manner;

9 (r) Any other class B felony offense with a finding of sexual
10 motivation;

11 (s) Any other felony with a deadly weapon verdict under RCW
12 9.94A.825;

13 (t) Any felony offense in effect at any time prior to December 2,
14 1993, that is comparable to a most serious offense under this
15 subsection, or any federal or out-of-state conviction for an offense
16 that under the laws of this state would be a felony classified as a
17 most serious offense under this subsection;

18 (u)(i) A prior conviction for indecent liberties under RCW
19 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex.
20 sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b),
21 and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW
22 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986,
23 until July 1, 1988;

24 (ii) A prior conviction for indecent liberties under RCW
25 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988,
26 if: (A) The crime was committed against a child under the age of 14;
27 or (B) the relationship between the victim and perpetrator is
28 included in the definition of indecent liberties under RCW
29 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27,
30 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25,
31 1993, through July 27, 1997;

32 (v) Any out-of-state conviction for a felony offense with a
33 finding of sexual motivation if the minimum sentence imposed was 10
34 years or more; provided that the out-of-state felony offense must be
35 comparable to a felony offense under this title and Title 9A RCW and
36 the out-of-state definition of sexual motivation must be comparable
37 to the definition of sexual motivation contained in this section.

38 (34) "Nonviolent offense" means an offense which is not a violent
39 offense.

1 (35) "Offender" means a person who has committed a felony
2 established by state law and is 18 years of age or older or is less
3 than 18 years of age but whose case is under superior court
4 jurisdiction under RCW 13.04.030 or has been transferred by the
5 appropriate juvenile court to a criminal court pursuant to RCW
6 13.40.110. In addition, for the purpose of community custody
7 requirements under this chapter, "offender" also means a misdemeanor
8 or gross misdemeanor probationer ordered by a superior court to
9 probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and
10 supervised by the department pursuant to RCW 9.94A.501 and
11 9.94A.5011. Throughout this chapter, the terms "offender" and
12 "defendant" are used interchangeably.

13 (36) "Partial confinement" means confinement for no more than one
14 year in a facility or institution operated or utilized under contract
15 by the state or any other unit of government, or, if home detention,
16 electronic monitoring, or work crew has been ordered by the court or
17 home detention has been ordered by the department as part of the
18 parenting program or the graduated reentry program, in an approved
19 residence, for a substantial portion of each day with the balance of
20 the day spent in the community. Partial confinement includes work
21 release, home detention, work crew, electronic monitoring, and a
22 combination of work crew, electronic monitoring, and home detention.

23 (37) "Pattern of criminal street gang activity" means:

24 (a) The commission, attempt, conspiracy, or solicitation of, or
25 any prior juvenile adjudication of or adult conviction of, two or
26 more of the following criminal street gang-related offenses:

27 (i) Any "serious violent" felony offense as defined in this
28 section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a
29 Child 1 (RCW 9A.36.120);

30 (ii) Any "violent" offense as defined by this section, excluding
31 Assault of a Child 2 (RCW 9A.36.130);

32 (iii) Deliver or Possession with Intent to Deliver a Controlled
33 Substance (chapter 69.50 RCW);

34 (iv) Any violation of the firearms and dangerous weapon act
35 (chapter 9.41 RCW);

36 (v) Theft of a Firearm (RCW 9A.56.300);

37 (vi) Possession of a Stolen Firearm (RCW 9A.56.310);

38 (vii) Hate Crime (RCW 9A.36.080);

39 (viii) Harassment where a subsequent violation or deadly threat
40 is made (RCW 9A.46.020(2)(b));

1 (ix) Criminal Gang Intimidation (RCW 9A.46.120);
2 (x) Any felony conviction by a person 18 years of age or older
3 with a special finding of involving a juvenile in a felony offense
4 under RCW 9.94A.833;
5 (xi) Residential Burglary (RCW 9A.52.025);
6 (xii) Burglary 2 (RCW 9A.52.030);
7 (xiii) Malicious Mischief 1 (RCW 9A.48.070);
8 (xiv) Malicious Mischief 2 (RCW 9A.48.080);
9 (xv) Theft of a Motor Vehicle (RCW 9A.56.065);
10 (xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);
11 (xvii) Taking a Motor Vehicle Without Permission 1 (RCW
12 9A.56.070);
13 (xviii) Taking a Motor Vehicle Without Permission 2 (RCW
14 9A.56.075);
15 (xix) Extortion 1 (RCW 9A.56.120);
16 (xx) Extortion 2 (RCW 9A.56.130);
17 (xxi) Intimidating a Witness (RCW 9A.72.110);
18 (xxii) Tampering with a Witness (RCW 9A.72.120);
19 (xxiii) Reckless Endangerment (RCW 9A.36.050);
20 (xxiv) Coercion (RCW 9A.36.070);
21 (xxv) Harassment (RCW 9A.46.020); or
22 (xxvi) Malicious Mischief 3 (RCW 9A.48.090);
23 (b) That at least one of the offenses listed in (a) of this
24 subsection shall have occurred after July 1, 2008;
25 (c) That the most recent committed offense listed in (a) of this
26 subsection occurred within three years of a prior offense listed in
27 (a) of this subsection; and
28 (d) Of the offenses that were committed in (a) of this
29 subsection, the offenses occurred on separate occasions or were
30 committed by two or more persons.
31 (38) "Persistent offender" is an offender who:
32 (a) (i) Has been convicted in this state of any felony considered
33 a most serious offense; and
34 (ii) Has, before the commission of the offense under (a) of this
35 subsection, been convicted as an offender on at least two separate
36 occasions, whether in this state or elsewhere, of felonies that under
37 the laws of this state would be considered most serious offenses and
38 would be included in the offender score under RCW 9.94A.525; provided
39 that of the two or more previous convictions, at least one conviction

1 must have occurred before the commission of any of the other most
2 serious offenses for which the offender was previously convicted; or

3 (b) (i) Has been convicted of: (A) Rape in the first degree, rape
4 of a child in the first degree, child molestation in the first
5 degree, rape in the second degree, rape of a child in the second
6 degree, or indecent liberties by forcible compulsion; (B) any of the
7 following offenses with a finding of sexual motivation: Murder in the
8 first degree, murder in the second degree, homicide by abuse,
9 kidnapping in the first degree, kidnapping in the second degree,
10 assault in the first degree, assault in the second degree, assault of
11 a child in the first degree, assault of a child in the second degree,
12 or burglary in the first degree; or (C) an attempt to commit any
13 crime listed in this subsection (38) (b) (i); and

14 (ii) Has, before the commission of the offense under (b) (i) of
15 this subsection, been convicted as an offender on at least one
16 occasion, whether in this state or elsewhere, of an offense listed in
17 (b) (i) of this subsection or any federal or out-of-state offense or
18 offense under prior Washington law that is comparable to the offenses
19 listed in (b) (i) of this subsection. A conviction for rape of a child
20 in the first degree constitutes a conviction under (b) (i) of this
21 subsection only when the offender was 16 years of age or older when
22 the offender committed the offense. A conviction for rape of a child
23 in the second degree constitutes a conviction under (b) (i) of this
24 subsection only when the offender was 18 years of age or older when
25 the offender committed the offense.

26 (39) "Predatory" means: (a) The perpetrator of the crime was a
27 stranger to the victim, as defined in this section; (b) the
28 perpetrator established or promoted a relationship with the victim
29 prior to the offense and the victimization of the victim was a
30 significant reason the perpetrator established or promoted the
31 relationship; or (c) the perpetrator was: (i) A teacher, counselor,
32 volunteer, or other person in authority in any public or private
33 school and the victim was a student of the school under his or her
34 authority or supervision. For purposes of this subsection, "school"
35 does not include home-based instruction as defined in RCW
36 28A.225.010; (ii) a coach, trainer, volunteer, or other person in
37 authority in any recreational activity and the victim was a
38 participant in the activity under his or her authority or
39 supervision; (iii) a pastor, elder, volunteer, or other person in
40 authority in any church or religious organization, and the victim was

1 a member or participant of the organization under his or her
2 authority; or (iv) a teacher, counselor, volunteer, or other person
3 in authority providing home-based instruction and the victim was a
4 student receiving home-based instruction while under his or her
5 authority or supervision. For purposes of this subsection: (A) "Home-
6 based instruction" has the same meaning as defined in RCW
7 28A.225.010; and (B) "teacher, counselor, volunteer, or other person
8 in authority" does not include the parent or legal guardian of the
9 victim.

10 (40) "Private school" means a school regulated under chapter
11 28A.195 or 28A.205 RCW.

12 (41) "Public school" has the same meaning as in RCW 28A.150.010.

13 (42) "Recidivist offense" means a felony offense where a prior
14 conviction of the same offense or other specified offense is an
15 element of the crime including, but not limited to:

16 (a) Assault in the fourth degree where domestic violence is
17 pleaded and proven, RCW 9A.36.041(3);

18 (b) Cyber harassment, RCW 9A.90.120(2)(b)(i);

19 (c) Harassment, RCW 9A.46.020(2)(b)(i);

20 (d) Indecent exposure, RCW 9A.88.010(2)(c);

21 (e) Stalking, RCW 9A.46.110(5)(b)(i) and (iii);

22 (f) Telephone harassment, RCW 9.61.230(2)(a); and

23 (g) Violation of a no-contact or protection order, RCW 7.105.450
24 or former RCW 26.50.110(5).

25 (43) "Repetitive domestic violence offense" means any:

26 (a)(i) Domestic violence assault that is not a felony offense
27 under RCW 9A.36.041;

28 (ii) Domestic violence violation of a no-contact order under
29 chapter 10.99 RCW that is not a felony offense;

30 (iii) Domestic violence violation of a protection order under
31 chapter 26.09, 26.26A, or 26.26B RCW or former chapter 26.50 RCW, or
32 violation of a domestic violence protection order under chapter 7.105
33 RCW, that is not a felony offense;

34 (iv) Domestic violence harassment offense under RCW 9A.46.020
35 that is not a felony offense; or

36 (v) Domestic violence stalking offense under RCW 9A.46.110 that
37 is not a felony offense; or

38 (b) Any federal, out-of-state, tribal court, military, county, or
39 municipal conviction for an offense that under the laws of this state

1 would be classified as a repetitive domestic violence offense under
2 (a) of this subsection.

3 (44) "Restitution" means a specific sum of money ordered by the
4 sentencing court to be paid by the offender to the court over a
5 specified period of time as payment of damages. The sum may include
6 both public and private costs.

7 (45) "Risk assessment" means the application of the risk
8 instrument recommended to the department by the Washington state
9 institute for public policy as having the highest degree of
10 predictive accuracy for assessing an offender's risk of reoffense.

11 (46) "Serious traffic offense" means:

12 (a) (i) Nonfelony driving while under the influence of
13 intoxicating liquor or any drug (RCW 46.61.502);

14 (ii) Nonfelony actual physical control while under the influence
15 of intoxicating liquor or any drug (RCW 46.61.504);

16 (iii) Reckless driving (RCW 46.61.500);

17 (iv) Negligent driving if the conviction is the result of a
18 charge that was originally filed as a violation of RCW 46.61.502 or
19 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or
20 46.61.522 while under the influence of intoxicating liquor or any
21 drug (RCW 46.61.5249);

22 (v) Reckless endangerment if the conviction is the result of a
23 charge that was originally filed as a violation of RCW 46.61.502 or
24 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or
25 46.61.522 while under the influence of intoxicating liquor or any
26 drug (RCW 9A.36.050); or

27 (vi) Hit-and-run an attended vehicle (RCW 46.52.020(5)); or

28 (b) Any federal, out-of-state, county, or municipal conviction
29 for an offense that under the laws of this state would be classified
30 as a serious traffic offense under (a) of this subsection.

31 (c) This definition applies for the purpose of a personal
32 driver's license only and does not apply to violations related to a
33 commercial motor vehicle under RCW 46.25.090.

34 (47) "Serious violent offense" is a subcategory of violent
35 offense and means:

36 (a) (i) Murder in the first degree;

37 (ii) Homicide by abuse;

38 (iii) Murder in the second degree;

39 (iv) Manslaughter in the first degree;

40 (v) Assault in the first degree;

1 (vi) Kidnapping in the first degree;

2 (vii) Rape in the first degree;

3 (viii) Assault of a child in the first degree; or

4 (ix) An attempt, criminal solicitation, or criminal conspiracy to
5 commit one of these felonies; or

6 (b) Any federal or out-of-state conviction for an offense that
7 under the laws of this state would be a felony classified as a
8 serious violent offense under (a) of this subsection.

9 (48) "Sex offense" means:

10 (a) (i) A felony that is a violation of chapter 9A.44 RCW other
11 than RCW 9A.44.132;

12 (ii) A violation of RCW 9A.64.020;

13 (iii) A felony that is a violation of chapter 9.68A RCW other
14 than RCW 9.68A.080; or

15 (iv) A felony that is, under chapter 9A.28 RCW, a criminal
16 attempt, criminal solicitation, or criminal conspiracy to commit such
17 crimes (~~;~~ ~~or~~

18 ~~(v) A felony violation of RCW 9A.44.132(1) (failure to register~~
19 ~~as a sex offender) if the person has been convicted of violating RCW~~
20 ~~9A.44.132(1) (failure to register as a sex offender) or 9A.44.130~~
21 ~~prior to June 10, 2010, on at least one prior occasion));~~

22 (b) Any conviction for a felony offense in effect at any time
23 prior to July 1, 1976, that is comparable to a felony classified as a
24 sex offense in (a) of this subsection;

25 (c) A felony with a finding of sexual motivation under RCW
26 9.94A.835 or 13.40.135; or

27 (d) Any federal or out-of-state conviction for an offense that
28 under the laws of this state would be a felony classified as a sex
29 offense under (a) of this subsection.

30 (49) "Sexual motivation" means that one of the purposes for which
31 the defendant committed the crime was for the purpose of his or her
32 sexual gratification.

33 (50) "Standard sentence range" means the sentencing court's
34 discretionary range in imposing a nonappealable sentence.

35 (51) "Statutory maximum sentence" means the maximum length of
36 time for which an offender may be confined as punishment for a crime
37 as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute
38 defining the crime, or other statute defining the maximum penalty for
39 a crime.

1 (52) "Stranger" means that the victim did not know the offender
2 24 hours before the offense.

3 (53) "Total confinement" means confinement inside the physical
4 boundaries of a facility or institution operated or utilized under
5 contract by the state or any other unit of government for 24 hours a
6 day, or pursuant to RCW 72.64.050 and 72.64.060.

7 (54) "Transition training" means written and verbal instructions
8 and assistance provided by the department to the offender during the
9 two weeks prior to the offender's successful completion of the work
10 ethic camp program. The transition training shall include
11 instructions in the offender's requirements and obligations during
12 the offender's period of community custody.

13 (55) "Victim" means any person who has sustained emotional,
14 psychological, physical, or financial injury to person or property as
15 a direct result of the crime charged.

16 (56) "Victim of domestic violence" means an intimate partner or
17 household member who has been subjected to the infliction of physical
18 harm or sexual and psychological abuse by an intimate partner or
19 household member as part of a pattern of assaultive, coercive, and
20 controlling behaviors directed at achieving compliance from or
21 control over that intimate partner or household member. Domestic
22 violence includes, but is not limited to, the offenses listed in RCW
23 10.99.020 and 26.50.010 committed by an intimate partner or household
24 member against a victim who is an intimate partner or household
25 member.

26 (57) "Victim of sex trafficking, prostitution, or commercial
27 sexual abuse of a minor" means a person who has been forced or
28 coerced to perform a commercial sex act including, but not limited
29 to, being a victim of offenses defined in RCW 9A.40.100, 9A.88.070,
30 9.68A.101, and the trafficking victims protection act of 2000, 22
31 U.S.C. Sec. 7101 et seq.; or a person who was induced to perform a
32 commercial sex act when they were less than 18 years of age including
33 but not limited to the offenses defined in chapter 9.68A RCW.

34 (58) "Victim of sexual assault" means any person who is a victim
35 of a sexual assault offense, nonconsensual sexual conduct, or
36 nonconsensual sexual penetration and as a result suffers physical,
37 emotional, financial, or psychological impacts. Sexual assault
38 offenses include, but are not limited to, the offenses defined in
39 chapter 9A.44 RCW.

40 (59) "Violent offense" means:

1 (a) Any of the following felonies:
2 (i) Any felony defined under any law as a class A felony or an
3 attempt to commit a class A felony;
4 (ii) Criminal solicitation of or criminal conspiracy to commit a
5 class A felony;
6 (iii) Manslaughter in the first degree;
7 (iv) Manslaughter in the second degree;
8 (v) Indecent liberties if committed by forcible compulsion;
9 (vi) Kidnapping in the second degree;
10 (vii) Arson in the second degree;
11 (viii) Assault in the second degree;
12 (ix) Assault of a child in the second degree;
13 (x) Extortion in the first degree;
14 (xi) Robbery in the second degree;
15 (xii) Drive-by shooting;
16 (xiii) Vehicular assault, when caused by the operation or driving
17 of a vehicle by a person while under the influence of intoxicating
18 liquor or any drug or by the operation or driving of a vehicle in a
19 reckless manner; and
20 (xiv) Vehicular homicide, when proximately caused by the driving
21 of any vehicle by any person while under the influence of
22 intoxicating liquor or any drug as defined by RCW 46.61.502, or by
23 the operation of any vehicle in a reckless manner;
24 (b) Any conviction for a felony offense in effect at any time
25 prior to July 1, 1976, that is comparable to a felony classified as a
26 violent offense in (a) of this subsection; and
27 (c) Any federal or out-of-state conviction for an offense that
28 under the laws of this state would be a felony classified as a
29 violent offense under (a) or (b) of this subsection.
30 (60) "Work crew" means a program of partial confinement
31 consisting of civic improvement tasks for the benefit of the
32 community that complies with RCW 9.94A.725.
33 (61) "Work ethic camp" means an alternative incarceration program
34 as provided in RCW 9.94A.690 designed to reduce recidivism and lower
35 the cost of corrections by requiring offenders to complete a
36 comprehensive array of real-world job and vocational experiences,
37 character-building work ethics training, life management skills
38 development, substance abuse rehabilitation, counseling, literacy
39 training, and basic adult education.

1 (62) "Work release" means a program of partial confinement
2 available to offenders who are employed or engaged as a student in a
3 regular course of study at school.

4 **Sec. 5.** RCW 9.94A.701 and 2021 c 242 s 6 are each amended to
5 read as follows:

6 (1) If an offender is sentenced to the custody of the department
7 for one of the following crimes, the court shall, in addition to the
8 other terms of the sentence, sentence the offender to community
9 custody for three years:

10 (a) A sex offense not sentenced under RCW 9.94A.507; or

11 (b) A serious violent offense.

12 (2) A court shall, in addition to the other terms of the
13 sentence, sentence an offender to community custody for two years
14 when the court sentences the person to the custody of the department
15 for a second or subsequent violation of RCW 9A.44.132(1).

16 (3) A court shall, in addition to the other terms of the
17 sentence, sentence an offender to community custody for eighteen
18 months when the court sentences the person to the custody of the
19 department for a violent offense that is not considered a serious
20 violent offense.

21 ~~((3))~~ (4) A court shall, in addition to the other terms of the
22 sentence, sentence an offender to community custody for one year when
23 the court sentences the person to the custody of the department for:

24 (a) Any crime against persons under RCW 9.94A.411(2);

25 (b) An offense involving the unlawful possession of a firearm
26 under RCW 9.41.040, where the offender is a criminal street gang
27 member or associate;

28 (c) A felony offense under chapter 69.50 or 69.52 RCW, committed
29 on or after July 1, 2000; or

30 (d) A felony violation of RCW 9A.44.132(1) (failure to register)
31 that is the offender's first violation for a felony failure to
32 register.

33 ~~((4))~~ (5) If an offender is sentenced under the drug offender
34 sentencing alternative, the court shall impose community custody as
35 provided in RCW 9.94A.660.

36 ~~((5))~~ (6) If an offender is sentenced under the special sex
37 offender sentencing alternative, the court shall impose community
38 custody as provided in RCW 9.94A.670.

1 ~~((6))~~ (7) If an offender is sentenced to a work ethic camp, the
2 court shall impose community custody as provided in RCW 9.94A.690.

3 ~~((7))~~ (8) If an offender is sentenced under the parenting
4 sentencing alternative, the court shall impose a term of community
5 custody as provided in RCW 9.94A.655.

6 ~~((8))~~ (9) If the offender is sentenced under the mental health
7 sentencing alternative, the court shall impose a term of community
8 custody as provided in RCW 9.94A.695.

9 ~~((9))~~ (10) If a sex offender is sentenced as a nonpersistent
10 offender pursuant to RCW 9.94A.507, the court shall impose community
11 custody as provided in that section.

12 ~~((10))~~ (11) The term of community custody specified by this
13 section shall be reduced by the court whenever an offender's standard
14 range term of confinement in combination with the term of community
15 custody exceeds the statutory maximum for the crime as provided in
16 RCW 9A.20.021.

17 **Sec. 6.** RCW 9.94A.701 and 2024 c 306 s 10 are each amended to
18 read as follows:

19 (1) If an offender is sentenced to the custody of the department
20 for one of the following crimes, the court shall, in addition to the
21 other terms of the sentence, sentence the offender to community
22 custody for three years:

23 (a) A sex offense not sentenced under RCW 9.94A.507; or

24 (b) A serious violent offense.

25 (2) A court shall, in addition to the other terms of the
26 sentence, sentence an offender to community custody for two years
27 when the court sentences the person to the custody of the department
28 for a second or subsequent violation of RCW 9A.44.132(1).

29 (3) A court shall, in addition to the other terms of the
30 sentence, sentence an offender to community custody for 18 months
31 when the court sentences the person to the custody of the department
32 for a violent offense that is not considered a serious violent
33 offense.

34 ~~((3))~~ (4) A court shall, in addition to the other terms of the
35 sentence, sentence an offender to community custody for one year when
36 the court sentences the person to the custody of the department for:

37 (a) Any crime against persons under RCW 9.94A.411(2);

1 (b) An offense involving the unlawful possession of a firearm
2 under RCW 9.41.040, where the offender is a criminal street gang
3 member or associate;

4 (c) A felony offense under chapter 69.50 or 69.52 RCW, committed
5 on or after July 1, 2000; or

6 (d) A felony violation of RCW 9A.44.132(1) (failure to register)
7 that is the offender's first violation for a felony failure to
8 register.

9 ~~((4))~~ (5) If an offender is sentenced under the drug offender
10 sentencing alternative, the court shall impose community custody as
11 provided in:

12 (a) RCW 9.94A.660 and 9.94A.662 for a prison-based drug offender
13 sentencing alternative;

14 (b) RCW 9.94A.660 and 9.94A.664 for a residential-based drug
15 offender sentencing alternative;

16 (c) RCW 9.94A.662 and 9.94A.661(6) for a prison-based drug
17 offender sentencing alternative for driving under the influence; and

18 (d) RCW 9.94A.661 (5) and (6) for a residential-based drug
19 offender sentencing alternative for driving under the influence.

20 ~~((5))~~ (6) If an offender is sentenced under the special sex
21 offender sentencing alternative, the court shall impose community
22 custody as provided in RCW 9.94A.670.

23 ~~((6))~~ (7) If an offender is sentenced to a work ethic camp, the
24 court shall impose community custody as provided in RCW 9.94A.690.

25 ~~((7))~~ (8) If an offender is sentenced under the parenting
26 sentencing alternative, the court shall impose a term of community
27 custody as provided in RCW 9.94A.655.

28 ~~((8))~~ (9) If the offender is sentenced under the mental health
29 sentencing alternative, the court shall impose a term of community
30 custody as provided in RCW 9.94A.695.

31 ~~((9))~~ (10) If a sex offender is sentenced as a nonpersistent
32 offender pursuant to RCW 9.94A.507, the court shall impose community
33 custody as provided in that section.

34 ~~((10))~~ (11) The term of community custody specified by this
35 section shall be reduced by the court whenever an offender's standard
36 sentence range term of confinement in combination with the term of
37 community custody exceeds the statutory maximum for the crime as
38 provided in RCW 9A.20.021.

1 **Sec. 7.** RCW 9.94A.702 and 2010 c 267 s 12 are each amended to
2 read as follows:

3 (1) If an offender is sentenced to a term of confinement for one
4 year or less for one of the following offenses, the court may impose
5 up to one year of community custody:

6 (a) A sex offense;

7 (b) A violent offense;

8 (c) A crime against a person under RCW 9.94A.411;

9 (d) A felony violation of chapter 69.50 or 69.52 RCW, or an
10 attempt, conspiracy, or solicitation to commit such a crime; or

11 (e) A (~~felony~~) first violation of RCW 9A.44.132 (1), (2), or
12 (3) (failure to register).

13 (2) If an offender is sentenced to a first-time offender waiver,
14 the court may impose community custody as provided in RCW 9.94A.650.

15 (3) For a second or subsequent violation of RCW 9A.44.132 (1),
16 (2), or (3), the court shall impose two years of community custody.

17 **Sec. 8.** RCW 9.94A.501 and 2024 c 63 s 3 are each amended to read
18 as follows:

19 (1) The department shall supervise the following offenders who
20 are sentenced to probation in superior court, pursuant to RCW
21 9.92.060, 9.95.204, or 9.95.210:

22 (a) Offenders convicted of:

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

24 (ii) Custodial sexual misconduct second degree;

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

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

27 (b) Offenders who have:

28 (i) A current conviction for a repetitive domestic violence
29 offense after August 1, 2011; and

30 (ii) A prior conviction for a repetitive domestic violence
31 offense or domestic violence felony offense after August 1, 2011.

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

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

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

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

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

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

11 (d) Has a current conviction for violating RCW 9A.44.132 (1),
12 (2), or (3) (failure to register) and was sentenced to a term of
13 community custody pursuant to RCW 9.94A.701 or 9.94A.702;

14 (e)(i) Has a current conviction for a domestic violence felony
15 offense after August 1, 2011, and a prior conviction for a repetitive
16 domestic violence offense or domestic violence felony offense after
17 August 1, 2011. This subsection (4)(e)(i) applies only to offenses
18 committed prior to July 24, 2015;

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

24 (f) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660,
25 9.94A.670, 9.94A.711, or 9.94A.695;

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

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

30 (5) The department shall supervise any offender who is released
31 by the indeterminate sentence review board and who was sentenced to
32 community custody or subject to community custody under the terms of
33 release.

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

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

1 (8) The period of time the department is authorized to supervise
2 an offender under this section may not exceed the duration of
3 community custody specified under RCW 9.94B.050, 9.94A.701 (1)
4 through ~~((9))~~ (10), or 9.94A.702, except in cases where the court
5 has imposed an exceptional term of community custody under RCW
6 9.94A.535.

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

10 **Sec. 9.** RCW 9.94A.501 and 2024 c 306 s 4 and 2024 c 63 s 3 are
11 each reenacted and amended to read as follows:

12 (1) The department shall supervise the following offenders who
13 are sentenced to probation in superior court, pursuant to RCW
14 9.92.060, 9.95.204, or 9.95.210:

15 (a) Offenders convicted of:

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

17 (ii) Custodial sexual misconduct second degree;

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

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

20 (b) Offenders who have:

21 (i) A current conviction for a repetitive domestic violence
22 offense after August 1, 2011; and

23 (ii) A prior conviction for a repetitive domestic violence
24 offense or domestic violence felony offense after August 1, 2011.

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

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

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

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

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

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

3 (d) Has a current conviction for violating RCW 9A.44.132 (1),
4 (2), or (3) (failure to register) and was sentenced to a term of
5 community custody pursuant to RCW 9.94A.701 or 9.94A.702;

6 (e)(i) Has a current conviction for a domestic violence felony
7 offense after August 1, 2011, and a prior conviction for a repetitive
8 domestic violence offense or domestic violence felony offense after
9 August 1, 2011. This subsection (4)(e)(i) applies only to offenses
10 committed prior to July 24, 2015;

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

16 (f) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660,
17 9.94A.670, 9.94A.711, 9.94A.695, or 9.94A.661;

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

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

22 (5) The department shall supervise any offender who is released
23 by the indeterminate sentence review board and who was sentenced to
24 community custody or subject to community custody under the terms of
25 release.

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

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

33 (8) The period of time the department is authorized to supervise
34 an offender under this section may not exceed the duration of
35 community custody specified under RCW 9.94B.050, 9.94A.701 (1)
36 through ~~((9))~~ (10), or 9.94A.702, except in cases where the court
37 has imposed an exceptional term of community custody under RCW
38 9.94A.535.

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

4 **Sec. 10.** RCW 72.09.270 and 2024 c 315 s 1 are each amended to
5 read as follows:

6 (1) The department of corrections shall develop an individual
7 reentry plan as defined in RCW 72.09.015 for every incarcerated
8 individual who is committed to the jurisdiction of the department
9 except:

10 (a) Incarcerated individuals who are sentenced to life without
11 the possibility of release or sentenced to death under chapter 10.95
12 RCW; and

13 (b) Incarcerated individuals who are subject to the provisions of
14 8 U.S.C. Sec. 1227.

15 (2) The individual reentry plan may be one document, or may be a
16 series of individual plans that combine to meet the requirements of
17 this section.

18 (3) In developing individual reentry plans, the department shall
19 assess all incarcerated individuals using standardized and
20 comprehensive tools to identify the criminogenic risks, programmatic
21 needs, and educational and vocational skill levels for each
22 incarcerated individual. The assessment tool should take into account
23 demographic biases, such as culture, age, and gender, as well as the
24 needs of the incarcerated individual, including any learning
25 disabilities, substance abuse or mental health issues, and social or
26 behavior challenges.

27 (4)(a) The initial assessment shall be conducted as early as
28 sentencing, but, whenever possible, no later than (~~forty-five~~) 45
29 days of being sentenced to the jurisdiction of the department of
30 corrections.

31 (b) The incarcerated individual's individual reentry plan shall
32 be developed as soon as possible after the initial assessment is
33 conducted, but, whenever possible, no later than (~~sixty~~) 60 days
34 after completion of the assessment, and shall be periodically
35 reviewed and updated as appropriate.

36 (5) The individual reentry plan shall, at a minimum, include:

37 (a) A plan to maintain contact with the incarcerated individual's
38 children and family, if appropriate. The plan should determine
39 whether parenting classes, or other services, are appropriate to

1 facilitate successful reunification with the incarcerated
2 individual's children and family;

3 (b) An individualized portfolio for each incarcerated individual
4 that includes the incarcerated individual's education achievements,
5 certifications, employment, work experience, skills, and any training
6 received prior to and during incarceration; and

7 (c) A plan for the incarcerated individual during the period of
8 incarceration through reentry into the community that addresses the
9 needs of the incarcerated individual including education, employment,
10 substance abuse treatment, mental health treatment, family
11 reunification, and other areas which are needed to facilitate a
12 successful reintegration into the community. For any individual
13 committed to the jurisdiction of the department for a sex offense or
14 failure to register offense, the department shall utilize existing
15 resources and methods to support compliance and improve functioning
16 in the community.

17 (6) (a) Prior to discharge of any incarcerated individual, the
18 department shall:

19 (i) Evaluate the incarcerated individual's needs and, to the
20 extent possible, connect the incarcerated individual with existing
21 services and resources that meet those needs;

22 (ii) Connect the incarcerated individual with a community justice
23 center and/or community transition coordination network in the area
24 in which the incarcerated individual will be residing once released
25 from the correctional system if one exists; and

26 (iii) Ensure that every consenting incarcerated individual
27 confined in a department of corrections facility for 60 days or
28 longer possesses a valid identicard or driver's license, issued by
29 the department of licensing under chapter 46.20 RCW, prior to the
30 individual's release to the community. Issuance of the identicard or
31 driver's license must not cause a delay in the incarcerated
32 individual's release to the community or transfer to partial
33 confinement. The department must:

34 (A) Pay any application fee required for obtaining the
35 identicard;

36 (B) Provide a photo of the incarcerated individual for use on the
37 identicard under RCW 46.20.035(1), which upon request of the
38 individual must be a different photo than the individual's mug shot
39 and not indicate that the individual was incarcerated at the time of
40 the photo; and

1 (C) Obtain a signature from the individual that is acceptable to
2 the department of licensing to use for an identicard or driver's
3 license.

4 (b) If the department recommends partial confinement in an
5 incarcerated individual's individual reentry plan, the department
6 shall maximize the period of partial confinement for the incarcerated
7 individual as allowed pursuant to RCW 9.94A.728 to facilitate the
8 incarcerated individual's transition to the community.

9 (7) The department shall establish mechanisms for sharing
10 information from individual reentry plans to those persons involved
11 with the incarcerated individual's treatment, programming, and
12 reentry, when deemed appropriate. When feasible, this information
13 shall be shared electronically.

14 (8)(a) In determining the county of discharge for an incarcerated
15 individual released to community custody, the department may approve
16 a residence location that is not in the incarcerated individual's
17 county of origin if the department determines that the residence
18 location would be appropriate based on any court-ordered condition of
19 the incarcerated individual's sentence, victim safety concerns, and
20 factors that increase opportunities for successful reentry and long-
21 term support including, but not limited to, location of family or
22 other sponsoring persons or organizations that will support the
23 incarcerated individual, ability to complete an educational program
24 that the incarcerated individual is enrolled in, availability of
25 appropriate programming or treatment, and access to housing,
26 employment, and prosocial influences on the person in the community.

27 (b) In implementing the provisions of this subsection, the
28 department shall approve residence locations in a manner that will
29 not cause any one county to be disproportionately impacted.

30 (c) If the incarcerated individual is not returned to his or her
31 county of origin, the department shall provide the law and justice
32 council of the county in which the incarcerated individual is placed
33 with a written explanation.

34 (d)(i) For purposes of this section, except as provided in
35 (d)(ii) of this subsection, the incarcerated individual's county of
36 origin means the county of the incarcerated individual's residence at
37 the time of the incarcerated individual's first felony conviction in
38 Washington state.

39 (ii) If the incarcerated individual is a homeless person as
40 defined in RCW 43.185C.010, or the incarcerated individual's

1 residence is unknown, then the incarcerated individual's county of
2 origin means the county of the incarcerated individual's first felony
3 conviction in Washington state.

4 (9) Nothing in this section creates a vested right in
5 programming, education, or other services.

6 NEW SECTION. **Sec. 11.** (1) The Washington association of
7 sheriffs and police chiefs must review the model policy developed
8 under RCW 4.24.5501, and the model policy for Washington law
9 enforcement regarding adult and juvenile sex offender registration
10 and community notification, to identify opportunities to utilize
11 technology and streamline initial and ongoing registration processes,
12 including options for remote registration.

13 (2) The Washington association of sheriffs and police chiefs must
14 report its findings to the appropriate committees of the legislature
15 and the sex offender policy board no later than December 1, 2025, and
16 update the model policy as needed no later than June 1, 2026.

17 NEW SECTION. **Sec. 12.** Sections 3, 5, and 8 of this act expire
18 January 1, 2026.

19 NEW SECTION. **Sec. 13.** Sections 4, 6, and 9 of this act take
20 effect January 1, 2026.

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