
SUBSTITUTE SENATE BILL 5268

State of Washington

69th Legislature

2025 Regular Session

By Senate Law & Justice (originally sponsored by Senators Wagoner, Dozier, and Fortunato)

READ FIRST TIME 02/03/25.

1 AN ACT Relating to imposing community custody after a conviction
2 for unlawful possession of a firearm; amending RCW 9.94A.701 and
3 9.94A.701; providing an effective date; and providing an expiration
4 date.

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

6 **Sec. 1.** RCW 9.94A.701 and 2021 c 242 s 6 are each amended to
7 read as follows:

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

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

13 (b) A serious violent offense.

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

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

- 1 (a) Any crime against persons under RCW 9.94A.411(2);
- 2 (b) An offense involving the unlawful possession of a firearm
3 under RCW 9.41.040, where the offender is a criminal street gang
4 member or associate;
- 5 (c) A felony offense under chapter 69.50 or 69.52 RCW, committed
6 on or after July 1, 2000; (~~or~~)
- 7 (d) A felony violation of RCW 9A.44.132(1) (failure to register)
8 that is the offender's first violation for a felony failure to
9 register; or
- 10 (e) An offense involving the unlawful possession of a firearm
11 under RCW 9.41.040.
- 12 (4) If an offender is sentenced under the drug offender
13 sentencing alternative, the court shall impose community custody as
14 provided in RCW 9.94A.660.
- 15 (5) If an offender is sentenced under the special sex offender
16 sentencing alternative, the court shall impose community custody as
17 provided in RCW 9.94A.670.
- 18 (6) If an offender is sentenced to a work ethic camp, the court
19 shall impose community custody as provided in RCW 9.94A.690.
- 20 (7) If an offender is sentenced under the parenting sentencing
21 alternative, the court shall impose a term of community custody as
22 provided in RCW 9.94A.655.
- 23 (8) If the offender is sentenced under the mental health
24 sentencing alternative, the court shall impose a term of community
25 custody as provided in RCW 9.94A.695.
- 26 (9) If a sex offender is sentenced as a nonpersistent offender
27 pursuant to RCW 9.94A.507, the court shall impose community custody
28 as provided in that section.
- 29 (10) The term of community custody specified by this section
30 shall be reduced by the court whenever an offender's standard range
31 term of confinement in combination with the term of community custody
32 exceeds the statutory maximum for the crime as provided in RCW
33 9A.20.021.

34 **Sec. 2.** RCW 9.94A.701 and 2024 c 306 s 10 are each amended to
35 read as follows:

- 36 (1) If an offender is sentenced to the custody of the department
37 for one of the following crimes, the court shall, in addition to the
38 other terms of the sentence, sentence the offender to community
39 custody for three years:

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

2 (b) A serious violent offense.

3 (2) A court shall, in addition to the other terms of the
4 sentence, sentence an offender to community custody for 18 months
5 when the court sentences the person to the custody of the department
6 for ((a)):

7 (a) A violent offense that is not considered a serious violent
8 offense; or

9 (b) An offense involving the unlawful possession of a firearm
10 under RCW 9.41.040, where the offender is sentenced to imprisonment
11 for more than one year.

12 (3) A court shall, in addition to the other terms of the
13 sentence, sentence an offender to community custody for one year when
14 the court sentences the person to the custody of the department for:

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

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

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

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

24 (4) If an offender is sentenced under the drug offender
25 sentencing alternative, the court shall impose community custody as
26 provided in:

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

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

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

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

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

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

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

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

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

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

15 NEW SECTION. **Sec. 3.** Section 1 of this act expires January 1,
16 2026.

17 NEW SECTION. **Sec. 4.** Section 2 of this act takes effect January
18 1, 2026.

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