
SENATE BILL 5333

State of Washington

69th Legislature

2025 Regular Session

By Senators Lovick and Torres

1 AN ACT Relating to penalties related to eluding police vehicles
2 and resisting arrest; amending RCW 46.55.113, 46.55.360, 46.55.370,
3 13.40.040, 9.94A.501, 9.94A.701, 9.94A.701, 9.94A.703, and 13.40.210;
4 reenacting and amending RCW 9.94A.501; adding a new section to
5 chapter 46.61 RCW; adding a new section to chapter 10.21 RCW;
6 providing an effective date; and providing an expiration date.

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

8 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.61
9 RCW to read as follows:

10 (1) A vehicle used to commit the crime of attempting to elude a
11 police vehicle is subject to impoundment as provided for in chapter
12 46.55 RCW.

13 (2) If an operator has previously had a vehicle impounded due to
14 attempting to elude a police vehicle, regardless of whether a
15 criminal charge or a conviction resulted from that conduct, and the
16 operator is convicted of a subsequent offense of attempting to elude
17 a police vehicle or a comparable municipal ordinance, the vehicle
18 operated by the operator is subject to forfeiture as follows:

19 (a) No property may be forfeited under this section until after
20 the operator is convicted of the crime of attempting to elude a

1 police vehicle under RCW 46.61.024 and a finding is made that the
2 operator used the vehicle to commit such crime.

3 (b) A forfeiture of property encumbered by a bona fide security
4 interest is subject to the interest of the secured party if at the
5 time the security interest was created, the secured party neither had
6 knowledge of nor consented to the commission of the offense.

7 (c) A vehicle subject to forfeiture under this section may be
8 seized by any law enforcement officer of this state upon process
9 issued by any court having jurisdiction over the property. However,
10 seizure of the vehicle may be made without process if:

11 (i) The seizure is incident to an arrest or search under a search
12 warrant; or

13 (ii) The vehicle subject to seizure has been the subject of a
14 prior judgment in favor of the seizing agency in a forfeiture
15 proceeding based on this section; or

16 (iii) A law enforcement officer has probable cause to believe
17 that the vehicle was used or is intended to be used in the commission
18 of a felony.

19 (d) In the event of a seizure pursuant to this section,
20 proceedings for forfeiture shall be deemed commenced by the seizure.
21 The law enforcement agency under whose authority the seizure was made
22 shall cause notice to be serviced within 15 days following the
23 seizure on the owner of the property seized and the person in charge
24 thereof and any person having any known right or interest therein,
25 including any community property interest, of the seizure and
26 intended forfeiture of the seized property. The notice of the seizure
27 may be served by any method authorized by law or court rule
28 including, but not limited to, service by certified mail with return
29 receipt requested. Service by mail shall be deemed complete upon
30 mailing within the 15-day period following the seizure. Notice of
31 seizure in the case of property subject to a security interest that
32 has been perfected by filing a financing statement in accordance with
33 chapter 62A.9A RCW, or a certificate of title shall be made by
34 service upon the secured party or the secured party's assignee at the
35 address shown on the financing statement or the certificate of title.

36 (e) If no person notifies the seizing law enforcement agency in
37 writing of the person's claim of ownership or right to possession of
38 items specified in subsection (1) of this section within 60 days of
39 the seizure, the item seized shall either be deemed forfeited if the
40 operator is convicted as provided for in this section, or the vehicle

1 shall be returned to the owner of record if the operator is not
2 convicted as provided for in (a) of this subsection.

3 (f) If a person notifies the seizing law enforcement agency in
4 writing of the person's claim of ownership or right to possession of
5 the seized property within 60 days of the seizure, the law
6 enforcement agency shall give the person or persons a reasonable
7 opportunity to be heard as to the claim or right. The hearing shall
8 be before the chief law enforcement officer of the seizing agency or
9 the chief law enforcement officer's designee, except where the
10 seizing agency is a state agency as defined in RCW 34.12.020, the
11 hearing shall be before the chief law enforcement officer of the
12 seizing agency or an administrative law judge appointed under chapter
13 34.12 RCW, except that any person asserting a claim or right may
14 remove the matter to a court of competent jurisdiction. Removal may
15 only be accomplished according to the rules of civil procedure. The
16 person seeking removal of the matter must serve process against the
17 state, county, political subdivision, or municipality that operates
18 the seizing agency, and any other party of interest, in accordance
19 with RCW 4.28.080 or 4.92.020, within 45 days after the person
20 seeking removal has notified the seizing law enforcement agency of
21 the person's claim of ownership or right to possession. The court to
22 which the matter is to be removed shall be the municipal court of the
23 municipality that operates the seizing agency, or if there is no such
24 municipal court, the district court when the aggregate value of the
25 property is within the jurisdictional limit set forth in RCW
26 3.66.020. A hearing before the seizing agency and any appeal
27 therefrom shall be under Title 34 RCW. In a court hearing between two
28 or more claimants to the property involved, the prevailing party
29 shall be entitled to a judgment for costs and reasonable attorneys'
30 fees. The burden of producing evidence shall be upon the person
31 claiming to be the lawful owner or the person claiming to have the
32 lawful right to possession of the property. The seizing law
33 enforcement agency shall promptly return the property to the claimant
34 upon a determination by the administrative law judge or court that
35 the claimant is the present lawful owner or is lawfully entitled to
36 possession of the property.

37 (g) When property is forfeited under this chapter, after
38 satisfying any court-ordered victim restitution, the seizing law
39 enforcement agency may:

1 (i) Retain it for official use upon application by any law
2 enforcement agency of this state to release such property to such
3 agency for the exclusive use of enforcing the criminal law; or

4 (ii) Sell that which is not required to be destroyed by law and
5 which is not harmful to the public, and use the proceeds to fund
6 personnel, programs, services, and equipment related to the
7 enforcement and processing of attempt to elude a police vehicle
8 violations, or to address and improve general traffic safety, within
9 the seizing agency's jurisdiction.

10 **Sec. 2.** RCW 46.55.113 and 2023 c 283 s 6 are each amended to
11 read as follows:

12 (1) Whenever the driver of a vehicle is arrested for a violation
13 of RCW 46.20.342 or 46.20.345, the vehicle is subject to summary
14 impoundment, pursuant to the terms and conditions of an applicable
15 local ordinance or state agency rule at the direction of a law
16 enforcement officer.

17 (2) In addition, a police officer may take custody of a vehicle,
18 at his or her discretion, and provide for its prompt removal to a
19 place of safety under any of the following circumstances:

20 (a) Whenever a police officer finds a vehicle standing upon the
21 roadway in violation of any of the provisions of RCW 46.61.560, the
22 officer may provide for the removal of the vehicle or require the
23 driver or other person in charge of the vehicle to move the vehicle
24 to a position off the roadway;

25 (b) Whenever a police officer finds a vehicle unattended upon a
26 highway where the vehicle constitutes an obstruction to traffic or
27 jeopardizes public safety;

28 (c) Whenever a police officer finds an unattended vehicle at the
29 scene of an accident or when the driver of a vehicle involved in an
30 accident is physically or mentally incapable of deciding upon steps
31 to be taken to protect his or her property;

32 (d) Whenever the driver of a vehicle is arrested and taken into
33 custody by a police officer;

34 (e) Whenever the driver of a vehicle is arrested for a violation
35 of RCW 46.61.502 or 46.61.504;

36 (f) Whenever a police officer discovers a vehicle that the
37 officer determines to be a stolen vehicle;

38 (g) Whenever a vehicle without a special license plate, placard,
39 or decal indicating that the vehicle is being used to transport a

1 person with disabilities under RCW 46.19.010 is parked in a stall or
2 space clearly and conspicuously marked under RCW 46.61.581 which
3 space is provided on private property without charge or on public
4 property;

5 (h) Upon determining that a person is operating a motor vehicle
6 without a valid and, if required, a specially endorsed driver's
7 license or with a license that has been expired for 90 days or more;

8 (i) When a vehicle is illegally occupying a truck, commercial
9 loading zone, restricted parking zone, bus, loading, hooded-meter,
10 taxi, street construction or maintenance, or other similar zone
11 where, by order of the director of transportation or chiefs of police
12 or fire or their designees, parking is limited to designated classes
13 of vehicles or is prohibited during certain hours, on designated days
14 or at all times, if the zone has been established with signage for at
15 least 24 hours and where the vehicle is interfering with the proper
16 and intended use of the zone. Signage must give notice to the public
17 that a vehicle will be removed if illegally parked in the zone;

18 (j) When a vehicle with an expired registration of more than 45
19 days is parked on a public street;

20 (k) Upon determining that a person restricted to use of only a
21 motor vehicle equipped with a functioning ignition interlock device
22 is operating a motor vehicle that is not equipped with such a device
23 in violation of RCW 46.20.740(2);

24 (l) Whenever the driver of a vehicle is arrested for illegal
25 racing conduct in violation of RCW 46.61.500 or 46.61.530 or a
26 comparable municipal ordinance;

27 (m) Whenever the driver of a vehicle is arrested for attempting
28 to elude a police vehicle in violation of RCW 46.61.024 or a
29 comparable municipal ordinance;

30 (n) Whenever a police officer has probable cause to believe the
31 vehicle has been used to commit the crime of attempting to elude a
32 police vehicle in violation of RCW 46.61.024.

33 (3) When an arrest is made for a violation of RCW 46.20.342, if
34 the vehicle is a commercial vehicle or farm transport vehicle and the
35 driver of the vehicle is not the owner of the vehicle, before the
36 summary impoundment directed under subsection (1) of this section,
37 the police officer shall attempt in a reasonable and timely manner to
38 contact the owner of the vehicle and may release the vehicle to the
39 owner if the owner is reasonably available, as long as the owner was
40 not in the vehicle at the time of the stop and arrest and the owner

1 has not received a prior release under this subsection or RCW
2 46.55.120(1)(b)(ii).

3 (4) The additional procedures outlined in RCW 46.55.360 apply to
4 any impoundment of a vehicle under subsection (2)(e) of this section.

5 (5) Nothing in this section may derogate from the powers of
6 police officers under the common law. For the purposes of this
7 section, a place of safety may include the business location of a
8 registered tow truck operator.

9 (6) For purposes of this section "farm transport vehicle" means a
10 motor vehicle owned by a farmer and that is being actively used in
11 the transportation of the farmer's or another farmer's farm, orchard,
12 aquatic farm, or dairy products, including livestock and plant or
13 animal wastes, from point of production to market or disposal, or
14 supplies or commodities to be used on the farm, orchard, aquatic
15 farm, or dairy, and that has a gross vehicle weight rating of 7,258
16 kilograms (16,001 pounds) or more.

17 **Sec. 3.** RCW 46.55.360 and 2023 c 283 s 7 are each amended to
18 read as follows:

19 (1)(a) When a driver of a vehicle is arrested for a violation of
20 RCW 46.61.502 or 46.61.504, attempting to elude a police vehicle
21 under RCW 46.61.024, or illegal racing conduct under RCW 46.61.500 or
22 46.61.530 or a comparable municipal ordinance, and the officer
23 directs the impoundment of the vehicle under RCW 46.55.113(2) (e) or
24 (1), the vehicle must be impounded and retained under the process
25 outlined in this section. With the exception of the holds mandated
26 under this section, the procedures for notice, redemption, storage,
27 auction, and sale shall remain the same as for other impounded
28 vehicles under this chapter.

29 (b) If the police officer directing that a vehicle be impounded
30 under RCW 46.55.113(2) (e) or (1) has:

31 (i) Waited 30 minutes after the police officer contacted the
32 police dispatcher requesting a registered tow truck operator and the
33 tow truck responding has not arrived, or

34 (ii) If the police officer is presented with exigent
35 circumstances such as being called to another incident or due to
36 limited available resources being required to return to patrol,
37 the police officer may place the completed impound order and
38 inventory inside the vehicle and secure the vehicle by closing the
39 windows and locking the doors before leaving.

1 (c) If a police officer has secured the vehicle and left it
2 pursuant to (b) of this subsection, the police officer and the
3 government or agency employing the police officer shall not be liable
4 for any damages to or theft of the vehicle or its contents that occur
5 between the time the officer leaves and the time that the registered
6 tow truck operator takes custody of the vehicle, or for the actions
7 of any person who takes or removes the vehicle before the registered
8 tow truck operator arrives.

9 (2)(a) When a vehicle is impounded under RCW 46.55.113(2)(e) and
10 the driver is a registered owner of the vehicle, the impounded
11 vehicle may not be redeemed within a 12-hour period following the
12 time the impounded vehicle arrives at the registered tow truck
13 operator's storage facility as noted in the registered tow truck
14 operator's master log, unless there are two or more registered owners
15 of the vehicle or there is a legal owner of the vehicle that is not
16 the driver of the vehicle. A registered owner who is not the driver
17 of the vehicle or a legal owner who is not the driver of the vehicle
18 may redeem the impounded vehicle after it arrives at the registered
19 tow truck operator's storage facility as noted in the registered tow
20 truck operator's master log.

21 (b) When a vehicle is impounded under RCW 46.55.113(2)(e) and the
22 driver is a registered owner of the vehicle, the police officer
23 directing the impound shall notify the driver that the impounded
24 vehicle may not be redeemed within a 12-hour period following the
25 time the impounded vehicle arrives at the registered tow truck
26 operator's storage facility as noted in the registered tow truck
27 operator's master log, unless there are two or more registered owners
28 or there is a legal owner who is not the driver of the vehicle. The
29 police officer directing the impound shall notify the driver that the
30 impounded vehicle may be redeemed by either a registered owner or
31 legal owner, who is not the driver of the vehicle, after the
32 impounded vehicle arrives at the registered tow truck operator's
33 storage facility as noted in the registered tow truck operator's
34 master log.

35 (c) When a vehicle is impounded under RCW 46.55.113(2) (l) or
36 (m), the driver is arrested for racing or attempting to elude a
37 police vehicle, and the driver is a registered owner of the vehicle,
38 the impounded vehicle may not be redeemed for a period of 72 hours
39 from the time the impounded vehicle arrives at the registered tow
40 truck operator's storage facility as noted in the registered tow

1 truck operator's master log, unless there are two or more registered
2 owners of the vehicle or there is a legal owner of the vehicle that
3 is not the driver of the vehicle. A registered owner who is not the
4 driver of the vehicle or a legal owner who is not the driver of the
5 vehicle may redeem the impounded vehicle after it arrives at the
6 registered tow truck operator's storage facility as noted in the
7 registered tow truck operator's master log.

8 (d) When a vehicle is impounded under RCW 46.55.113(2) (l) or
9 (m), the driver is arrested for racing or attempting to elude a
10 police vehicle, and the driver is a registered owner of the vehicle,
11 the police officer directing the impound shall notify the driver that
12 the impounded vehicle may not be redeemed for 72 hours from the time
13 the impounded vehicle arrives at the registered tow truck operator's
14 storage facility as noted in the registered tow truck operator's
15 master log, unless there are two or more registered owners or there
16 is a legal owner who is not the driver of the vehicle. The police
17 officer directing the impound shall notify the driver that the
18 impounded vehicle may be redeemed by either a registered owner or
19 legal owner, who is not the driver of the vehicle, after the
20 impounded vehicle arrives at the registered tow truck operator's
21 storage facility as noted in the registered tow truck operator's
22 master log.

23 (3)(a) When a vehicle is impounded under RCW 46.55.113(2) (~~(e)~~)
24 and the driver is not a registered owner of the vehicle, the
25 impounded vehicle may be redeemed by a registered owner or legal
26 owner, who is not the driver of the vehicle, after the impounded
27 vehicle arrives at the registered tow truck operator's storage
28 facility as noted in the registered tow truck operator's master log.

29 (b) When a vehicle is impounded under RCW 46.55.113(2) (e) and the
30 driver is not a registered owner of the vehicle, the police officer
31 directing the impound shall notify the driver that the impounded
32 vehicle may be redeemed by a registered owner or legal owner, who is
33 not the driver of the vehicle, after the impounded vehicle arrives at
34 the registered tow truck operator's storage facility as noted in the
35 registered tow truck operator's master log.

36 (c) When a vehicle is impounded under RCW 46.55.113(2) (l) or
37 (m), the driver is arrested for racing or attempting to elude a
38 police vehicle, and the driver is not a registered owner of the
39 vehicle, the impounded vehicle may be redeemed by a registered owner
40 or legal owner, who is not the driver of the vehicle, after the

1 impounded vehicle arrives at the registered tow truck operator's
2 storage facility as noted in the registered tow truck operator's
3 master log.

4 (d) When a vehicle is impounded under RCW 46.55.113(2) (l) or
5 (m), the driver is arrested for racing or attempting to elude a
6 police vehicle, and the driver is not a registered owner of the
7 vehicle, the police officer directing the impound shall notify the
8 driver that the impounded vehicle may be redeemed by a registered
9 owner or legal owner, who is not the driver of the vehicle, after the
10 impounded vehicle arrives at the registered tow truck operator's
11 storage facility as noted in the registered tow truck operator's
12 master log.

13 (e) If the vehicle is a commercial vehicle or farm transport
14 vehicle and the driver of the vehicle is not the owner of the
15 vehicle, prior to determining that no reasonable alternatives to
16 impound exist and directing impoundment of the vehicle under RCW
17 46.55.113(2) (e) (~~(e)~~), (l) or (m), the police officer must have
18 attempted in a reasonable and timely manner to contact the owner, and
19 release the vehicle to the owner if the owner was reasonably
20 available, not under the influence of alcohol or any drug, and not a
21 party to the racing or attempting to elude a police vehicle conduct
22 that subjects the vehicle to impound.

23 (f) The registered tow truck operator shall notify the agency
24 that ordered that the vehicle be impounded when the vehicle arrives
25 at the registered tow truck operator's storage facility and has been
26 entered into the master log starting any mandatory hold period
27 provided for in this section.

28 (4) A registered tow truck operator that releases an impounded
29 vehicle pursuant to the requirements stated in this section is not
30 liable for injuries or damages sustained by the operator of the
31 vehicle or sustained by third parties that may result from the
32 vehicle driver's intoxicated state or illegal conduct relating to
33 racing or attempting to elude a police vehicle.

34 (5) For purposes of this section "farm transport vehicle" means a
35 motor vehicle owned by a farmer and that is being actively used in
36 the transportation of the farmer's or another farmer's farm, orchard,
37 aquatic farm, or dairy products, including livestock and plant or
38 animal wastes, from point of production to market or disposal, or
39 supplies or commodities to be used on the farm, orchard, aquatic

1 farm, or dairy, and that has a gross vehicle weight rating of 7,258
2 kilograms (16,001 pounds) or more.

3 **Sec. 4.** RCW 46.55.370 and 2023 c 283 s 8 are each amended to
4 read as follows:

5 If an impoundment arising from an alleged violation of RCW
6 46.61.502 or 46.61.504, attempting to elude a police vehicle under
7 RCW 46.61.024, or illegal racing under RCW 46.61.500 or 46.61.530, or
8 a comparable ordinance is determined to be in violation of this
9 chapter, then the police officer directing the impoundment and the
10 government employing the officer are not liable for damages for loss
11 of use of the vehicle if the officer had reasonable suspicion to
12 believe that the driver of the vehicle was driving the vehicle in
13 violation of RCW 46.61.502 or 46.61.504, or conducting illegal racing
14 in violation of RCW 46.61.500 or 46.61.530, attempting to elude a
15 police vehicle under RCW 46.61.024, or comparable municipal
16 ordinance.

17 NEW SECTION. **Sec. 5.** A new section is added to chapter 10.21
18 RCW to read as follows:

19 When any person charged with attempting to elude a police vehicle
20 under RCW 46.61.024 or resisting arrest under RCW 9A.76.040 is
21 released from custody at arraignment or trial, on bail or personal
22 recognizance, the court authorizing release shall require, as a
23 condition of release, that the person be placed on electronic
24 monitoring as defined in RCW 9.94A.030, with proof of installation of
25 the monitoring device filed with the court by the person or the
26 monitoring agency within five business days of the date of release
27 from custody or as soon thereafter as determined by the court on
28 availability within the jurisdiction.

29 **Sec. 6.** RCW 13.40.040 and 2017 3rd sp.s. c 6 s 606 are each
30 amended to read as follows:

31 (1) A juvenile may be taken into custody:

32 (a) Pursuant to a court order if a complaint is filed with the
33 court alleging, and the court finds probable cause to believe, that
34 the juvenile has committed an offense or has violated terms of a
35 disposition order or release order; or

36 (b) Without a court order, by a law enforcement officer if
37 grounds exist for the arrest of an adult in identical circumstances.

1 Admission to, and continued custody in, a court detention facility
2 shall be governed by subsection (2) of this section; or

3 (c) Pursuant to a court order that the juvenile be held as a
4 material witness; or

5 (d) Where the secretary or the secretary's designee has suspended
6 the parole of a juvenile offender.

7 (2) A juvenile may not be held in detention unless there is
8 probable cause to believe that:

9 (a) The juvenile has committed an offense or has violated the
10 terms of a disposition order; and

11 (i) The juvenile will likely fail to appear for further
12 proceedings; or

13 (ii) Detention is required to protect the juvenile from himself
14 or herself; or

15 (iii) The juvenile is a threat to community safety; or

16 (iv) The juvenile will intimidate witnesses or otherwise
17 unlawfully interfere with the administration of justice; or

18 (v) The juvenile has committed a crime while another case was
19 pending; or

20 (b) The juvenile is a fugitive from justice; or

21 (c) The juvenile's parole has been suspended or modified; or

22 (d) The juvenile is a material witness.

23 (3) Notwithstanding subsection (2) of this section, and within
24 available funds, a juvenile who has been found guilty of one of the
25 following offenses shall be detained pending disposition: Rape in the
26 first or second degree (RCW 9A.44.040 and 9A.44.050); or rape of a
27 child in the first degree (RCW 9A.44.073).

28 (4) Upon a finding that members of the community have threatened
29 the health of a juvenile taken into custody, at the juvenile's
30 request the court may order continued detention pending further order
31 of the court.

32 (5) Except as provided in RCW 9.41.280, a juvenile detained under
33 this section may be released upon posting a probation bond set by the
34 court. The juvenile's parent or guardian may sign for the probation
35 bond. A court authorizing such a release shall issue an order
36 containing a statement of conditions imposed upon the juvenile and
37 shall set the date of his or her next court appearance. The court
38 shall advise the juvenile of any conditions specified in the order
39 and may at any time amend such an order in order to impose additional
40 or different conditions of release upon the juvenile or to return the

1 juvenile to custody for failing to conform to the conditions imposed.
2 In addition to requiring the juvenile to appear at the next court
3 date, the court may condition the probation bond on the juvenile's
4 compliance with conditions of release. The juvenile's parent or
5 guardian may notify the court that the juvenile has failed to conform
6 to the conditions of release or the provisions in the probation bond.
7 If the parent notifies the court of the juvenile's failure to comply
8 with the probation bond, the court shall notify the surety. As
9 provided in the terms of the bond, the surety shall provide notice to
10 the court of the offender's noncompliance. A juvenile may be released
11 only to a responsible adult or the department of children, youth, and
12 families. Failure to appear on the date scheduled by the court
13 pursuant to this section shall constitute the crime of bail jumping.

14 (6) The court shall require any juvenile charged with attempting
15 to elude a police vehicle (RCW 46.61.024) or resisting arrest (RCW
16 9A.76.040), who is released under subsection (5) of this section,
17 submit to electronic monitoring pending disposition of the charge.

18 **Sec. 7.** RCW 9.94A.501 and 2024 c 63 s 3 are each amended to read
19 as follows:

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

23 (a) Offenders convicted of:

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

25 (ii) Custodial sexual misconduct second degree;

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

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

28 (b) Offenders who have:

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

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

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

36 (3) The department shall supervise every felony offender
37 sentenced to community custody pursuant to RCW 9.94A.701 or 9.94A.702
38 whose risk assessment classifies the offender as one who is at a high
39 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 (failure to register) and was sentenced to a term of community
13 custody pursuant to RCW 9.94A.701;

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), (~~(e)~~) RCW 46.61.504(6) (felony physical control), or
30 RCW 46.61.024 (attempting to elude a police vehicle).

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

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

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

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

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

12 **Sec. 8.** RCW 9.94A.501 and 2024 c 306 s 4 and 2024 c 63 s 3 are
13 each reenacted and amended to read as follows:

14 (1) The department shall supervise the following offenders who
15 are sentenced to probation in superior court, pursuant to RCW
16 9.92.060, 9.95.204, or 9.95.210:

17 (a) Offenders convicted of:

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

19 (ii) Custodial sexual misconduct second degree;

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

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

22 (b) Offenders who have:

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

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

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

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

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

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

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

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

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

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

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

18 (f) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660,
19 9.94A.670, 9.94A.711, 9.94A.695, or 9.94A.661;

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

21 (h) Was convicted and sentenced under RCW 46.61.520 (vehicular
22 homicide), RCW 46.61.522 (vehicular assault), RCW 46.61.502(6)
23 (felony DUI), (~~(e)~~) RCW 46.61.504(6) (felony physical control), or
24 RCW 46.61.024 (attempting to elude a police vehicle).

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

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

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

36 (8) The period of time the department is authorized to supervise
37 an offender under this section may not exceed the duration of
38 community custody specified under RCW 9.94B.050, 9.94A.701 (1)
39 through (9), or 9.94A.702, except in cases where the court has
40 imposed an exceptional term of community custody under RCW 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. 9.** 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 ~~((eighteen))~~
14 18 months when the court sentences the person to the custody of the
15 department for a violent offense that is not considered a serious
16 violent offense.

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

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

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

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

26 (d) A violation of RCW 46.61.024 (attempting to elude a police
27 vehicle); or

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

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

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

37 (6) If an offender is sentenced to a work ethic camp, the court
38 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 range
12 term of confinement in combination with the term of community custody
13 exceeds the statutory maximum for the crime as provided in RCW
14 9A.20.021.

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

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

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

22 (b) A serious violent offense.

23 (2) A court shall, in addition to the other terms of the
24 sentence, sentence an offender to community custody for 18 months
25 when the court sentences the person to the custody of the department
26 for a violent offense that is not considered a serious violent
27 offense.

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

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

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

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

37 (d) A violation of RCW 46.61.024 (attempting to elude a police
38 vehicle); or

1 (e) A felony violation of RCW 9A.44.132(1) (failure to register)
2 that is the offender's first violation for a felony failure to
3 register.

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

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

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

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

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

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
31 sentence range term of confinement in combination with the term of
32 community custody exceeds the statutory maximum for the crime as
33 provided in RCW 9A.20.021.

34 **Sec. 11.** RCW 9.94A.703 and 2024 c 118 s 2 are each amended to
35 read as follows:

36 When a court sentences a person to a term of community custody,
37 the court shall impose conditions of community custody as provided in
38 this section.

1 (1) **Mandatory conditions.** As part of any term of community
2 custody, the court shall:

3 (a) Require the offender to inform the department of court-
4 ordered treatment upon request by the department;

5 (b) Require the offender to comply with any conditions imposed by
6 the department under RCW 9.94A.704;

7 (c) If the offender was sentenced under RCW 9.94A.507 for an
8 offense listed in RCW 9.94A.507(1)(a), and the victim of the offense
9 was under 18 years of age at the time of the offense, prohibit the
10 offender from residing in a community protection zone;

11 (d) If the offender was sentenced under RCW 9A.36.120, prohibit
12 the offender from serving in any paid or volunteer capacity where he
13 or she has control or supervision of minors under the age of 13;

14 (e) If the offender was sentenced for a violation of RCW
15 46.61.024 (attempting to elude a police vehicle), require the
16 offender to be placed on electronic monitoring for the duration of
17 the offender's term of community custody.

18 (2) **Waivable conditions.** Unless waived by the court, as part of
19 any term of community custody, the court shall order an offender to:

20 (a) Report to and be available for contact with the assigned
21 community corrections officer as directed;

22 (b) Work at department-approved education, employment, or
23 community restitution, or any combination thereof;

24 (c) Refrain from possessing or consuming controlled substances
25 except pursuant to lawfully issued prescriptions; and

26 (d) Obtain prior approval of the department for the offender's
27 residence location and living arrangements.

28 (3) **Discretionary conditions.** As part of any term of community
29 custody, the court may order an offender to:

30 (a) Remain within, or outside of, a specified geographical
31 boundary;

32 (b) Refrain from direct or indirect contact with the victim of
33 the crime or a specified class of individuals;

34 (c) Participate in crime-related treatment or counseling
35 services;

36 (d) Participate in rehabilitative programs or otherwise perform
37 affirmative conduct reasonably related to the circumstances of the
38 offense, the offender's risk of reoffending, or the safety of the
39 community;

40 (e) Refrain from possessing or consuming alcohol; or

1 (f) Comply with any crime-related prohibitions.

2 (4) **Special conditions.**

3 (a) In sentencing an offender convicted of a crime of domestic
4 violence, as defined in RCW 10.99.020, if the offender has a minor
5 child, or if the victim of the offense for which the offender was
6 convicted has a minor child, the court may order the offender to
7 participate in a domestic violence perpetrator program approved under
8 RCW 43.20A.735.

9 (b) (i) In sentencing an offender convicted of an alcohol or drug-
10 related traffic offense, the court shall require the offender to
11 complete a diagnostic evaluation by a substance use disorder
12 treatment program approved by the department of social and health
13 services or a qualified probation department, defined under RCW
14 46.61.516, that has been approved by the department of social and
15 health services. If the offense was pursuant to chapter 46.61 RCW,
16 the report shall be forwarded to the department of licensing. If the
17 offender is found to have an alcohol or drug problem that requires
18 treatment, the offender shall complete treatment in an approved
19 substance use disorder treatment program as defined in chapter 71.24
20 RCW. If the offender is found not to have an alcohol or drug problem
21 that requires treatment, the offender shall complete a course in an
22 alcohol and drug information school licensed or certified by the
23 department of health under chapter 70.96A RCW. The offender shall pay
24 all costs for any evaluation, education, or treatment required by
25 this section, unless the offender is eligible for an existing program
26 offered or approved by the department of social and health services.

27 (ii) For purposes of this section, "alcohol or drug-related
28 traffic offense" means the following: Driving while under the
29 influence as defined by RCW 46.61.502, actual physical control while
30 under the influence as defined by RCW 46.61.504, vehicular homicide
31 as defined by RCW 46.61.520(1)(a), vehicular assault as defined by
32 RCW 46.61.522(1)(b), homicide by watercraft as defined by RCW
33 79A.60.050, or assault by watercraft as defined by RCW 79A.60.060.

34 (iii) This subsection (4)(b) does not require the department of
35 social and health services to add new treatment or assessment
36 facilities nor affect its use of existing programs and facilities
37 authorized by law.

38 (5)(a) On the motion of the offender, following the offender's
39 release from total confinement, the court may amend the substantive
40 conditions of community custody imposed by the court.

1 (b) The offender shall have the burden of proving by a
2 preponderance of the evidence that there has been a substantial
3 change in circumstances such that the condition of community custody
4 is no longer necessary for community safety. In determining whether
5 there has been a substantial change in circumstances, the court may
6 not base its determination solely on the fact that time has passed
7 without a violation.

8 (c) An offender may file a motion to modify substantive
9 conditions of community custody imposed by the court no more than
10 once in every 12-month period that the order is in effect, starting
11 from the date of the order.

12 (d) The time limit for collateral attacks established under RCW
13 10.73.090 does not apply to any motion filed pursuant to this
14 subsection.

15 (e) A motion under this subsection may not reopen the offender's
16 conviction to challenges that would otherwise be barred by RCW
17 10.73.090, 10.73.100, 10.73.140, or other procedural barriers.

18 **Sec. 12.** RCW 13.40.210 and 2024 c 297 s 16 are each amended to
19 read as follows:

20 (1) The secretary shall set a release date for each juvenile
21 committed to its custody. The release date shall be within the
22 prescribed range to which a juvenile has been committed under RCW
23 13.40.0357 or 13.40.030 except as provided in RCW 13.40.320
24 concerning offenders the department determines are eligible for the
25 juvenile offender basic training camp program. Such dates shall be
26 determined prior to the expiration of (~~sixty~~) 60 percent of a
27 juvenile's minimum term of confinement included within the prescribed
28 range to which the juvenile has been committed. The secretary shall
29 release any juvenile committed to the custody of the department
30 within four calendar days prior to the juvenile's release date or on
31 the release date set under this chapter. Days spent in the custody of
32 the department shall be tolled by any period of time during which a
33 juvenile has absented himself or herself from the department's
34 supervision without the prior approval of the secretary or the
35 secretary's designee.

36 (2) The secretary shall monitor the average daily population of
37 the state's juvenile residential facilities. When the secretary
38 concludes that in-residence population of residential facilities
39 exceeds (~~one hundred five~~) 105 percent of the rated bed capacity

1 specified in statute, or in absence of such specification, as
2 specified by the department in rule, the secretary may recommend
3 reductions to the governor. On certification by the governor that the
4 recommended reductions are necessary, the secretary has authority to
5 administratively release a sufficient number of offenders to reduce
6 in-residence population to (~~one hundred~~) 100 percent of rated bed
7 capacity. The secretary shall release those offenders who have served
8 the greatest proportion of their sentence. However, the secretary may
9 deny release in a particular case at the request of an offender, or
10 if the secretary finds that there is no responsible custodian, as
11 determined by the department, to whom to release the offender, or if
12 the release of the offender would pose a clear danger to society. The
13 department shall notify the committing court of the release at the
14 time of release if any such early releases have occurred as a result
15 of excessive in-residence population. In no event shall an offender
16 adjudicated of a violent offense be granted release under the
17 provisions of this subsection.

18 (3) (a) Following the release of any juvenile under subsection (1)
19 of this section, the secretary may require the juvenile to comply
20 with a program of parole to be administered by the department in his
21 or her community which shall last no longer than (~~eighteen~~) 18
22 months, except that in the case of a juvenile sentenced for a sex
23 offense as defined under RCW 9.94A.030 the period of parole shall be
24 (~~twenty-four~~) 24 months and, in the discretion of the secretary,
25 may be up to (~~thirty-six~~) 36 months when the secretary finds that
26 an additional period of parole is necessary and appropriate in the
27 interests of public safety or to meet the ongoing needs of the
28 juvenile. A parole program is mandatory for offenders released under
29 subsection (2) of this section and for offenders who receive a
30 juvenile residential commitment sentence for theft of a motor
31 vehicle, possession of a stolen motor vehicle, attempting to elude a
32 police vehicle, or taking a motor vehicle without permission 1. A
33 juvenile adjudicated for unlawful possession of a firearm, possession
34 of a stolen firearm, theft of a firearm, or drive-by shooting may
35 participate in aggression replacement training, functional family
36 therapy, or functional family parole aftercare if the juvenile meets
37 eligibility requirements for these services. The decision to place an
38 offender in an evidence-based parole program shall be based on an
39 assessment by the department of the offender's risk for reoffending
40 upon release and an assessment of the ongoing treatment needs of the

1 juvenile. The department shall prioritize available parole resources
2 to provide supervision and services to offenders at moderate to high
3 risk for reoffending.

4 (b) The secretary shall, for the period of parole, facilitate the
5 juvenile's reintegration into his or her community and to further
6 this goal shall require the juvenile to refrain from possessing a
7 firearm or using a deadly weapon, and refrain from committing new
8 offenses or violating any orders issued by the juvenile court
9 pursuant to chapter 7.105 RCW, and may require the juvenile to: (i)
10 Undergo available medical, psychiatric, drug and alcohol, sex
11 offender, mental health, and other offense-related treatment
12 services; (ii) report as directed to a parole officer and/or
13 designee; (iii) pursue a course of study, vocational training, or
14 employment; (iv) notify the parole officer of the current address
15 where he or she resides; (v) be present at a particular address
16 during specified hours; (vi) remain within prescribed geographical
17 boundaries; (vii) submit to electronic monitoring; (viii) refrain
18 from using illegal drugs and alcohol, and submit to random urinalysis
19 when requested by the assigned parole officer; (ix) refrain from
20 contact with specific individuals or a specified class of
21 individuals; (x) meet other conditions determined by the parole
22 officer to further enhance the juvenile's reintegration into the
23 community; (xi) pay any court-ordered fines or restitution; and (xii)
24 perform community restitution.

25 (A) Community restitution for the purpose of this section means
26 compulsory service, without compensation, performed for the benefit
27 of the community by the offender. Community restitution may be
28 performed through public or private organizations or through work
29 crews.

30 (B) The department shall require any juvenile adjudicated guilty
31 for attempting to elude a police vehicle to submit to electronic
32 monitoring for the duration of the term of the parole program.

33 (c) The secretary may further require up to (~~twenty-five~~) 25
34 percent of the highest risk juvenile offenders who are placed on
35 parole to participate in an intensive supervision program. Offenders
36 participating in an intensive supervision program shall be required
37 to comply with all terms and conditions listed in (b) of this
38 subsection and shall also be required to comply with the following
39 additional terms and conditions: (i) Obey all laws and refrain from
40 any conduct that threatens public safety; (ii) report at least once a

1 week to an assigned community case manager; and (iii) meet all other
2 requirements imposed by the community case manager related to
3 participating in the intensive supervision program. As a part of the
4 intensive supervision program, the secretary may require day
5 reporting.

6 (d) After termination of the parole period, the juvenile shall be
7 discharged from the department's supervision.

8 (4)(a) The department may also modify parole for violation
9 thereof. If, after affording a juvenile all of the due process rights
10 to which he or she would be entitled if the juvenile were an adult,
11 the secretary finds that a juvenile has violated a condition of his
12 or her parole, the secretary shall order one of the following which
13 is reasonably likely to effectuate the purpose of the parole and to
14 protect the public: (i) Continued supervision under the same
15 conditions previously imposed; (ii) intensified supervision with
16 increased reporting requirements; (iii) additional conditions of
17 supervision authorized by this chapter; (iv) except as provided in
18 (a)(v) and (vi) of this subsection, imposition of a period of
19 confinement not to exceed (~~thirty~~) 30 days in a facility operated
20 by or pursuant to a contract with the state of Washington or any city
21 or county for a portion of each day or for a certain number of days
22 each week with the balance of the days or weeks spent under
23 supervision; (v) the secretary may order any of the conditions or may
24 return the offender to confinement for the remainder of the sentence
25 range if the offense for which the offender was sentenced is rape in
26 the first or second degree, rape of a child in the first or second
27 degree, child molestation in the first degree, indecent liberties
28 with forcible compulsion, or a sex offense that is also a serious
29 violent offense as defined by RCW 9.94A.030; and (vi) the secretary
30 may order any of the conditions or may return the offender to
31 confinement for the remainder of the sentence range if the youth has
32 completed the basic training camp program as described in RCW
33 13.40.320.

34 (b) The secretary may modify parole and order any of the
35 conditions or may return the offender to confinement for up to
36 (~~twenty-four~~) 24 weeks if the offender was sentenced for a sex
37 offense as defined under RCW 9A.44.128 and is known to have violated
38 the terms of parole. Confinement beyond (~~thirty~~) 30 days is
39 intended to only be used for a small and limited number of sex
40 offenders. It shall only be used when other graduated sanctions or

1 interventions have not been effective or the behavior is so egregious
2 it warrants the use of the higher level intervention and the
3 violation: (i) Is a known pattern of behavior consistent with a
4 previous sex offense that puts the youth at high risk for reoffending
5 sexually; (ii) consists of sexual behavior that is determined to be
6 predatory as defined in RCW 71.09.020; or (iii) requires a review
7 under chapter 71.09 RCW, due to a recent overt act. The total number
8 of days of confinement for violations of parole conditions during the
9 parole period shall not exceed the number of days provided by the
10 maximum sentence imposed by the disposition for the underlying
11 offense pursuant to RCW 13.40.0357. The department shall not
12 aggregate multiple parole violations that occur prior to the parole
13 revocation hearing and impose consecutive (~~twenty-four~~) 24 week
14 periods of confinement for each parole violation. The department is
15 authorized to engage in rule making pursuant to chapter 34.05 RCW, to
16 implement this subsection, including narrowly defining the behaviors
17 that could lead to this higher level intervention.

18 (c) If the department finds that any juvenile in a program of
19 parole has possessed a firearm or used a deadly weapon during the
20 program of parole, the department shall modify the parole under (a)
21 of this subsection and confine the juvenile for at least (~~thirty~~)
22 30 days. Confinement shall be in a facility operated by or pursuant
23 to a contract with the state or any county.

24 (5) A parole officer of the department of children, youth, and
25 families shall have the power to arrest a juvenile under his or her
26 supervision on the same grounds as a law enforcement officer would be
27 authorized to arrest the person.

28 (6) If so requested and approved under chapter 13.06 RCW, the
29 secretary shall permit a county or group of counties to perform
30 functions under subsections (3) through (5) of this section.

31 NEW SECTION. **Sec. 13.** Sections 7 and 9 of this act expire
32 January 1, 2026.

33 NEW SECTION. **Sec. 14.** Sections 8 and 10 of this act take effect
34 January 1, 2026.

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