

CERTIFICATION OF ENROLLMENT

SECOND SUBSTITUTE SENATE BILL 5695

Chapter 160, Laws of 2022

67th Legislature
2022 Regular Session

DEPARTMENT OF CORRECTIONS—BODY SCANNER PILOT PROGRAM

EFFECTIVE DATE: June 9, 2022

Passed by the Senate March 7, 2022
Yeas 49 Nays 0

DENNY HECK

President of the Senate

Passed by the House March 2, 2022
Yeas 96 Nays 0

LURIE JINKINS

**Speaker of the House of
Representatives**

Approved March 24, 2022 9:19 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE SENATE BILL 5695** as passed by the Senate and the House of Representatives on the dates hereon set forth.

SARAH BANNISTER

Secretary

FILED

March 24, 2022

**Secretary of State
State of Washington**

SECOND SUBSTITUTE SENATE BILL 5695

AS AMENDED BY THE HOUSE

Passed Legislature - 2022 Regular Session

State of Washington

67th Legislature

2022 Regular Session

By Senate Ways & Means (originally sponsored by Senators Dhingra, Wagoner, Brown, Gildon, Kuderer, Lovick, Mullet, Wellman, and C. Wilson)

READ FIRST TIME 02/07/22.

1 AN ACT Relating to a body scanner pilot program at the department
2 of corrections; adding a new section to chapter 72.09 RCW; creating
3 new sections; and providing an expiration date.

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

5 NEW SECTION. **Sec. 1.** This act may be known and cited as the
6 drug free prisons act.

7 NEW SECTION. **Sec. 2.** The legislature recognizes that the
8 department of corrections is responsible for enhancing public safety
9 through the operation of safe and secure facilities. The legislature
10 recognizes that safe and secure facilities improve safety and well-
11 being for those experiencing incarceration, departmental employees,
12 visitors, and volunteers. The legislature recognizes that one of the
13 greatest risks to operating safe and secure facilities is the
14 introduction and movement of contraband, including but not limited to
15 alcohol and drugs. The legislature recognizes that undiagnosed,
16 untreated, or unaddressed substance use disorder can lead to
17 increased rates of recidivism. Therefore, the legislature intends to
18 protect human dignity by reducing or eliminating strip searches, and
19 to increase public safety by reducing access to drugs and alcohol in

1 correctional facilities and to increase substance use disorder
2 diagnosis, treatment, and services.

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 72.09
4 RCW to read as follows:

5 (1)(a) The department shall establish a comprehensive body
6 scanner program at the Washington corrections center for women and at
7 a state correctional facility serving male incarcerated individuals
8 as part of an expanded pilot program to create drug-free state
9 correctional facilities. The scanner must be capable of detecting the
10 presence of contraband contained under clothing and within body
11 cavities, and must meet applicable federal and state radiation and
12 safety standards.

13 (b) The department shall develop policies and procedures
14 necessary to establish a comprehensive body scanner program that
15 shall be utilized to conduct security screenings for employees,
16 contractors, visitors, volunteers, incarcerated individuals, and
17 other persons entering the secure perimeter of the correctional
18 facility participating in the pilot program under this section.
19 Alternative search methods shall be used for persons who are minors,
20 individuals who are health compromised, individuals with
21 disabilities, individuals who may be pregnant, and individuals who
22 may meet the maximum allowable monthly or annual radiation dosage
23 limit specified by the department of health.

24 (2) The department shall provide appropriate custody and nursing
25 staff levels for body scanners installed at a state correctional
26 facility under this section. Staffing must be adequate to provide for
27 subsequent searches and dry cell watches if a body scan indicates the
28 presence of contraband.

29 (a) An incarcerated individual with a body scan indicating the
30 presence of substance-related contraband shall undergo, if
31 appropriate, a comprehensive assessment for substance use disorder
32 and receive relevant substance use disorder treatment services,
33 including medication-assisted treatment. The department shall
34 prioritize substance use disorder treatment services for incarcerated
35 individuals with cognitive, behavioral, and physiological symptoms
36 indicating the incarcerated individual is experiencing a substance
37 use disorder. The department shall distinguish between incarcerated
38 individuals who have symptoms indicating a substance use disorder and
39 incarcerated individuals who transport substances for other

1 individuals and do not have symptoms indicating a substance use
2 disorder.

3 (b) A department employee, contractor, visitor, or volunteer with
4 a body scan indicating the presence of contraband shall be
5 disciplined in accordance with department policies.

6 (3) The department shall provide appropriate radiation safety and
7 body scanner operation training to all staff who will administer the
8 body scan. Only staff who have completed all related trainings may be
9 permitted to operate the body scanner and review body scans. The
10 department shall develop policies, in consultation and collaboration
11 with the department of health, on scanner use and screening
12 procedures, including frequency and radiation exposure limits, to
13 minimize harmful radiation exposure while safely and effectively
14 utilizing the full body scanners to create drug-free correctional
15 facilities. The department shall develop a method to track and
16 maintain records on the frequency of body scans conducted on any
17 individual subject to the comprehensive body scanner program to
18 comply with any maximum allowable monthly and annual radiation dosage
19 limits that may be set by the department of health.

20 (4) The secretary shall adopt any rules and policies necessary to
21 implement the requirements of this section.

22 (5) By December 1st each year, and in compliance with RCW
23 43.01.036, the department shall submit a report to the governor and
24 the legislature on:

25 (a) The number and types of individuals, including visitors,
26 employees, contractors, and volunteers, with positive body scans in
27 the prior year and the disciplinary action taken;

28 (b) The types of contraband detected by the body scanner;

29 (c) The number of confiscated substances in the prior five years;

30 (d) The number of incarcerated individuals with positive body
31 scans for substance-related contraband in the prior year who were
32 assessed for substance use disorder and received substance use
33 disorder treatment services while incarcerated; and

34 (e) The number and length of time incarcerated individuals with
35 positive body scans were placed on dry cell watch in the prior year.

36 (6) For the purposes of this section:

37 (a) "Contraband" has the meaning as in RCW 9A.76.010;

38 (b) "Dry cell watch" means the placement of an incarcerated
39 person in a secure room or cell for the safe recovery of internally
40 concealed contraband; and

1 (c) "Substance use disorder treatment services" means services
2 licensed by the department of health or provided as part of a
3 substance use disorder treatment program that has been approved by
4 the department of health.

5 (7) This section expires June 30, 2024.

6 NEW SECTION. **Sec. 4.** If specific funding for the purposes of
7 this act, referencing this act by bill or chapter number, is not
8 provided by June 30, 2022, in the omnibus appropriations act, this
9 act is null and void.

Passed by the Senate March 7, 2022.

Passed by the House March 2, 2022.

Approved by the Governor March 24, 2022.

Filed in Office of Secretary of State March 24, 2022.

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