

---

**SUBSTITUTE SENATE BILL 6157**

---

**State of Washington**

**60th Legislature**

**2007 Regular Session**

**By** Senate Committee on Ways & Means (originally sponsored by Senator Prentice)

READ FIRST TIME 04/19/07.

1       AN ACT Relating to reducing offender recidivism by increasing  
2 access and coordination of offender services in communities through  
3 inventories of services and community transition coordination network  
4 pilot programs; by improving local law and justice councils to focus  
5 their efforts on effective use of correctional resources and  
6 coordination between state and local law enforcement and corrections  
7 agencies; by developing and implementing individual reentry plans that  
8 describe actions and services to prepare offenders for release from  
9 jail or prison and require an offender to participate in available  
10 programming directed in their plan in order to qualify for fifty  
11 percent earned early release; by requiring an offender released to  
12 community supervision to be returned to the county of origin unless it  
13 is inappropriate due to matters of victim safety, lack of family or  
14 other supports for the offender in other locations, or negative  
15 influences on the offender in that community; by requiring the  
16 department of corrections to prepare a list of counties and rural  
17 multicounty areas for anticipated siting of work release, community  
18 justice centers and other community-based correctional facilities while  
19 making substantial efforts to provide for the equitable distribution of  
20 the facilities; by studying and identifying evidence-based practices  
21 for work release; by increasing the use of effective practices in

1 residential and nonresidential transition facilities for offenders  
2 under the jurisdiction of the department of corrections; by permitting  
3 partial confinement in lieu of earned early release up to three months;  
4 by requiring, upon a finding at a third violation hearing that the  
5 offender committed a violation, the return of an offender to total  
6 confinement to serve up to the remaining portion of his or her sentence  
7 unless it is determined that returning the offender would interfere  
8 with the offender's ability to maintain community supports or  
9 participate in treatment and would increase the likelihood of  
10 reoffending; by requiring an offender arrested for a new felony while  
11 under community custody, community placement, or community supervision  
12 to be held in confinement until a hearing before the department or  
13 until a formal charge is filed, whichever is earlier; by prohibiting an  
14 offender under community custody, community placement, or community  
15 supervision who is found guilty of a new felony after the effective  
16 date of this act from qualifying for fifty percent earned early  
17 release; by creating a task force to study and review the current laws  
18 and policy regarding community custody and community supervision; by  
19 conducting a community corrections workload study; by requiring any  
20 offender under community custody, community placement, or community  
21 supervision who is sanctioned to total confinement for a violation to  
22 serve the term of the sanction in total confinement; by improving  
23 educational opportunities; by providing liability protection for  
24 landlords who rent to former offenders; by encouraging housing  
25 authorities to formulate rental policies not overly burdensome to  
26 previously incarcerated individuals; by establishing a transitional  
27 housing program for offenders in need of stable housing; by allowing  
28 funds to be disbursed from a personal inmate savings account in order  
29 to assist an offender to secure appropriate housing; by establishing  
30 expedited procedures for released offenders to obtain a driver's  
31 license or identification card; and by reviewing and recommending  
32 changes to occupational licensing laws; amending RCW 72.09.300,  
33 72.09.015, 9.94A.728, 9.94A.737, 72.09.460, 72.09.480, 72.09.450, and  
34 72.09.111; adding new sections to chapter 72.09 RCW; adding a new  
35 section to chapter 9.94A RCW; adding a new section to chapter 59.18  
36 RCW; adding a new section to chapter 35.82 RCW; adding a new section to  
37 chapter 43.185C RCW; adding a new chapter to Title 72 RCW; creating new  
38 sections; and providing expiration dates.

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

2 NEW SECTION. **Sec. 1.** The people of the state of Washington expect  
3 to live in safe communities in which the threat of crime is minimized.  
4 Attempting to keep communities safe by building more prisons and paying  
5 the costs of incarceration has proven to be expensive to taxpayers.  
6 Incarceration is a necessary consequence for some offenders, however,  
7 the vast majority of those offenders will eventually return to their  
8 communities. Many of these former offenders will not have had the  
9 opportunity to address the deficiencies that may have contributed to  
10 their criminal behavior. Persons who do not have basic literacy and  
11 job skills, or who are ill-equipped to make the behavioral changes  
12 necessary to successfully function in the community, have a high risk  
13 of reoffense. Recidivism represents serious costs to victims, both  
14 financial and nonmonetary in nature, and also burdens state and local  
15 governments with those offenders who recycle through the criminal  
16 justice system.

17 The legislature believes that recidivism can be reduced and a  
18 substantial cost savings can be realized by utilizing evidence-based,  
19 research-based, and promising programs to address offender deficits,  
20 developing and better coordinating the reentry efforts of state and  
21 local governments and local communities. Research shows that if  
22 quality assurances are adhered to, implementing an optimal portfolio of  
23 evidence-based programming options for offenders who are willing to  
24 take advantage of such programs can have a notable impact on  
25 recidivism.

26 While the legislature recognizes that recidivism cannot be  
27 eliminated and that a significant number of offenders are unwilling or  
28 unable to work to develop the tools necessary to successfully  
29 reintegrate into society, the interests of the public overall are  
30 better served by better preparing offenders while incarcerated, and  
31 continuing those efforts for those recently released from prison or  
32 jail, for successful, productive, and healthy transitions to their  
33 communities. Educational, employment, and treatment opportunities  
34 should be designed to address individual deficits and ideally give  
35 offenders the ability to function in society. In order to foster  
36 reintegration, this act recognizes the importance of a strong

1 partnership between the department of corrections, local governments,  
2 law enforcement, social service providers, and interested members of  
3 communities across our state.

4 **PART I - COMMUNITY TRANSITION COORDINATION NETWORKS**

5 NEW SECTION. **Sec. 101.** The definitions in this section apply  
6 throughout this chapter unless the context clearly requires otherwise.

7 (1) A "community transition coordination network" is a system of  
8 coordination that facilitates partnerships between supervision and  
9 service providers. It is anticipated that an offender who is released  
10 to the community will be able to utilize a community transition  
11 coordination network to be connected directly to the supervision and/or  
12 services needed for successful reentry.

13 (2) "Evidence-based" means a program or practice that has had  
14 multiple-site random controlled trials across heterogeneous populations  
15 demonstrating that the program or practice is effective in reducing  
16 recidivism for the population.

17 (3) An "individual reentry plan" means the plan to prepare an  
18 offender for release into the community. A reentry plan is developed  
19 collaboratively between the supervising authority and the offender and  
20 based on an assessment of the offender using a standardized and  
21 comprehensive tool to identify the offenders' risks and needs. An  
22 individual reentry plan describes actions that should occur to prepare  
23 individual offenders for release from jail or prison and specifies the  
24 supervision and/or services he or she will experience in the community,  
25 taking into account no contact provisions of the judgment and sentence.  
26 An individual reentry plan should be updated throughout the period of  
27 an offender's incarceration and supervision to be relevant to the  
28 offender's current needs and risks.

29 (4) "Local community policing and supervision programs" include  
30 probation, work release, jails, and other programs operated by local  
31 police, courts, or local correctional agencies.

32 (5) "Promising practice" means a practice that presents, based on  
33 preliminary information, potential for becoming a research-based or  
34 consensus-based practice.

35 (6) "Research-based" means a program or practice that has some

1 research demonstrating effectiveness, but that does not yet meet the  
2 standard of evidence-based practices.

3 (7) "Supervising authority" means the agency or entity that has the  
4 responsibility for supervising an offender.

5 NEW SECTION. **Sec. 102.** (1) Each county or group of counties shall  
6 conduct an inventory of the services and resources available in the  
7 county or group of counties to assist offenders in reentering the  
8 community.

9 (2) In conducting its inventory, the county or group of counties  
10 should consult with the following:

11 (a) The department of corrections, including community corrections  
12 officers;

13 (b) The department of social and health services in applicable  
14 program areas;

15 (c) Representatives from county human services departments and,  
16 where applicable, multicounty regional support networks;

17 (d) Local public health jurisdictions;

18 (e) City and county law enforcement;

19 (f) Local probation/supervision programs;

20 (g) Local community and technical colleges;

21 (h) The local worksource center operated under the statewide  
22 workforce investment system;

23 (i) Faith-based and nonprofit organizations providing assistance to  
24 offenders;

25 (j) Housing providers;

26 (k) Crime victims service providers; and

27 (l) Other community stakeholders interested in reentry efforts.

28 (3) The inventory must include, but is not limited to:

29 (a) A list of programs available through the entities listed in  
30 subsection (2) of this section and services currently available in the  
31 community for offenders including, but not limited to, housing  
32 assistance, employment assistance, education, vocational training,  
33 parenting education, financial literacy, treatment for substance abuse,  
34 mental health, anger management, life skills training, specialized  
35 treatment programs such as batterers treatment and sex offender  
36 treatment, and any other service or program that will assist the former  
37 offender to successfully transition into the community; and

1 (b) An indication of the availability of community representatives  
2 or volunteers to assist the offender with his or her transition.

3 (4) No later than January 1, 2008, each county or group of counties  
4 shall present its inventory to the policy advisory committee convened  
5 in section 103(8) of this act.

6 NEW SECTION. **Sec. 103.** (1) The department of community, trade,  
7 and economic development shall establish a community transition  
8 coordination network pilot program for the purpose of awarding grants  
9 to counties or groups of counties for implementing coordinated reentry  
10 efforts for offenders returning to the community. Grant awards are  
11 subject to the availability of amounts appropriated for this specific  
12 purpose.

13 (2) By September 1, 2007, the Washington state institute for public  
14 policy shall, in consultation with the department of community, trade,  
15 and economic development, develop criteria for the counties in  
16 conducting its evaluation as directed by subsection (6)(c) of this  
17 section.

18 (3) Effective February 1, 2008, any county or group of counties may  
19 apply for participation in the community transition coordination  
20 network pilot program by submitting a proposal for a community  
21 transition coordination network.

22 (4) A proposal for a community transition coordination network  
23 initiated under this section must be collaborative in nature and must  
24 seek locally appropriate evidence-based or research-based solutions and  
25 promising practices utilizing the participation of public and private  
26 entities or programs to support successful, community-based offender  
27 reentry.

28 (5) In developing a proposal for a community transition  
29 coordination network, counties or groups of counties and the department  
30 of corrections shall collaborate in addressing:

31 (a) Efficiencies that may be gained by sharing space or resources  
32 in the provision of reentry services to offenders;

33 (b) Mechanisms for communication of information about offenders,  
34 including the feasibility of shared access to databases;

35 (c) Partnerships between the department of corrections and local  
36 community policing and supervision programs to facilitate supervision

1 of offenders under the respective jurisdictions of each, as well as  
2 timely and effective responses to an offender's failure to comply with  
3 the terms of supervision.

4 (6) A proposal for a community transition coordination network must  
5 include:

6 (a) Descriptions of collaboration and coordination between local  
7 community policing and supervision programs and those agencies and  
8 entities identified in the inventory conducted pursuant to section 102  
9 of this act to address the risks and needs of offenders under a  
10 participating county or city misdemeanor probation or other  
11 supervision program including:

12 (i) A proposed method of assessing offenders to identify the  
13 offenders' risks and needs. Counties and cities are encouraged, where  
14 possible, to make use of assessment tools developed by the department  
15 of corrections in this regard;

16 (ii) A proposal for developing and/or maintaining an individual  
17 reentry plan for offenders;

18 (iii) Connecting offenders to services and resources that meet the  
19 offender's needs as identified in his or her individual reentry plan  
20 including the identification of community representatives or volunteers  
21 that may assist the offender with his or her transition; and

22 (iv) The communication of assessment information, individual  
23 reentry plans, and service information between parties involved with  
24 offender's reentry;

25 (b) Mechanisms to provide information to former offenders regarding  
26 services available to them in the community regardless of the length of  
27 time since the offender's release and regardless of whether the  
28 offender was released from prison or jail. Mechanisms shall, at a  
29 minimum, provide for:

30 (i) Maintenance of the information gathered in section 102 of this  
31 act regarding services currently existing within the community that are  
32 available to offenders; and

33 (ii) Coordination of access to existing services with community  
34 providers and provision of information to offenders regarding how to  
35 access the various type of services and resources that are available in  
36 the community; and

37 (c) An evaluation of the county's or group of counties' readiness  
38 to implement a community transition coordination network including the

1 social service needs of offenders in general, capacity of local  
2 facilities and resources to meet offenders' needs, and the cost to  
3 implement and maintain a community transition coordination network for  
4 the duration of the pilot project.

5 (7) The department of community, trade, and economic development  
6 shall review county applications for funding through the community  
7 transition coordination network pilot program and, no later than April  
8 1, 2008, shall select up to four counties or groups of counties. In  
9 selecting pilot counties or regions, the department shall consider the  
10 extent to which the proposal:

11 (a) Addresses the requirements set out in subsection (6) of this  
12 section;

13 (b) Proposes effective partnerships and coordination between  
14 community policing and supervision programs, social service and  
15 treatment providers, and the department of corrections' community  
16 justice center, if a center is located in the county or region;

17 (c) Focuses on measurable outcomes such as increased employment and  
18 income, treatment objectives, maintenance of stable housing, and  
19 reduced recidivism;

20 (d) Contributes to the diversity of pilot programs, considering  
21 factors such as geographic location, size of county or region, and  
22 reentry services currently available. The department shall ensure that  
23 a grant is awarded to at least one rural county or group of counties  
24 and at least one county or group of counties where a community justice  
25 center operated by the department of corrections is located; and

26 (e) Is feasible, given the evaluation of the social service needs  
27 of offenders, the existing capacity of local facilities and resources  
28 to meet offenders' needs, and the cost to implement a community  
29 transition coordination network in the county or group of counties.

30 (8) The department of community, trade, and economic development  
31 shall convene a policy advisory committee composed of representatives  
32 from the senate, the house of representatives, the governor's office of  
33 financial management, the department of corrections, to include one  
34 representative who is a community corrections officer, the office of  
35 crime victims' advocacy, the Washington state association of counties,  
36 association of Washington cities, a nonprofit provider of reentry  
37 services, and an ex-offender who has discharged the terms of his or her  
38 sentence. The advisory committee shall meet no less than annually to

1 receive status reports on the implementation of community transition  
2 coordination networks, review annual reports and the pilot project  
3 evaluations submitted pursuant to section 105 of this act, and identify  
4 evidence-based, research-based, and promising practices for other  
5 counties seeking to establish community transition coordination  
6 networks.

7 (9) Pilot networks established under this section shall extend for  
8 a period of four fiscal years, beginning July 1, 2008, and ending June  
9 30, 2012.

10 (10) This section expires June 30, 2013.

11 NEW SECTION. **Sec. 104.** (1) Nothing in section 103 of this act is  
12 intended to shift the supervising responsibility or sanctioning  
13 authority from one government entity to another or give a community  
14 transition coordination network oversight responsibility for those  
15 activities or allow imposition of civil liability where none existed  
16 previously.

17 (2) An individual reentry plan may not be used as the basis of  
18 liability against local government entities, or its officers or  
19 employees.

20 NEW SECTION. **Sec. 105.** (1) It is the intent of the legislature to  
21 provide funding for this project.

22 (2) Counties receiving state funds must:

23 (a) Demonstrate the funds allocated pursuant to this section will  
24 be used only for those purposes in establishing and maintaining a  
25 community transition coordination network;

26 (b) Consult with the Washington state institute for public policy  
27 at the inception of the pilot project to refine appropriate outcome  
28 measures and data tracking systems;

29 (c) Submit to the advisory committee established in section 103(8)  
30 of this act an annual progress report by June 30th of each year of the  
31 pilot project to report on identified outcome measures and identify  
32 evidence-based, research-based, or promising practices;

33 (d) Cooperate with the Washington state institute for public policy  
34 at the completion of the pilot project to conduct an evaluation of the  
35 project.

1 (3) The Washington state institute for public policy shall provide  
2 direction to counties in refining appropriate outcome measures for the  
3 pilot projects and establishing data tracking systems. At the  
4 completion of the pilot project, the institute shall conduct an  
5 evaluation of the projects including the benefit-cost ratio of service  
6 delivery through a community transition coordination network,  
7 associated reductions in recidivism, and identification of evidence-  
8 based, research-based, or promising practices. The institute shall  
9 report to the governor and the legislature with the results of its  
10 evaluation no later than December 31, 2012.

11 (4) This section expires June 30, 2013.

12 NEW SECTION. **Sec. 106.** (1) The community transition coordination  
13 network account is created in the state treasury. The account may  
14 receive legislative appropriations, gifts, and grants. Moneys in the  
15 account may be spent only after appropriation. Expenditures from the  
16 account may be used only for the purposes of section 103 of this act.

17 (2) This section expires June 30, 2013.

18 NEW SECTION. **Sec. 107.** Nothing in this act creates an entitlement  
19 for a county or group of counties to receive funding under the program  
20 created in section 103 of this act, nor an obligation for a county or  
21 group of counties to maintain a community transition coordination  
22 network established pursuant to section 103 of this act upon expiration  
23 of state funding.

24 **Sec. 108.** RCW 72.09.300 and 1996 c 232 s 7 are each amended to  
25 read as follows:

26 (1) Every county legislative authority shall by resolution or  
27 ordinance establish a local law and justice council. The county  
28 legislative authority shall determine the size and composition of the  
29 council, which shall include the county sheriff and a representative of  
30 the municipal police departments within the county, the county  
31 prosecutor and a representative of the municipal prosecutors within the  
32 county, a representative of the city legislative authorities within the  
33 county, a representative of the county's superior, juvenile, district,  
34 and municipal courts, the county jail administrator, the county clerk,

1 the county risk manager, and the secretary of corrections and his or  
2 her designees. Officials designated may appoint representatives.

3 (2) A combination of counties may establish a local law and justice  
4 council by intergovernmental agreement. The agreement shall comply  
5 with the requirements of this section.

6 (3) The local law and justice council (~~((shall develop a local law~~  
7 ~~and justice plan for the county. The council shall design the elements~~  
8 ~~and scope of the plan, subject to final approval by the county~~  
9 ~~legislative authority. The general intent of the plan shall include~~  
10 ~~seeking means to maximize))~~ may address issues related to:

11 (a) Maximizing local resources including personnel and facilities,  
12 (~~((reduce))~~) reducing duplication of services, and (~~((share))~~) sharing  
13 resources between local and state government in order to accomplish  
14 local efficiencies without diminishing effectiveness(~~(. The plan shall~~  
15 ~~also include a section on jail management. This section may include~~  
16 ~~the following elements:~~

17 ~~(a) A description of current jail conditions, including whether the~~  
18 ~~jail is overcrowded;~~

19 ~~(b) A description of potential alternatives to incarceration;~~

20 ~~(c) A description of current jail resources;~~

21 ~~(d) A description of the jail population as it presently exists and~~  
22 ~~how it is projected to change in the future;~~

23 ~~(e) A description of projected future resource requirements;~~

24 ~~(f) A proposed action plan, which shall include recommendations to~~  
25 ~~maximize resources, maximize the use of intermediate sanctions,~~  
26 ~~minimize overcrowding, avoid duplication of services, and effectively~~  
27 ~~manage the jail and the offender population;~~

28 ~~(g) A list of proposed advisory jail standards and methods to~~  
29 ~~effect periodic quality assurance inspections of the jail;~~

30 ~~(h) A proposed plan to collect, synthesize, and disseminate~~  
31 ~~technical information concerning local criminal justice activities,~~  
32 ~~facilities, and procedures;~~

33 ~~(i) A description of existing and potential services for offenders~~  
34 ~~including employment services, substance abuse treatment, mental health~~  
35 ~~services, and housing referral services.~~

36 (4) ~~The council may propose other elements of the plan, which shall~~  
37 ~~be subject to review and approval by the county legislative authority,~~  
38 ~~prior to their inclusion into the plan.~~

1       ~~(5))~~);

2       (b) Jail management;

3       (c) Mechanisms for communication of information about offenders,  
4 including the feasibility of shared access to databases; and

5       (d) Partnerships between the department and local community  
6 policing and supervision programs to facilitate supervision of  
7 offenders under the respective jurisdictions of each and timely  
8 response to an offender's failure to comply with the terms of  
9 supervision.

10       (4) The county legislative authority may request technical  
11 assistance in ~~((developing or implementing the plan from))~~ coordinating  
12 services with other units or agencies of state or local government,  
13 which shall include the department, the office of financial management,  
14 and the Washington association of sheriffs and police chiefs.

15       ~~((6))~~ (5) Upon receiving a request for assistance from a county,  
16 the department may provide the requested assistance.

17       ~~((7))~~ (6) The secretary may adopt rules for the submittal,  
18 review, and approval of all requests for assistance made to the  
19 department. ~~((The secretary may also appoint an advisory committee of~~  
20 ~~local and state government officials to recommend policies and~~  
21 ~~procedures relating to the state and local correctional systems and to~~  
22 ~~assist the department in providing technical assistance to local~~  
23 ~~governments. The committee shall include representatives of the county~~  
24 ~~sheriffs, the police chiefs, the county prosecuting attorneys, the~~  
25 ~~county and city legislative authorities, and the jail administrators.~~  
26 ~~The secretary may contract with other state and local agencies and~~  
27 ~~provide funding in order to provide the assistance requested by~~  
28 ~~counties.~~

29       ~~(8)~~ The department shall establish a base level of state  
30 correctional services, which shall be determined and distributed in a  
31 consistent manner statewide. The department's contributions to any  
32 local government, approved pursuant to this section, shall not operate  
33 to reduce this base level of services.

34       ~~(9)~~ The council shall establish an advisory committee on juvenile  
35 justice proportionality. The council shall appoint the county juvenile  
36 court administrator and at least five citizens as advisory committee  
37 members. The citizen advisory committee members shall be

1 ~~representative of the county's ethnic and geographic diversity. The~~  
2 ~~advisory committee members shall serve two year terms and may be~~  
3 ~~reappointed. The duties of the advisory committee include:~~

4 ~~(a) Monitoring and reporting to the sentencing guidelines~~  
5 ~~commission on the proportionality, effectiveness, and cultural~~  
6 ~~relevance of:~~

7 ~~(i) The rehabilitative services offered by county and state~~  
8 ~~institutions to juvenile offenders; and~~

9 ~~(ii) The rehabilitative services offered in conjunction with~~  
10 ~~diversions, deferred dispositions, community supervision, and parole;~~

11 ~~(b) Reviewing citizen complaints regarding bias or~~  
12 ~~disproportionality in that county's juvenile justice system;~~

13 ~~(c) By September 1 of each year, beginning with 1995, submit to the~~  
14 ~~sentencing guidelines commission a report summarizing the advisory~~  
15 ~~committee's findings under (a) and (b) of this subsection.))~~

16 NEW SECTION. Sec. 109. If specific funding for the purposes of  
17 sections 101 through 107 of this act, referencing sections 101 through  
18 107 of this act by bill or chapter number and section number, is not  
19 provided by June 30, 2007, in the omnibus appropriations act, sections  
20 101 through 107 of this act are null and void.

21 NEW SECTION. Sec. 110. Sections 101 through 107 of this act  
22 constitute a new chapter in Title 72 RCW.

## 23 **PART II - INDIVIDUAL REENTRY PLAN**

24 **Sec. 201.** RCW 72.09.015 and 2004 c 167 s 6 are each amended to  
25 read as follows:

26 The definitions in this section apply throughout this chapter.

27 (1) "Adult basic education" means education or instruction designed  
28 to achieve general competence of skills in reading, writing, and oral  
29 communication, including English as a second language and preparation  
30 and testing services for obtaining a high school diploma or a general  
31 equivalency diploma.

32 (2) "Base level of correctional services" means the minimum level  
33 of field services the department of corrections is required by statute  
34 to provide for the supervision and monitoring of offenders.

1       ~~((+2))~~ (3) "Contraband" means any object or communication the  
2 secretary determines shall not be allowed to be: (a) Brought into; (b)  
3 possessed while on the grounds of; or (c) sent from any institution  
4 under the control of the secretary.

5       ~~((+3))~~ (4) "County" means a county or combination of counties.

6       ~~((+4))~~ (5) "Department" means the department of corrections.

7       ~~((+5))~~ (6) "Earned early release" means earned release as  
8 authorized by RCW 9.94A.728.

9       ~~((+6))~~ (7) "Evidence-based" means a program or practice that has  
10 had multiple-site random controlled trials across heterogeneous  
11 populations demonstrating that the program or practice is effective in  
12 reducing recidivism for the population.

13       (8) "Extended family visit" means an authorized visit between an  
14 inmate and a member of his or her immediate family that occurs in a  
15 private visiting unit located at the correctional facility where the  
16 inmate is confined.

17       ~~((+7))~~ (9) "Good conduct" means compliance with department rules  
18 and policies.

19       ~~((+8))~~ (10) "Good performance" means successful completion of a  
20 program required by the department, including an education, work, or  
21 other program.

22       ~~((+9))~~ (11) "Immediate family" means the inmate's children,  
23 stepchildren, grandchildren, great grandchildren, parents, stepparents,  
24 grandparents, great grandparents, siblings, and a person legally  
25 married to an inmate. "Immediate family" does not include an inmate  
26 adopted by another inmate or the immediate family of the adopted or  
27 adopting inmate.

28       ~~((+10))~~ (12) "Indigent inmate," "indigent," and "indigency" mean  
29 an inmate who has less than a ten-dollar balance of disposable income  
30 in his or her institutional account on the day a request is made to  
31 utilize funds and during the thirty days previous to the request.

32       ~~((+11))~~ (13) "Individual reentry plan" means the plan to prepare  
33 an offender for release into the community. It should be developed  
34 collaboratively between the department and the offender and based on an  
35 assessment of the offender using a standardized and comprehensive tool  
36 to identify the offenders' risks and needs. The individual reentry  
37 plan describes actions that should occur to prepare individual  
38 offenders for release from prison or jail, specifies the supervision

1 and services they will experience in the community, and describes an  
2 offender's eventual discharge to aftercare upon successful completion  
3 of supervision. An individual reentry plan is updated throughout the  
4 period of an offender's incarceration and supervision to be relevant to  
5 the offender's current needs and risks.

6 (14) "Inmate" means a person committed to the custody of the  
7 department, including but not limited to persons residing in a  
8 correctional institution or facility and persons released on furlough,  
9 work release, or community custody, and persons received from another  
10 state, state agency, county, or federal jurisdiction.

11 ~~((12))~~ (15) "Privilege" means any goods or services, education or  
12 work programs, or earned early release days, the receipt of which are  
13 directly linked to an inmate's (a) good conduct; and (b) good  
14 performance. Privileges do not include any goods or services the  
15 department is required to provide under the state or federal  
16 Constitution or under state or federal law.

17 ~~((13))~~ (16) "Promising practice" means a practice that presents,  
18 based on preliminary information, potential for becoming a  
19 research-based or consensus-based practice.

20 (17) "Research-based" means a program or practice that has some  
21 research demonstrating effectiveness, but that does not yet meet the  
22 standard of evidence-based practices.

23 (18) "Secretary" means the secretary of corrections or his or her  
24 designee.

25 ~~((14))~~ (19) "Significant expansion" includes any expansion into  
26 a new product line or service to the class I business that results from  
27 an increase in benefits provided by the department, including a  
28 decrease in labor costs, rent, or utility rates (for water, sewer,  
29 electricity, and disposal), an increase in work program space, tax  
30 advantages, or other overhead costs.

31 ~~((15))~~ (20) "Superintendent" means the superintendent of a  
32 correctional facility under the jurisdiction of the Washington state  
33 department of corrections, or his or her designee.

34 ~~((16))~~ (21) "Unfair competition" means any net competitive  
35 advantage that a business may acquire as a result of a correctional  
36 industries contract, including labor costs, rent, tax advantages,  
37 utility rates (water, sewer, electricity, and disposal), and other

1 overhead costs. To determine net competitive advantage, the  
2 correctional industries board shall review and quantify any expenses  
3 unique to operating a for-profit business inside a prison.

4 ~~((17))~~ (22) "Vocational training" or "vocational education" means  
5 "vocational education" as defined in RCW 72.62.020.

6 (23) "Washington business" means an in-state manufacturer or  
7 service provider subject to chapter 82.04 RCW existing on June 10,  
8 2004.

9 ~~((18))~~ (24) "Work programs" means all classes of correctional  
10 industries jobs authorized under RCW 72.09.100.

11 NEW SECTION. Sec. 202. A new section is added to chapter 72.09  
12 RCW to read as follows:

13 (1) The department of corrections shall develop an individual  
14 reentry plan as defined in RCW 72.09.015 for every offender who is  
15 committed to the jurisdiction of the department except:

16 (a) Offenders who are sentenced to life without the possibility of  
17 release or sentenced to death under chapter 10.95 RCW; and

18 (b) Offenders who are subject to the provisions of 8 U.S.C. Sec.  
19 1227.

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

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

31 (4)(a) The initial assessment shall be conducted as early as  
32 sentencing, but, whenever possible, no later than forty-five days of  
33 being sentenced to the jurisdiction of the department of corrections.

34 (b) The offender's individual reentry plan shall be developed as  
35 soon as possible after the initial assessment is conducted, but,  
36 whenever possible, no later than sixty days after completion of the

1 assessment, and shall be periodically reviewed and updated as  
2 appropriate.

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

4 (a) A plan to maintain contact with the inmate's children and  
5 family, if appropriate. The plan should determine whether parenting  
6 classes, or other services, are appropriate to facilitate successful  
7 reunification with the offender's children and family;

8 (b) An individualized portfolio for each offender that includes the  
9 offender's education achievements, certifications, employment, work  
10 experience, skills, and any training received prior to and during  
11 incarceration; and

12 (c) A plan for the offender during the period of incarceration  
13 through reentry into the community that addresses the needs of the  
14 offender including education, employment, substance abuse treatment,  
15 mental health treatment, family reunification, and other areas which  
16 are needed to facilitate a successful reintegration into the community.

17 (6)(a) Prior to discharge of any offender, the department shall:

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

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

25 (b) If the department recommends partial confinement in an  
26 offender's individual reentry plan, the department shall maximize the  
27 period of partial confinement for the offender as allowed pursuant to  
28 RCW 9.94A.728 to facilitate the offender's transition to the community.

29 (7) The department shall establish mechanisms for sharing  
30 information from individual reentry plans to those persons involved  
31 with the offender's treatment, programming, and reentry, when deemed  
32 appropriate. When feasible, this information shall be shared  
33 electronically.

34 (8)(a) In determining the county of discharge for an offender  
35 released to community supervision, community custody, or community  
36 placement, the offender shall be returned to his or her county of  
37 origin unless it is determined by the department that the offender's  
38 return to his or her county of origin would be inappropriate

1 considering victim safety concerns, negative influences on the offender  
2 in the community, or the location of family or other sponsoring persons  
3 or organizations that will support the offender.

4 (b) If the offender is not returned to his or her county of origin,  
5 the department shall provide the law and justice council of the county  
6 in which the offender is placed with a written explanation.

7 (c) For purposes of this section, the offender's county of origin  
8 means the county of the offender's first felony conviction in  
9 Washington.

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

12 (10) An individual reentry plan may not be used as the basis of  
13 liability against the department, the state of Washington, or its  
14 employees.

### 15 PART III - PARTIAL CONFINEMENT AND SUPERVISION

16 NEW SECTION. **Sec. 301.** (1) The legislature intends that  
17 Washington's work release centers be transformed into residential  
18 reentry centers with the capacity to provide or connect offenders with  
19 the full range of reentry services to achieve measurable outcomes. The  
20 Washington state institute for public policy shall conduct a  
21 comprehensive analysis and evaluation of residential reentry centers  
22 and work release facilities to identify evidence-based, research-based,  
23 and promising practices or programs for the state of Washington and the  
24 necessary performance measures that show the greatest quality,  
25 effectiveness, and efficiency of the program on key outcomes. The  
26 research should include an examination of reentry and work release  
27 practices in both urban and rural areas and both inside and outside of  
28 the state of Washington. The institute should identify what services  
29 or combination of services should be provided to participants of  
30 residential reentry centers and the length of time services should be  
31 provided to optimize the successful transition of an offender back into  
32 society.

33 (2) By May 1, 2008, the secretary of the department of corrections,  
34 or the secretary's designee, shall convene and chair a work group to  
35 review current laws and policy regarding work release.

1 (3) In addition to the secretary of the department of corrections,  
2 the following shall be members of the work group: A representative  
3 appointed by the governor, a community corrections officer, a  
4 representative of the Washington association of prosecuting attorneys,  
5 a representative of the superior court judges association, a member  
6 selected by the Washington association of sheriffs and police chiefs,  
7 a representative from the Washington state association of counties, a  
8 representative from the association of Washington cities, a  
9 representative from contract work release facilities in the state, a  
10 representative from state-run work release facilities in the state, a  
11 representative from a nonprofit organization that works with former  
12 offenders who have completed a work release program, a crime victims'  
13 advocate, and a representative from the department of community, trade,  
14 and economic development. The secretary may designate a person to  
15 serve in his or her place. Members of the work group shall serve  
16 without compensation.

17 (4) In conducting its review, the work group must review and make  
18 recommendations for changes to corrections law and policies to ensure  
19 that:

20 (a) Work release facilities are transformed into residential  
21 reentry centers so that participants are provided with a combination of  
22 reentry services that conform to evidence-based, research-based, or  
23 promising practices as identified by the institute;

24 (b) Residential reentry centers lead to meaningful employment for  
25 offenders participating in the program;

26 (c) A plan is identified to ensure that residential reentry centers  
27 are distributed throughout the state;

28 (d) Residential reentry centers are of a size consistent with  
29 evidence-based, research-based, or promising practices and appropriate  
30 to the community in which they are located;

31 (e) Communities are given meaningful avenues for ongoing  
32 consultation regarding the establishment and operation of residential  
33 reentry centers in their area;

34 (f) Victim and community safety concerns are given priority when  
35 determining appropriate placement in residential reentry centers for  
36 individual offenders;

37 (g) Eligibility time to participate in residential reentry centers  
38 is sufficient to make it a meaningful experience for offenders; and

1 (h) Programs have the necessary performance measures needed to  
2 effectively monitor the quality, effectiveness, and efficiency of the  
3 programs.

4 (5)(a) The institute shall report its results and recommendations  
5 to the governor and the legislature no later than November 15, 2007.

6 (b) The department of corrections shall report the results and  
7 recommendations of the work group to the governor and the legislature  
8 no later than November 15, 2008.

9 NEW SECTION. **Sec. 302.** A new section is added to chapter 72.09  
10 RCW to read as follows:

11 (1) The department shall continue to establish community justice  
12 centers throughout the state for the purpose of providing comprehensive  
13 services and monitoring for inmates who are reentering the community.

14 (2) For the purposes of this chapter, "community justice center" is  
15 defined as a nonresidential facility staffed primarily by the  
16 department in which recently released offenders may access services  
17 necessary to improve their successful reentry into the community. Such  
18 services may include but are not limited to, those listed in the  
19 individual reentry plan, mental health, chemical dependency, sex  
20 offender treatment, anger management, parental educational, financial  
21 literacy, housing assistance, employment assistance, and community  
22 supervision.

23 (3) At a minimum, the community justice center shall include:

24 (a) A violator program to allow the department to utilize a range  
25 of available sanctions for offenders who violate conditions of their  
26 supervision;

27 (b) An employment opportunity program to assist an offender in  
28 finding employment; and

29 (c) Resources for connecting offenders with services such as  
30 treatment, transportation, training, family reunification, and  
31 community services.

32 (4) In addition to any other programs or services offered by a  
33 community justice center, the department shall designate a transition  
34 coordinator to facilitate connections between the former offender and  
35 the community. The department may designate transition coordination  
36 services to be provided by a community transition coordination network  
37 pursuant to section 103 of this act if one has been established in the

1 community where the community justice center is located and the  
2 department has entered into a memorandum of understanding with the  
3 county to share resources.

4 (5) The transition coordinator shall provide information to former  
5 offenders regarding services available to them in the community  
6 regardless of the length of time since the offender's release from the  
7 correctional facility. The transition coordinator shall, at a minimum,  
8 be responsible for the following:

9 (a) Gathering and maintaining information regarding services  
10 currently existing within the community that are available to offenders  
11 including, but not limited to:

12 (i) Programs offered through the department of social and health  
13 services, the department of health, the department of licensing,  
14 housing authorities, local community and technical colleges, other  
15 state or federal entities which provide public benefits, and nonprofit  
16 entities;

17 (ii) Services such as housing assistance, employment assistance,  
18 education, vocational training, parent education, financial literacy,  
19 treatment for substance abuse, mental health, anger management, and any  
20 other service or program that will assist the former offender to  
21 successfully transition into the community;

22 (b) Coordinating access to the existing services with the community  
23 providers and provide offenders with information regarding how to  
24 access the various type of services and resources that are available in  
25 the community.

26 (6)(a) A minimum of six community justice centers shall be  
27 operational by December 1, 2009. The six community justice centers  
28 include those in operation on the effective date of this section.

29 (b) By December 1, 2011, the department shall establish a minimum  
30 of three additional community justice centers within the state.

31 (7) In locating new centers, the department shall:

32 (a) Give priority to the counties with the largest population of  
33 offenders who were released from department of corrections custody and  
34 that do not already have a community justice center;

35 (b) Ensure that at least two centers are operational in eastern  
36 Washington; and

37 (c) Comply with section 303 of this act and all applicable zoning  
38 laws and regulations.

1 (8) Before beginning the siting or opening of the new community  
2 justice center, the department shall:

3 (a) Notify the city, if applicable, and the county within which the  
4 community justice center is proposed. Such notice shall occur at least  
5 sixty days prior to selecting a specific location to provide the  
6 services listed in this section;

7 (b) Consult with the community providers listed in subsection (5)  
8 of this section to determine if they have the capacity to provide  
9 services to offenders through the community justice center; and

10 (c) Give due consideration to all comments received in response to  
11 the notice of the start of site selection and consultation with  
12 community providers.

13 (9) The department shall make efforts to enter into memoranda of  
14 understanding or agreements with the local community policing and  
15 supervision programs as defined in section 101 of this act in which the  
16 community justice center is located to address:

17 (a) Efficiencies that may be gained by sharing space or resources  
18 in the provision of reentry services to offenders, including services  
19 provided through a community transition coordination network  
20 established pursuant to section 103 of this act if a network has been  
21 established in the county;

22 (b) Mechanisms for communication of information about offenders,  
23 including the feasibility of shared access to databases;

24 (c) Partnerships between the department of corrections and local  
25 police to supervise offenders. The agreement must address:

26 (i) Shared mechanisms to facilitate supervision of offenders under  
27 the respective jurisdictions of each which may include activities such  
28 as joint emphasis patrols to monitor high-risk offenders, service of  
29 bench and secretary warrants and detainers, joint field visits,  
30 connecting offenders with services, and, where appropriate, directing  
31 offenders into sanction alternatives in lieu of incarceration;

32 (ii) The roles and responsibilities of police officers and  
33 corrections staff participating in the partnership; and

34 (iii) The amount of corrections staff and police officer time that  
35 will be dedicated to partnership efforts.

36 NEW SECTION. **Sec. 303.** A new section is added to chapter 72.09  
37 RCW to read as follows:

1 (1) No later than July 1, 2007, and every biennium thereafter  
2 starting with the biennium beginning July 1, 2009, the department shall  
3 prepare a list of counties and rural multicounty geographic areas in  
4 which work release facilities, community justice centers and other  
5 community-based correctional facilities are anticipated to be sited  
6 during the next three fiscal years and transmit the list to the office  
7 of financial management and the counties on the list. The list may be  
8 updated as needed.

9 (2) In preparing the list, the department shall make substantial  
10 efforts to provide for the equitable distribution of work release,  
11 community justice centers, or other community-based correctional  
12 facilities among counties. The department shall give great weight to  
13 the following factors in determining equitable distribution:

14 (a) The locations of existing residential facilities owned or  
15 operated by, or operated under contract with, the department in each  
16 county;

17 (b) The number and proportion of adult offenders sentenced to the  
18 custody or supervision of the department by the courts of the county or  
19 rural multicounty geographic area; and

20 (c) The number of adult registered sex offenders classified as  
21 level II or III and adult sex offenders registered per thousand persons  
22 residing in the county.

23 (3) For purposes of this section, "equitable distribution" means  
24 siting or locating work release, community justice centers, or other  
25 community-based correctional facilities in a manner that reasonably  
26 reflects the proportion of offenders sentenced to the custody or  
27 supervision of the department by the courts of each county or rural  
28 multicounty geographic area designated by the department, and, to the  
29 extent practicable, the proportion of offenders residing in particular  
30 jurisdictions or communities within such counties or rural multicounty  
31 geographic areas. Equitable distribution is a policy goal, not a basis  
32 for any legal challenge to the siting, construction, occupancy, or  
33 operation of any facility anywhere in the state.

34 **Sec. 304.** RCW 9.94A.728 and 2004 c 176 s 6 are each amended to  
35 read as follows:

36 No person serving a sentence imposed pursuant to this chapter and

1 committed to the custody of the department shall leave the confines of  
2 the correctional facility or be released prior to the expiration of the  
3 sentence except as follows:

4 (1) Except as otherwise provided for in subsection (2) of this  
5 section, the term of the sentence of an offender committed to a  
6 correctional facility operated by the department may be reduced by  
7 earned release time in accordance with procedures that shall be  
8 developed and promulgated by the correctional agency having  
9 jurisdiction in which the offender is confined. The earned release  
10 time shall be for good behavior and good performance, as determined by  
11 the correctional agency having jurisdiction. The correctional agency  
12 shall not credit the offender with earned release credits in advance of  
13 the offender actually earning the credits. Any program established  
14 pursuant to this section shall allow an offender to earn early release  
15 credits for presentence incarceration. If an offender is transferred  
16 from a county jail to the department, the administrator of a county  
17 jail facility shall certify to the department the amount of time spent  
18 in custody at the facility and the amount of earned release time. An  
19 offender who has been convicted of a felony committed after July 23,  
20 1995, that involves any applicable deadly weapon enhancements under RCW  
21 9.94A.533 (3) or (4), or both, shall not receive any good time credits  
22 or earned release time for that portion of his or her sentence that  
23 results from any deadly weapon enhancements.

24 (a) In the case of an offender convicted of a serious violent  
25 offense, or a sex offense that is a class A felony, committed on or  
26 after July 1, 1990, and before July 1, 2003, the aggregate earned  
27 release time may not exceed fifteen percent of the sentence. In the  
28 case of an offender convicted of a serious violent offense, or a sex  
29 offense that is a class A felony, committed on or after July 1, 2003,  
30 the aggregate earned release time may not exceed ten percent of the  
31 sentence.

32 (b)(i) In the case of an offender who qualifies under (b)(ii) of  
33 this subsection, the aggregate earned release time may not exceed fifty  
34 percent of the sentence.

35 (ii) An offender is qualified to earn up to fifty percent of  
36 aggregate earned release time under this subsection (1)(b) if he or  
37 she:

1 (A) Is classified in one of the two lowest risk categories under  
2 (b)(iii) of this subsection;

3 (B) Is not confined pursuant to a sentence for:

4 (I) A sex offense;

5 (II) A violent offense;

6 (III) A crime against persons as defined in RCW 9.94A.411;

7 (IV) A felony that is domestic violence as defined in RCW  
8 10.99.020;

9 (V) A violation of RCW 9A.52.025 (residential burglary);

10 (VI) A violation of, or an attempt, solicitation, or conspiracy to  
11 violate, RCW 69.50.401 by manufacture or delivery or possession with  
12 intent to deliver methamphetamine; or

13 (VII) A violation of, or an attempt, solicitation, or conspiracy to  
14 violate, RCW 69.50.406 (delivery of a controlled substance to a minor);  
15 (~~and~~)

16 (C) Has no prior conviction for:

17 (I) A sex offense;

18 (II) A violent offense;

19 (III) A crime against persons as defined in RCW 9.94A.411;

20 (IV) A felony that is domestic violence as defined in RCW  
21 10.99.020;

22 (V) A violation of RCW 9A.52.025 (residential burglary);

23 (VI) A violation of, or an attempt, solicitation, or conspiracy to  
24 violate, RCW 69.50.401 by manufacture or delivery or possession with  
25 intent to deliver methamphetamine; or

26 (VII) A violation of, or an attempt, solicitation, or conspiracy to  
27 violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

28 (D) Participates in programming or activities as directed by the  
29 offender's individual reentry plan as provided under section 202 of  
30 this act to the extent that such programming or activities are made  
31 available by the department; and

32 (E) Has not committed a new felony after the effective date of this  
33 section while under community supervision, community placement, or  
34 community custody.

35 (iii) For purposes of determining an offender's eligibility under  
36 this subsection (1)(b), the department shall perform a risk assessment  
37 of every offender committed to a correctional facility operated by the  
38 department who has no current or prior conviction for a sex offense, a

1 violent offense, a crime against persons as defined in RCW 9.94A.411,  
2 a felony that is domestic violence as defined in RCW 10.99.020, a  
3 violation of RCW 9A.52.025 (residential burglary), a violation of, or  
4 an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by  
5 manufacture or delivery or possession with intent to deliver  
6 methamphetamine, or a violation of, or an attempt, solicitation, or  
7 conspiracy to violate, RCW 69.50.406 (delivery of a controlled  
8 substance to a minor). The department must classify each assessed  
9 offender in one of four risk categories between highest and lowest  
10 risk.

11 (iv) The department shall recalculate the earned release time and  
12 reschedule the expected release dates for each qualified offender under  
13 this subsection (1)(b).

14 (v) This subsection (1)(b) applies retroactively to eligible  
15 offenders serving terms of total confinement in a state correctional  
16 facility as of July 1, 2003.

17 (vi) This subsection (1)(b) does not apply to offenders convicted  
18 after July 1, 2010.

19 (c) In no other case shall the aggregate earned release time exceed  
20 one-third of the total sentence;

21 (2)(a) A person convicted of a sex offense or an offense  
22 categorized as a serious violent offense, assault in the second degree,  
23 vehicular homicide, vehicular assault, assault of a child in the second  
24 degree, any crime against persons where it is determined in accordance  
25 with RCW 9.94A.602 that the offender or an accomplice was armed with a  
26 deadly weapon at the time of commission, or any felony offense under  
27 chapter 69.50 or 69.52 RCW, committed before July 1, 2000, may become  
28 eligible, in accordance with a program developed by the department, for  
29 transfer to community custody status in lieu of earned release time  
30 pursuant to subsection (1) of this section;

31 (b) A person convicted of a sex offense, a violent offense, any  
32 crime against persons under RCW 9.94A.411(2), or a felony offense under  
33 chapter 69.50 or 69.52 RCW, committed on or after July 1, 2000, may  
34 become eligible, in accordance with a program developed by the  
35 department, for transfer to community custody status in lieu of earned  
36 release time pursuant to subsection (1) of this section;

37 (c) The department shall, as a part of its program for release to  
38 the community in lieu of earned release, require the offender to

1 propose a release plan that includes an approved residence and living  
2 arrangement. All offenders with community placement or community  
3 custody terms eligible for release to community custody status in lieu  
4 of earned release shall provide an approved residence and living  
5 arrangement prior to release to the community;

6 (d) The department may deny transfer to community custody status in  
7 lieu of earned release time pursuant to subsection (1) of this section  
8 if the department determines an offender's release plan, including  
9 proposed residence location and living arrangements, may violate the  
10 conditions of the sentence or conditions of supervision, place the  
11 offender at risk to violate the conditions of the sentence, place the  
12 offender at risk to reoffend, or present a risk to victim safety or  
13 community safety. The department's authority under this section is  
14 independent of any court-ordered condition of sentence or statutory  
15 provision regarding conditions for community custody or community  
16 placement;

17 (e) If the department denies transfer to community custody status  
18 in lieu of earned early release pursuant to (d) of this subsection, the  
19 department may transfer an offender to partial confinement in lieu of  
20 earned early release up to three months. The three months in partial  
21 confinement is in addition to that portion of the offender's term of  
22 confinement that may be served in partial confinement as provided in  
23 this section;

24 (f) An offender serving a term of confinement imposed under RCW  
25 9.94A.670(4)(a) is not eligible for earned release credits under this  
26 section;

27 (3) An offender may leave a correctional facility pursuant to an  
28 authorized furlough or leave of absence. In addition, offenders may  
29 leave a correctional facility when in the custody of a corrections  
30 officer or officers;

31 (4)(a) The secretary may authorize an extraordinary medical  
32 placement for an offender when all of the following conditions exist:

33 (i) The offender has a medical condition that is serious enough to  
34 require costly care or treatment;

35 (ii) The offender poses a low risk to the community because he or  
36 she is physically incapacitated due to age or the medical condition;  
37 and

1 (iii) Granting the extraordinary medical placement will result in  
2 a cost savings to the state.

3 (b) An offender sentenced to death or to life imprisonment without  
4 the possibility of release or parole is not eligible for an  
5 extraordinary medical placement.

6 (c) The secretary shall require electronic monitoring for all  
7 offenders in extraordinary medical placement unless the electronic  
8 monitoring equipment interferes with the function of the offender's  
9 medical equipment or results in the loss of funding for the offender's  
10 medical care. The secretary shall specify who shall provide the  
11 monitoring services and the terms under which the monitoring shall be  
12 performed.

13 (d) The secretary may revoke an extraordinary medical placement  
14 under this subsection at any time;

15 (5) The governor, upon recommendation from the clemency and pardons  
16 board, may grant an extraordinary release for reasons of serious health  
17 problems, senility, advanced age, extraordinary meritorious acts, or  
18 other extraordinary circumstances;

19 (6) No more than the final six months of the ~~((sentence))~~  
20 offender's term of confinement may be served in partial confinement  
21 designed to aid the offender in finding work and reestablishing himself  
22 or herself in the community. This is in addition to that period of  
23 earned early release time that may be exchanged for partial confinement  
24 pursuant to subsection (2)(e) of this section;

25 (7) The governor may pardon any offender;

26 (8) The department may release an offender from confinement any  
27 time within ten days before a release date calculated under this  
28 section; and

29 (9) An offender may leave a correctional facility prior to  
30 completion of his or her sentence if the sentence has been reduced as  
31 provided in RCW 9.94A.870.

32 Notwithstanding any other provisions of this section, an offender  
33 sentenced for a felony crime listed in RCW 9.94A.540 as subject to a  
34 mandatory minimum sentence of total confinement shall not be released  
35 from total confinement before the completion of the listed mandatory  
36 minimum sentence for that felony crime of conviction unless allowed  
37 under RCW 9.94A.540, however persistent offenders are not eligible for  
38 extraordinary medical placement.

1       **Sec. 305.** RCW 9.94A.737 and 2005 c 435 s 3 are each amended to  
2 read as follows:

3       (1) If an offender violates any condition or requirement of  
4 community custody, the department may transfer the offender to a more  
5 restrictive confinement status to serve up to the remaining portion of  
6 the sentence, less credit for any period actually spent in community  
7 custody or in detention awaiting disposition of an alleged violation  
8 and subject to the limitations of subsection (~~((2))~~) (3) of this  
9 section.

10       (2) If an offender has not completed his or her maximum term of  
11 total confinement and is subject to a third violation hearing for any  
12 violation of community custody and is found to have committed the  
13 violation, the department shall return the offender to total  
14 confinement in a state correctional facility to serve up to the  
15 remaining portion of his or her sentence, unless it is determined that  
16 returning the offender to a state correctional facility would  
17 substantially interfere with the offender's ability to maintain  
18 necessary community supports or to participate in necessary treatment  
19 or programming and would substantially increase the offender's  
20 likelihood of reoffending.

21       (3)(a) For a sex offender sentenced to a term of community custody  
22 under RCW 9.94A.670 who violates any condition of community custody,  
23 the department may impose a sanction of up to sixty days' confinement  
24 in a local correctional facility for each violation. If the department  
25 imposes a sanction, the department shall submit within seventy-two  
26 hours a report to the court and the prosecuting attorney outlining the  
27 violation or violations and the sanctions imposed.

28       (b) For a sex offender sentenced to a term of community custody  
29 under RCW 9.94A.710 who violates any condition of community custody  
30 after having completed his or her maximum term of total confinement,  
31 including time served on community custody in lieu of earned release,  
32 the department may impose a sanction of up to sixty days in a local  
33 correctional facility for each violation.

34       (c) For an offender sentenced to a term of community custody under  
35 RCW 9.94A.505(2)(b), 9.94A.650, or 9.94A.715, or under RCW 9.94A.545,  
36 for a crime committed on or after July 1, 2000, who violates any  
37 condition of community custody after having completed his or her  
38 maximum term of total confinement, including time served on community

1 custody in lieu of earned release, the department may impose a sanction  
2 of up to sixty days in total confinement for each violation. The  
3 department may impose sanctions such as work release, home detention  
4 with electronic monitoring, work crew, community restitution, inpatient  
5 treatment, daily reporting, curfew, educational or counseling sessions,  
6 supervision enhanced through electronic monitoring, or any other  
7 sanctions available in the community.

8 (d) For an offender sentenced to a term of community placement  
9 under RCW 9.94A.705 who violates any condition of community placement  
10 after having completed his or her maximum term of total confinement,  
11 including time served on community custody in lieu of earned release,  
12 the department may impose a sanction of up to sixty days in total  
13 confinement for each violation. The department may impose sanctions  
14 such as work release, home detention with electronic monitoring, work  
15 crew, community restitution, inpatient treatment, daily reporting,  
16 curfew, educational or counseling sessions, supervision enhanced  
17 through electronic monitoring, or any other sanctions available in the  
18 community.

19 ~~((+3))~~ (4) If an offender has been arrested for a new felony  
20 offense while under community supervision, community custody, or  
21 community placement, the department shall hold the offender in total  
22 confinement until a hearing before the department as provided in this  
23 section or until the offender has been formally charged for the new  
24 felony offense, whichever is earlier. Nothing in this subsection  
25 shall be construed as to permit the department to hold an offender past  
26 his or her maximum term of total confinement if the offender has not  
27 completed the maximum term of total confinement or to permit the  
28 department to hold an offender past the offender's term of community  
29 supervision, community custody, or community placement.

30 (5) The department shall be financially responsible for any portion  
31 of the sanctions authorized by this section that are served in a local  
32 correctional facility as the result of action by the department.

33 (6) If an offender is accused of violating any condition or  
34 requirement of community custody, he or she is entitled to a hearing  
35 before the department prior to the imposition of sanctions. The  
36 hearing shall be considered as offender disciplinary proceedings and  
37 shall not be subject to chapter 34.05 RCW. The department shall  
38 develop hearing procedures and a structure of graduated sanctions.

1       (~~(4)~~) (7) The hearing procedures required under subsection  
2       (~~(3)~~) (6) of this section shall be developed by rule and include the  
3 following:

4       (a) Hearing officers shall report through a chain of command  
5 separate from that of community corrections officers;

6       (b) The department shall provide the offender with written notice  
7 of the violation, the evidence relied upon, and the reasons the  
8 particular sanction was imposed. The notice shall include a statement  
9 of the rights specified in this subsection, and the offender's right to  
10 file a personal restraint petition under court rules after the final  
11 decision of the department;

12       (c) The hearing shall be held unless waived by the offender, and  
13 shall be electronically recorded. For offenders not in total  
14 confinement, the hearing shall be held within fifteen working days, but  
15 not less than twenty-four hours, after notice of the violation. For  
16 offenders in total confinement, the hearing shall be held within five  
17 working days, but not less than twenty-four hours, after notice of the  
18 violation;

19       (d) The offender shall have the right to: (i) Be present at the  
20 hearing; (ii) have the assistance of a person qualified to assist the  
21 offender in the hearing, appointed by the hearing officer if the  
22 offender has a language or communications barrier; (iii) testify or  
23 remain silent; (iv) call witnesses and present documentary evidence;  
24 and (v) question witnesses who appear and testify; and

25       (e) The sanction shall take effect if affirmed by the hearing  
26 officer. Within seven days after the hearing officer's decision, the  
27 offender may appeal the decision to a panel of three reviewing officers  
28 designated by the secretary or by the secretary's designee. The  
29 sanction shall be reversed or modified if a majority of the panel finds  
30 that the sanction was not reasonably related to any of the following:  
31 (i) The crime of conviction; (ii) the violation committed; (iii) the  
32 offender's risk of reoffending; or (iv) the safety of the community.

33       (~~(5)~~) (8) For purposes of this section, no finding of a violation  
34 of conditions may be based on unconfirmed or unconfirmable allegations.

35       (~~(6)~~) (9) The department shall work with the Washington  
36 association of sheriffs and police chiefs to establish and operate an  
37 electronic monitoring program for low-risk offenders who violate the  
38 terms of their community custody. Between January 1, 2006, and

1 December 31, 2006, the department shall endeavor to place at least one  
2 hundred low-risk community custody violators on the electronic  
3 monitoring program per day if there are at least that many low-risk  
4 offenders who qualify for the electronic monitoring program.

5 ~~((7))~~ (10) Local governments, their subdivisions and employees,  
6 the department and its employees, and the Washington association of  
7 sheriffs and police chiefs and its employees shall be immune from civil  
8 liability for damages arising from incidents involving low-risk  
9 offenders who are placed on electronic monitoring unless it is shown  
10 that an employee acted with gross negligence or bad faith.

11 NEW SECTION. Sec. 306. A new section is added to chapter 9.94A  
12 RCW to read as follows:

13 Any offender sanctioned to total confinement under RCW 9.94A.737  
14 shall serve the entire term of the sanction in total confinement as  
15 defined in RCW 9.94A.030.

16 NEW SECTION. Sec. 307. (1) A legislative task force on laws  
17 related to community custody and community supervision is established.

18 (2) The task force shall be composed of fifteen members appointed  
19 in the following manner:

20 (a) The president of the senate shall appoint one member from each  
21 of the two largest caucuses of the senate;

22 (b) The speaker of the house of representatives shall appoint one  
23 member from each of the two largest caucuses of the house of  
24 representatives;

25 (c) The governor shall appoint the chair of the task force and the  
26 following members:

27 (i) A superior court judge;

28 (ii) A representative of a prosecutor's association;

29 (iii) A defense attorney or representative of an organization of  
30 defense attorneys;

31 (iv) A representative of local elected officials;

32 (v) A sheriff or representative of an organization of sheriffs;

33 (vi) A police chief or representative of an organization of police  
34 chiefs;

35 (vii) A community corrections officer;

36 (viii) A crime victim or advocate;

- 1 (d) The following agencies shall also be represented on the task  
2 force:
- 3 (i) The attorney general, or the attorney general's designee; and
  - 4 (ii) The secretary of the department of corrections, or the  
5 secretary's designee.
- 6 (3) The task force shall:
- 7 (a) Convene at the call of the chair by August 1, 2007;
  - 8 (b) Review and analyze all statutes of the Revised Code of  
9 Washington related to community custody and community supervision of  
10 offenders;
  - 11 (c) Make specific recommendations, if any, related to sentencing  
12 laws that would allow the department of corrections and its community  
13 corrections officers to more easily identify statutory requirements  
14 associated with an offender's sentence;
  - 15 (d) Make specific recommendations, if any, related to community  
16 custody and community supervision laws that would allow the department  
17 of corrections and its community corrections officers to more easily  
18 identify statutory requirements associated with an offender's term of  
19 community custody or supervision;
  - 20 (e) Make specific recommendations, if any, related to the statutory  
21 requirements of the violation hearing process that would enable the  
22 department of corrections and its community corrections officers to  
23 respond to an offender's behavior by imposing appropriate and timely  
24 sanctions when necessary;
  - 25 (f) Make specific recommendations related to definitions and  
26 language used in the statutes, which would make the statutes easily  
27 readable and unambiguous;
  - 28 (g) Receive input from the public and interested stakeholders to  
29 assist in making suggested changes; and
  - 30 (h) Report its findings to the governor and legislature in the form  
31 of a final report to be submitted by November 1, 2007.
  - 32 (i) The report shall propose specific amendatory language wherever  
33 possible, when making recommendations;
  - 34 (ii) Each recommendation in the report shall, whenever possible,  
35 site to specific evidence-based programs or promising programs which  
36 support the recommended change;
  - 37 (iii) Each recommendation in the report shall, whenever possible,

1 site to a specific study from the Washington institute for public  
2 policy, national institute for justice, bureau of justice assistance,  
3 or other academic study supporting the suggested change;

4 (iv) The report shall contain a summary of public comment.

5 (4) The task force shall use legislative facilities, and staff  
6 support shall be provided by the office of financial management, senate  
7 committee services, and house of representatives office of program  
8 research.

9 (5) The Washington institute for public policy, the department of  
10 corrections, and the sentencing guidelines commission shall cooperate  
11 with the task force and provide all information and support reasonably  
12 requested by the task force.

13 (6) Nonlegislative members of the task force shall serve without  
14 compensation, but shall be reimbursed for travel expenses as provided  
15 in RCW 43.03.050 and 43.03.060.

16 (7) Legislative members of the task force shall be reimbursed for  
17 travel expenses in accordance with RCW 44.04.120.

18 (8) This section expires December 31, 2007.

19 NEW SECTION. **Sec. 308.** The department of corrections shall  
20 conduct an updated community corrections workload study and report the  
21 results of that study to the governor and the legislature on or before  
22 November 1, 2007.

#### 23 **PART IV - EDUCATION**

24 NEW SECTION. **Sec. 401.** Research and practice show that long-term  
25 success in helping offenders prepare for economic self-sufficiency  
26 requires strategies that address their education and employment needs.  
27 Recent research suggests that a solid academic foundation and  
28 employment- and career-focused programs can be cost-effective in  
29 reducing the likelihood of reoffense. To this end, the legislature  
30 intends that the state strive to provide every inmate with basic  
31 academic skills as well as educational and vocational training designed  
32 to meet the assessed needs of the offender.

33 Nonetheless, it is vital that offenders engaged in educational or  
34 vocational training contribute to their own success. An offender  
35 should financially contribute to his or her education, particularly

1 postsecondary educational pursuits. The legislature intends to provide  
2 more flexibility for offenders in obtaining postsecondary education by  
3 allowing third parties to make contributions to the offender's  
4 education without mandatory deductions and by creating a loan program.  
5 In developing the loan program, the department is encouraged to adopt  
6 rules and standards similar to those that apply to students in  
7 noninstitutional settings for issues such as applying for a loan,  
8 maintaining accountability, and accruing interest on the loan  
9 obligation.

10 **Sec. 402.** RCW 72.09.460 and 2004 c 167 s 5 are each amended to  
11 read as follows:

12 (1) The legislature intends that all inmates be required to  
13 participate in department-approved education programs, work programs,  
14 or both, unless exempted (~~((under subsection (4) of))~~) as specifically  
15 provided in this section. Eligible inmates who refuse to participate  
16 in available education or work programs available at no charge to the  
17 inmates shall lose privileges according to the system established under  
18 RCW 72.09.130. Eligible inmates who are required to contribute  
19 financially to an education or work program and refuse to contribute  
20 shall be placed in another work program. Refusal to contribute shall  
21 not result in a loss of privileges.

22 (2) The legislature recognizes more inmates may agree to  
23 participate in education and work programs than are available. The  
24 department must make every effort to achieve maximum public benefit by  
25 placing inmates in available and appropriate education and work  
26 programs.

27 ~~((2) The department shall provide access to a program of education~~  
28 ~~to all offenders who are under the age of eighteen and who have not met~~  
29 ~~high school graduation or general equivalency diploma requirements in~~  
30 ~~accordance with chapter 28A.193 RCW. The program of education~~  
31 ~~established by the department and education provider under RCW~~  
32 ~~28A.193.020 for offenders under the age of eighteen must provide each~~  
33 ~~offender a choice of curriculum that will assist the inmate in~~  
34 ~~achieving a high school diploma or general equivalency diploma. The~~  
35 ~~program of education may include but not be limited to basic education,~~  
36 ~~prevocational training, work ethic skills, conflict resolution~~

1 counseling, ~~substance abuse intervention, and anger management~~  
2 ~~counseling. The curriculum may balance these and other rehabilitation,~~  
3 ~~work, and training components.))~~

4 (3)(a) The department shall, to the extent possible and considering  
5 all available funds, prioritize its resources to meet the following  
6 goals for inmates in the order listed:

7 ((~~a~~)) (i) Achievement of basic academic skills through obtaining  
8 a high school diploma or its equivalent ((and));

9 (ii) Achievement of vocational skills necessary for purposes of  
10 work programs and for an inmate to qualify for work upon release;

11 ((~~b~~) Additional work and education programs based on assessments  
12 and placements under subsection (5) of this section; and

13 ~~(c) Other work and education programs as appropriate.~~

14 ~~(4) The department shall establish, by rule, objective medical~~  
15 ~~standards to determine when an inmate is physically or mentally unable~~  
16 ~~to participate in available education or work programs. When the~~  
17 ~~department determines an inmate is permanently unable to participate in~~  
18 ~~any available education or work program due to a medical condition, the~~  
19 ~~inmate is exempt from the requirement under subsection (1) of this~~  
20 ~~section. When the department determines an inmate is temporarily~~  
21 ~~unable to participate in an education or work program due to a medical~~  
22 ~~condition, the inmate is exempt from the requirement of subsection (1)~~  
23 ~~of this section for the period of time he or she is temporarily~~  
24 ~~disabled. The department shall periodically review the medical~~  
25 ~~condition of all temporarily disabled inmates to ensure the earliest~~  
26 ~~possible entry or reentry by inmates into available programming.~~

27 ~~(5) The department shall establish, by rule, standards for~~  
28 ~~participation in department approved education and work programs. The~~  
29 ~~standards shall address the following areas:~~

30 ~~(a) Assessment. The department shall assess all inmates for their~~  
31 ~~basic academic skill levels using a professionally accepted method of~~  
32 ~~scoring reading, math, and language skills as grade level equivalents.~~  
33 ~~The department shall determine an inmate's education history, work~~  
34 ~~history, and vocational or work skills. The initial assessment shall~~  
35 ~~be conducted, whenever possible, within the first thirty days of an~~  
36 ~~inmate's entry into the correctional system, except that initial~~  
37 ~~assessments are not required for inmates who are sentenced to life~~  
38 ~~without the possibility of release, assigned to an intensive management~~

1 ~~unit within the first thirty days after entry into the correctional~~  
2 ~~system, are returning to the correctional system within one year of a~~  
3 ~~prior release, or whose physical or mental condition renders them~~  
4 ~~unable to complete the assessment process. The department shall track~~  
5 ~~and record changes in the basic academic skill levels of all inmates~~  
6 ~~reflected in any testing or assessment performed as part of their~~  
7 ~~education programming;~~

8 ~~(b) Placement. The department shall follow the policies set forth~~  
9 ~~in subsection (1) of this section in establishing criteria for placing~~  
10 ~~inmates in education and work programs. The department shall, to the~~  
11 ~~extent possible, place all inmates whose composite grade level score~~  
12 ~~for basic academic skills is below the eighth grade level in a combined~~  
13 ~~education and work program. The placement criteria shall include at~~  
14 ~~least the following factors))~~ (iii) Additional work and education

15 programs necessary for compliance with an offender's individual reentry  
16 plan under section 202 of this act with the exception of postsecondary  
17 education degree programs as provided in section 403 of this act; and

18 (iv) Other appropriate vocational, work, or education programs that  
19 are not necessary for compliance with an offender's individual reentry  
20 plan under section 202 of this act with the exception of postsecondary  
21 education degree programs as provided in section 403 of this act.

22 (b) If programming is provided pursuant to (a)(i) through (iii) of  
23 this subsection, the department shall pay the cost of such programming,  
24 including but not limited to books, materials, supplies, and postage  
25 costs related to correspondence courses.

26 (c) If programming is provided pursuant to (a)(iv) of this  
27 subsection, inmates shall be required to pay all or a portion of the  
28 costs, including books, fees, and tuition, for participation in any  
29 vocational, work, or education program as provided in department  
30 policies. Department policies shall include a formula for determining  
31 how much an offender shall be required to pay. The formula shall  
32 include steps which correlate to an offender average monthly income or  
33 average available balance in a personal inmate savings account and  
34 which are correlated to a prorated portion or percent of the per credit  
35 fee for tuition, books, or other ancillary costs. The formula shall be  
36 reviewed every two years. A third party may pay directly to the  
37 department all or a portion of costs and tuition for any programming

1 provided pursuant to (a)(iv) of this subsection on behalf of an inmate.  
2 Such payments shall not be subject to any of the deductions as provided  
3 in this chapter.

4 (d) The department may accept any and all donations and grants of  
5 money, equipment, supplies, materials, and services from any third  
6 party, including but not limited to nonprofit entities, and may  
7 receive, utilize, and dispose of same to complete the purposes of this  
8 section.

9 (e) Any funds collected by the department under (c) and (d) of this  
10 subsection and subsections (8) and (9) of this section shall be used  
11 solely for the creation, maintenance, or expansion of inmate  
12 educational and vocational programs.

13 (4) The department shall provide access to a program of education  
14 to all offenders who are under the age of eighteen and who have not met  
15 high school graduation or general equivalency diploma requirements in  
16 accordance with chapter 28A.193 RCW. The program of education  
17 established by the department and education provider under RCW  
18 28A.193.020 for offenders under the age of eighteen must provide each  
19 offender a choice of curriculum that will assist the inmate in  
20 achieving a high school diploma or general equivalency diploma. The  
21 program of education may include but not be limited to basic education,  
22 prevocational training, work ethic skills, conflict resolution  
23 counseling, substance abuse intervention, and anger management  
24 counseling. The curriculum may balance these and other rehabilitation,  
25 work, and training components.

26 (5)(a) In addition to the policies set forth in this section, the  
27 department shall consider the following factors in establishing  
28 criteria for assessing the inclusion of education and work programs in  
29 an inmate's individual reentry plan and in placing inmates in education  
30 and work programs:

31 (i) An inmate's release date and custody level. An inmate shall  
32 not be precluded from participating in an education or work program  
33 solely on the basis of his or her release date, except that inmates  
34 with a release date of more than one hundred twenty months in the  
35 future shall not comprise more than ten percent of inmates  
36 participating in a new class I correctional industry not in existence  
37 on June 10, 2004;

38 (ii) An inmate's education history and basic academic skills;

- 1 (iii) An inmate's work history and vocational or work skills;  
2 (iv) An inmate's economic circumstances, including but not limited  
3 to an inmate's family support obligations; and  
4 (v) Where applicable, an inmate's prior performance in department-  
5 approved education or work programs;

6 ~~((c) Performance and goals.))~~ (b) The department shall establish,  
7 and periodically review, inmate behavior standards and program goals  
8 for all education and work programs. Inmates shall be notified of  
9 applicable behavior standards and program goals prior to placement in  
10 an education or work program and shall be removed from the education or  
11 work program if they consistently fail to meet the standards or  
12 goals(;

13 ~~(d) Financial responsibility. (i) The department shall establish~~  
14 ~~a formula by which inmates, based on their ability to pay, shall pay~~  
15 ~~all or a portion of the costs or tuition of certain programs. Inmates~~  
16 ~~shall, based on the formula, pay a portion of the costs or tuition of~~  
17 ~~participation in:~~

18 ~~(A) Second and subsequent vocational programs associated with an~~  
19 ~~inmate's work programs; and~~

20 ~~(B) An associate of arts or baccalaureate degree program when~~  
21 ~~placement in a degree program is the result of a placement made under~~  
22 ~~this subsection;~~

23 ~~(ii) Inmates shall pay all costs and tuition for participation in:~~

24 ~~(A) Any postsecondary academic degree program which is entered~~  
25 ~~independently of a placement decision made under this subsection; and~~

26 ~~(B) Second and subsequent vocational programs not associated with~~  
27 ~~an inmate's work program.~~

28 ~~Enrollment in any program specified in (d)(ii) of this subsection~~  
29 ~~shall only be allowed by correspondence or if there is an opening in an~~  
30 ~~education or work program at the institution where an inmate is~~  
31 ~~incarcerated and no other inmate who is placed in a program under this~~  
32 ~~subsection will be displaced; and~~

33 ~~(e) Notwithstanding any other provision in this section, an inmate~~  
34 ~~sentenced to life without the possibility of release:~~

35 ~~(i) Shall not be required to participate in education programming;~~  
36 ~~and~~

37 ~~(ii) May receive not more than one postsecondary academic degree in~~  
38 ~~a program offered by the department or its contracted providers.~~

1       ~~If an inmate sentenced to life without the possibility of release~~  
2 ~~requires prevocational or vocational training for a work program, he or~~  
3 ~~she may participate in the training subject to this section.~~

4       ~~(6) The department shall coordinate education and work programs~~  
5 ~~among its institutions, to the greatest extent possible, to facilitate~~  
6 ~~continuity of programming among inmates transferred between~~  
7 ~~institutions. Before transferring an inmate enrolled in a program, the~~  
8 ~~department shall consider the effect the transfer will have on the~~  
9 ~~inmate's ability to continue or complete a program. This subsection~~  
10 ~~shall not be used to delay or prohibit a transfer necessary for~~  
11 ~~legitimate safety or security concerns.~~

12       ~~(7) Before construction of a new correctional institution or~~  
13 ~~expansion of an existing correctional institution, the department shall~~  
14 ~~adopt a plan demonstrating how cable, closed circuit, and satellite~~  
15 ~~television will be used for education and training purposes in the~~  
16 ~~institution. The plan shall specify how the use of television in the~~  
17 ~~education and training programs will improve inmates' preparedness for~~  
18 ~~available work programs and job opportunities for which inmates may~~  
19 ~~qualify upon release.~~

20       ~~(8) The department shall adopt a plan to reduce the per pupil cost~~  
21 ~~of instruction by, among other methods, increasing the use of volunteer~~  
22 ~~instructors and implementing technological efficiencies. The plan~~  
23 ~~shall be adopted by December 1996 and shall be transmitted to the~~  
24 ~~legislature upon adoption. The department shall, in adoption of the~~  
25 ~~plan, consider distance learning, satellite instruction, video tape~~  
26 ~~usage, computer aided instruction, and flexible scheduling of offender~~  
27 ~~instruction.~~

28       ~~(9) Following completion of the review required by section 27(3),~~  
29 ~~chapter 19, Laws of 1995 1st sp. sess. the department shall take all~~  
30 ~~necessary steps to assure the vocation and education programs are~~  
31 ~~relevant to work programs and skills necessary to enhance the~~  
32 ~~employability of inmates upon release)).~~

33       (6) Eligible inmates who refuse to participate in available  
34 education or work programs available at no charge to the inmates shall  
35 lose privileges according to the system established under RCW  
36 72.09.130. Eligible inmates who are required to contribute financially  
37 to an education or work program and refuse to contribute shall be

1 placed in another work program. Refusal to contribute shall not result  
2 in a loss of privileges.

3 (7) The department shall establish, by rule, objective medical  
4 standards to determine when an inmate is physically or mentally unable  
5 to participate in available education or work programs. When the  
6 department determines an inmate is permanently unable to participate in  
7 any available education or work program due to a medical condition, the  
8 inmate is exempt from the requirement under subsection (1) of this  
9 section. When the department determines an inmate is temporarily  
10 unable to participate in an education or work program due to a medical  
11 condition, the inmate is exempt from the requirement of subsection (1)  
12 of this section for the period of time he or she is temporarily  
13 disabled. The department shall periodically review the medical  
14 condition of all inmates with temporary disabilities to ensure the  
15 earliest possible entry or reentry by inmates into available  
16 programming.

17 (8) The department shall establish policies requiring an offender  
18 to pay all or a portion of the costs and tuition for any vocational  
19 training or postsecondary education program if the offender completed  
20 more than two hundred hours in the program and then withdrew from  
21 participation without approval from the department. Department  
22 policies shall include a formula for determining how much an offender  
23 shall be required to pay. The formula shall include steps which  
24 correlate to an offender average monthly income or average available  
25 balance in a personal inmate savings account and which are correlated  
26 to a prorated portion or percent of the per credit fee for tuition,  
27 books, or other ancillary costs. The formula shall be reviewed every  
28 two years. A third party may pay directly to the department all or a  
29 portion of costs and tuition for any program on behalf of an inmate  
30 under this subsection. Such payments shall not be subject to any of  
31 the deductions as provided in this chapter.

32 (9) Notwithstanding any other provision in this section, an inmate  
33 sentenced to life without the possibility of release, sentenced to  
34 death under chapter 10.95 RCW, or subject to the provisions of 8 U.S.C.  
35 Sec. 1227:

36 (a) Shall not be required to participate in education programming  
37 except as may be necessary for the maintenance of discipline and  
38 security;

1 (b) May receive not more than one postsecondary academic degree in  
2 a program offered by the department or its contracted providers;

3 (c) May participate in prevocational or vocational training that  
4 may be necessary to participate in a work program;

5 (d) Shall be subject to the applicable provisions of this chapter  
6 relating to inmate financial responsibility for programming except the  
7 postsecondary education degree loan program as provided in section  
8 403(3) of this act.

9 NEW SECTION. Sec. 403. A new section is added to chapter 72.09  
10 RCW to read as follows:

11 (1) The department shall, if funds are appropriated for the  
12 specific purpose, implement postsecondary education degree programs  
13 within state correctional institutions, including the state  
14 correctional institution with the largest population of female inmates.  
15 The department shall consider for inclusion in any postsecondary  
16 education degree program, any postsecondary education degree program  
17 from an accredited community college, college, or university that is  
18 part of an associate of arts, baccalaureate, masters of arts, or other  
19 graduate degree program.

20 (2) Except as provided in subsection (4) of this section, inmates  
21 shall be required to pay the costs for participation in any  
22 postsecondary education degree programs established under this  
23 subsection, including books, fees, tuition, or any other appropriate  
24 ancillary costs, by one or more of the following means:

25 (a) The inmate who is participating in the postsecondary education  
26 degree program shall, during confinement, provide the required payment  
27 or payments to the department;

28 (b) A third party shall provide the required payment or payments  
29 directly to the department on behalf of an inmate, and such payments  
30 shall not be subject to any of the deductions as provided in this  
31 chapter; or

32 (c) The inmate who is participating in the postsecondary education  
33 degree program shall provide the required payment or payments to the  
34 department using loan funds obtained from the department's  
35 postsecondary education degree loan program created pursuant to  
36 subsection (3) of this section.

1 (3) The department shall, if funds are appropriated for the  
2 specific purpose, establish by rule a postsecondary education degree  
3 loan program for inmates seeking to participate in available associate  
4 or two-year postsecondary education degree programs to prepare the  
5 inmate for employment. The department shall establish a process for  
6 awarding loans to inmates, including an application process and  
7 criteria for awarding loans. The department shall collect repayment as  
8 provided in RCW 72.09.450(4). A third party may pay directly to the  
9 department all or a portion of any loan on behalf of an inmate. Such  
10 payments shall not be subject to any of the deductions as provided in  
11 this chapter. Inmates under RCW 72.09.460(9) are not eligible to  
12 participate in the postsecondary education degree loan program.

13 (4) The department may accept any and all donations and grants of  
14 money, equipment, supplies, materials, and services from any third  
15 party, including but not limited to nonprofit entities, and may  
16 receive, utilize, and dispose of same to provide postsecondary  
17 education to inmates.

18 (5) Any funds collected by the department under this section and  
19 RCW 72.09.450(4) shall be used solely for the creation, maintenance, or  
20 expansion of inmate postsecondary education degree programs.

21 **Sec. 404.** RCW 72.09.480 and 2003 c 271 s 3 are each amended to  
22 read as follows:

23 (1) Unless the context clearly requires otherwise, the definitions  
24 in this section apply to this section.

25 (a) "Cost of incarceration" means the cost of providing an inmate  
26 with shelter, food, clothing, transportation, supervision, and other  
27 services and supplies as may be necessary for the maintenance and  
28 support of the inmate while in the custody of the department, based on  
29 the average per inmate costs established by the department and the  
30 office of financial management.

31 (b) "Minimum term of confinement" means the minimum amount of time  
32 an inmate will be confined in the custody of the department,  
33 considering the sentence imposed and adjusted for the total potential  
34 earned early release time available to the inmate.

35 (c) "Program" means any series of courses or classes necessary to  
36 achieve a proficiency standard, certificate, or postsecondary degree.

1 (2) When an inmate, except as provided in subsection (7) of this  
2 section, receives any funds in addition to his or her wages or  
3 gratuities, except settlements or awards resulting from legal action,  
4 the additional funds shall be subject to the following deductions and  
5 the priorities established in chapter 72.11 RCW:

6 (a) Five percent to the public safety and education account for the  
7 purpose of crime victims' compensation;

8 (b) Ten percent to a department personal inmate savings account;

9 (c) Twenty percent to the department to contribute to the cost of  
10 incarceration;

11 (d) Twenty percent for payment of legal financial obligations for  
12 all inmates who have legal financial obligations owing in any  
13 Washington state superior court; and

14 (e) Fifteen percent for any child support owed under a support  
15 order.

16 (3) When an inmate, except as provided in subsection (7) of this  
17 section, receives any funds from a settlement or award resulting from  
18 a legal action, the additional funds shall be subject to the deductions  
19 in RCW 72.09.111(1)(a) and the priorities established in chapter 72.11  
20 RCW.

21 (4) The amount deducted from an inmate's funds under subsection (2)  
22 of this section shall not exceed the department's total cost of  
23 incarceration for the inmate incurred during the inmate's minimum or  
24 actual term of confinement, whichever is longer.

25 (5)(a) The deductions required under subsection (2) of this section  
26 shall not apply to funds received by the department from an offender or  
27 from a third party on behalf of an offender for payment of (~~one fee-~~  
28 ~~based~~) education or vocational programs (~~that is associated with an~~  
29 ~~inmate's work program or a placement decision made by the department~~  
30 ~~under RCW 72.09.460 to prepare an inmate for work upon release.~~

31 ~~An inmate may, prior to the completion of the fee based education~~  
32 ~~or vocational program authorized under this subsection, apply to a~~  
33 ~~person designated by the secretary for permission to make a change in~~  
34 ~~his or her program. The secretary, or his or her designee, may approve~~  
35 ~~the application based solely on the following criteria: (a) The inmate~~  
36 ~~has been transferred to another institution by the department for~~  
37 ~~reasons unrelated to education or a change to a higher security~~  
38 ~~classification and the offender's current program is unavailable in the~~

1 ~~offender's new placement; (b) the inmate entered an academic program as~~  
2 ~~an undeclared major and wishes to declare a major. No inmate may apply~~  
3 ~~for more than one change to his or her major and receive the exemption~~  
4 ~~from deductions specified in this subsection; (c) the educational or~~  
5 ~~vocational institution is terminating the inmate's current program; or~~  
6 ~~(d) the offender's training or education has demonstrated that the~~  
7 ~~current program is not the appropriate program to assist the offender~~  
8 ~~to achieve a placement decision made by the department under RCW~~  
9 ~~72.09.460 to prepare the inmate for work upon release)) or~~  
10 postsecondary education degree programs as provided in RCW 72.09.460  
11 and section 403 of this act.

12 (b) The deductions required under subsection (2) of this section  
13 shall not apply to funds received by the department from a third party,  
14 including but not limited to a nonprofit entity on behalf of the  
15 department's education, vocation, or postsecondary education degree  
16 programs.

17 (6) The deductions required under subsection (2) of this section  
18 shall not apply to any money received by the department, on behalf of  
19 an inmate, from family or other outside sources for the payment of  
20 postage expenses. Money received under this subsection may only be  
21 used for the payment of postage expenses and may not be transferred to  
22 any other account or purpose. Money that remains unused in the  
23 inmate's postage fund at the time of release shall be subject to the  
24 deductions outlined in subsection (2) of this section.

25 (7) When an inmate sentenced to life imprisonment without  
26 possibility of release or parole, or to death under chapter 10.95 RCW,  
27 receives any funds in addition to his or her gratuities, except  
28 settlements or awards resulting from legal action, the additional funds  
29 shall be subject to: Deductions of five percent to the public safety  
30 and education account for the purpose of crime victims' compensation,  
31 twenty percent to the department to contribute to the cost of  
32 incarceration, and fifteen percent to child support payments.

33 (8) When an inmate sentenced to life imprisonment without  
34 possibility of release or parole, or to death under chapter 10.95 RCW,  
35 receives any funds from a settlement or award resulting from a legal  
36 action in addition to his or her gratuities, the additional funds shall  
37 be subject to: Deductions of five percent to the public safety and

1 education account for the purpose of crime victims' compensation and  
2 twenty percent to the department to contribute to the cost of  
3 incarceration.

4 (9) The interest earned on an inmate savings account created as a  
5 result of the plan in section 4, chapter 325, Laws of 1999 shall be  
6 exempt from the mandatory deductions under this section and RCW  
7 72.09.111.

8 (10) Nothing in this section shall limit the authority of the  
9 department of social and health services division of child support from  
10 taking collection action against an inmate's moneys, assets, or  
11 property pursuant to chapter 26.23, 74.20, or 74.20A RCW including, but  
12 not limited to, the collection of moneys received by the inmate from  
13 settlements or awards resulting from legal action.

14 **Sec. 405.** RCW 72.09.450 and 1996 c 277 s 1 are each amended to  
15 read as follows:

16 (1) An inmate shall not be denied access to services or supplies  
17 required by state or federal law solely on the basis of his or her  
18 inability to pay for them.

19 (2) The department shall record all lawfully authorized assessments  
20 for services or supplies as a debt to the department. The department  
21 shall recoup the assessments when the inmate's institutional account  
22 exceeds the indigency standard, and may pursue other remedies to recoup  
23 the assessments after the period of incarceration.

24 (3) The department shall record as a debt any costs assessed by a  
25 court against an inmate plaintiff where the state is providing defense  
26 pursuant to chapter 4.92 RCW. The department shall recoup the debt  
27 when the inmate's institutional account exceeds the indigency standard  
28 and may pursue other remedies to recoup the debt after the period of  
29 incarceration.

30 (4) The department shall record as a debt any loan recorded against  
31 an inmate participating in the postsecondary education degree loan  
32 program as provided under section 403 of this act. The department  
33 shall attempt to recoup the debt not sooner than two years from an  
34 inmate's date of release from total or partial confinement. The loan  
35 shall accrue interest from the time of collection at a rate set by the  
36 department in rule. The department may pursue collection of the debt  
37 as provided in subsection (5) of this section.

1       (5) In order to maximize the cost-efficient collection of unpaid  
2 offender debt existing after the period of an offender's incarceration,  
3 the department is authorized to use the following nonexclusive options:  
4 (a) Use the collection services available through the department of  
5 general administration, or (b) notwithstanding any provision of chapter  
6 41.06 RCW, contract with collection agencies for collection of the  
7 debts. The costs for general administration or collection agency  
8 services shall be paid by the debtor. Any contract with a collection  
9 agency shall only be awarded after competitive bidding. Factors the  
10 department shall consider in awarding a collection contract include but  
11 are not limited to a collection agency's history and reputation in the  
12 community; and the agency's access to a local database that may  
13 increase the efficiency of its collections. The servicing of an unpaid  
14 obligation to the department does not constitute assignment of a debt,  
15 and no contract with a collection agency may remove the department's  
16 control over unpaid obligations owed to the department.

17       NEW SECTION.   **Sec. 406.** (1) The department of corrections and the  
18 state board for community and technical colleges, in cooperation with  
19 the unions representing academic employees in corrections education  
20 programs, shall investigate and review methods to optimize educational  
21 and vocational programming opportunities to meet the needs of each  
22 offender as identified in his or her individual reentry plan while an  
23 offender is under the jurisdiction of the department.

24       (2) In conducting its review, the department and state board shall  
25 consider and make recommendations regarding:

26       (a) Technological advances which could serve to expand educational  
27 programs and vocational training including, but not limited to,  
28 distance learning, satellite instruction, videotape usage, computer  
29 aided instruction, and flexible scheduling and also considering the  
30 infrastructure, resources, and security that would be needed to  
31 implement the program or training. These advances shall be assessed  
32 for their ability to provide the most cost-efficient and effective  
33 programming for offenders;

34       (b) Methods to ensure that educational programs and vocational  
35 training are relevant to enhance the employability of offenders upon  
36 release; and

1 (c) Long-term methods for maintaining channels of communication  
2 between the department, state board administration, academic employees,  
3 and students.

4 (3) The department and state board shall report to the governor and  
5 the legislature no later than July 1, 2008.

6 NEW SECTION. **Sec. 407.** (1) The Washington state institute for  
7 public policy shall conduct a comprehensive analysis and evaluation of  
8 evidence-based, research-based, and promising correctional education  
9 programs and the extent to which Washington's programs are in accord  
10 with these practices. In gathering data regarding correctional  
11 education programs, the institute may consult with academic employees  
12 from correctional education programs.

13 (2) The institute shall report to the governor and the legislature  
14 no later than November 15, 2007.

15 **PART V - EMPLOYMENT BARRIERS**

16 NEW SECTION. **Sec. 501.** On or before October 1, 2007, the  
17 department of corrections and the department of licensing shall enter  
18 into an agreement establishing expedited procedures to assist offenders  
19 in obtaining a driver's license or identification card upon their  
20 release from a department of corrections' institution.

21 NEW SECTION. **Sec. 502.** (1) The director of the department of  
22 licensing, or the director's designee, shall, within existing  
23 resources, convene and chair a work group to review and recommend  
24 changes to occupational licensing laws and policies to encourage the  
25 employment of individuals with criminal convictions while ensuring the  
26 safety of the public.

27 (2) In addition to the director of the department of licensing, the  
28 following shall be members of the work group: A representative from  
29 the employment security department, a representative from the  
30 department of corrections, a representative from the Washington state  
31 association of prosecuting attorneys, and up to five members appointed  
32 by the governor from state agencies that issue occupational licenses.  
33 The department shall also invite participation from victim service  
34 agencies, the state board for community and technical colleges,

1 association of Washington business, nonprofit organizations providing  
2 workforce training to released offenders, and legislative staff who  
3 provide support to the human services and human services and  
4 corrections committees. Members of the work group shall serve without  
5 compensation.

6 (3) In conducting its review, the work group must:

7 (a) Review approaches used by other states and jurisdictions for  
8 awarding occupational licenses to those with criminal convictions;

9 (b) Develop a process and standards by which the department of  
10 licensing and licensing agencies will determine whether a criminal  
11 conviction renders an applicant an unsuitable candidate for a license  
12 or whether a conviction warrants revocation or suspension of a license  
13 previously granted;

14 (c) Develop guidelines for potential applicants that reflect the  
15 most common or well-known categories of crimes and their relation to  
16 specific license types;

17 (d) Establish mechanisms for making information regarding the  
18 process and guidelines easily accessible to potential applicants with  
19 criminal histories.

20 (4) The department of licensing shall present a report of its  
21 findings and recommendations to the governor and the appropriate  
22 committees of the legislature, including any proposed legislation, by  
23 November 15, 2008.

24 (5) This section expires December 15, 2008.

25 **PART VI - HOUSING**

26 NEW SECTION. **Sec. 601.** The legislature finds that, in order to  
27 improve the safety of our communities, more housing needs to be made  
28 available to offenders returning to the community. The legislature  
29 intends to increase the housing available to offenders by providing  
30 that landlords who rent to offenders shall be immune from civil  
31 liability for damages that may result from the criminal conduct of the  
32 tenant.

33 NEW SECTION. **Sec. 602.** A new section is added to chapter 59.18  
34 RCW to read as follows:

35 A landlord who rents to an offender is not liable for civil damages

1 arising from the criminal conduct of the tenant. In order for a  
2 landlord to be protected from liability as provided under this section,  
3 a landlord must:

4 (1) Disclose to residents of the property that he or she rents or  
5 has a policy of renting to offenders; and

6 (2) Take steps to report or halt criminal activity if the landlord  
7 has actual knowledge of criminal activity on the landlord's premises.

8 NEW SECTION. **Sec. 603.** A new section is added to chapter 35.82  
9 RCW to read as follows:

10 The legislature recognizes that stable, habitable, and supportive  
11 housing is a critical factor that increases a previously incarcerated  
12 individual's access to treatment and services as well as the likelihood  
13 of success in the community. Housing authorities are therefore  
14 encouraged to formulate rental policies that are not unduly burdensome  
15 to previously incarcerated individuals attempting to reenter the  
16 community, particularly when the individual's family may already reside  
17 in government subsidized housing.

18 NEW SECTION. **Sec. 604.** A new section is added to chapter 43.185C  
19 RCW to read as follows:

20 (1) The department of community, trade, and economic development  
21 shall establish a pilot program to provide grants to eligible  
22 organizations, as described in RCW 43.185.060, to provide transitional  
23 housing assistance to offenders who are reentering the community and  
24 are in need of housing.

25 (2) There shall be a minimum of two pilot programs established in  
26 two counties. The pilot programs shall be selected through a request  
27 for proposal process and in consultation with the department of  
28 corrections. The department shall select the pilot sites by January 1,  
29 2008.

30 (3) The pilot program shall:  
31 (a) Be operated in collaboration with the community justice center  
32 existing in the location of the pilot site;  
33 (b) Offer transitional supportive housing that includes individual  
34 support and mentoring available on an ongoing basis, life skills  
35 training, and close working relationships with community justice

1 centers and community corrections officers. Supportive housing  
2 services can be provided directly by the housing operator, or in  
3 partnership with community-based organizations;

4 (c) In providing assistance, give priority to offenders who are  
5 designated as high risk or high needs as well as those determined not  
6 to have a viable release plan by the department of corrections;

7 (d) Optimize available funding by utilizing cost-effective  
8 community-based shared housing arrangements or other noninstitutional  
9 living arrangements; and

10 (e) Provide housing assistance for a period of time not to exceed  
11 twelve months for a participating offender.

12 (4) The department may also use up to twenty percent of the funding  
13 appropriated in the operating budget for this section to support the  
14 development of additional supportive housing resources for offenders  
15 who are reentering the community.

16 (5) The department shall:

17 (a) Collaborate with the department of corrections in developing  
18 criteria to determine who will qualify for housing assistance; and

19 (b) Gather data, and report to the legislature by November 1, 2008,  
20 on the number of offenders seeking housing, the number of offenders  
21 eligible for housing, the number of offenders who receive the housing,  
22 and the number of offenders who commit new crimes while residing in the  
23 housing to the extent information is available.

24 (6) The department of corrections shall collaborate with  
25 organizations receiving grant funds to:

26 (a) Help identify appropriate housing solutions in the community  
27 for offenders;

28 (b) Where possible, facilitate an offender's application for  
29 housing prior to discharge;

30 (c) Identify enhancements to training provided to offenders prior  
31 to discharge that may assist an offender in effectively transitioning  
32 to the community;

33 (d) Maintain communication between the organization receiving grant  
34 funds, the housing provider, and corrections staff supervising the  
35 offender; and

36 (e) Assist the offender in accessing resources and services  
37 available through the department of corrections and a community justice  
38 center.

1 (7) The state, department of community, trade, and economic  
2 development, department of corrections, local governments, local  
3 housing authorities, eligible organizations as described in RCW  
4 43.185.060, and their employees are not liable for civil damages  
5 arising from the criminal conduct of an offender solely due to the  
6 placement of an offender in housing provided under this section or the  
7 provision of housing assistance.

8 (8) Nothing in this section allows placement of an offender into  
9 housing without an analysis of the risk the offender may pose to that  
10 particular community or other residents.

11 **Sec. 605.** RCW 72.09.111 and 2004 c 167 s 7 are each amended to  
12 read as follows:

13 (1) The secretary shall deduct taxes and legal financial  
14 obligations from the gross wages, gratuities, or workers' compensation  
15 benefits payable directly to the inmate under chapter 51.32 RCW, of  
16 each inmate working in correctional industries work programs, or  
17 otherwise receiving such wages, gratuities, or benefits. The secretary  
18 shall also deduct child support payments from the gratuities of each  
19 inmate working in class II through class IV correctional industries  
20 work programs. The secretary shall develop a formula for the  
21 distribution of offender wages, gratuities, and benefits. The formula  
22 shall not reduce the inmate account below the indigency level, as  
23 defined in RCW 72.09.015.

24 (a) The formula shall include the following minimum deductions from  
25 class I gross wages and from all others earning at least minimum wage:

26 (i) Five percent to the public safety and education account for the  
27 purpose of crime victims' compensation;

28 (ii) Ten percent to a department personal inmate savings account;

29 (iii) Twenty percent to the department to contribute to the cost of  
30 incarceration; and

31 (iv) Twenty percent for payment of legal financial obligations for  
32 all inmates who have legal financial obligations owing in any  
33 Washington state superior court.

34 (b) The formula shall include the following minimum deductions from  
35 class II gross gratuities:

36 (i) Five percent to the public safety and education account for the  
37 purpose of crime victims' compensation;

1 (ii) Ten percent to a department personal inmate savings account;  
2 (iii) Fifteen percent to the department to contribute to the cost  
3 of incarceration;  
4 (iv) Twenty percent for payment of legal financial obligations for  
5 all inmates who have legal financial obligations owing in any  
6 Washington state superior court; and  
7 (v) Fifteen percent for any child support owed under a support  
8 order.

9 (c) The formula shall include the following minimum deductions from  
10 any workers' compensation benefits paid pursuant to RCW 51.32.080:

11 (i) Five percent to the public safety and education account for the  
12 purpose of crime victims' compensation;

13 (ii) Ten percent to a department personal inmate savings account;

14 (iii) Twenty percent to the department to contribute to the cost of  
15 incarceration; and

16 (iv) An amount equal to any legal financial obligations owed by the  
17 inmate established by an order of any Washington state superior court  
18 up to the total amount of the award.

19 (d) The formula shall include the following minimum deductions from  
20 class III gratuities:

21 (i) Five percent for the purpose of crime victims' compensation;  
22 and

23 (ii) Fifteen percent for any child support owed under a support  
24 order.

25 (e) The formula shall include the following minimum deduction from  
26 class IV gross gratuities:

27 (i) Five percent to the department to contribute to the cost of  
28 incarceration; and

29 (ii) Fifteen percent for any child support owed under a support  
30 order.

31 (2) Any person sentenced to life imprisonment without possibility  
32 of release or parole under chapter 10.95 RCW or sentenced to death  
33 shall be exempt from the requirement under subsection (1)(a)(ii),  
34 (b)(ii), or (c)(ii).

35 (3)(a) The department personal inmate savings account, together  
36 with any accrued interest, shall only be available to an inmate at the  
37 following times:

38 (i) The time of his or her release from confinement((~~unless~~));

1       (ii) Prior to his or her release from confinement in order to  
2 secure approved housing; or

3       (iii) When the secretary determines that an emergency exists for  
4 the inmate(~~(, at which time the funds can be)~~).

5       (b) If funds are made available pursuant to (a)(ii) or (iii) of  
6 this subsection, the funds shall be made available to the inmate in an  
7 amount determined by the secretary.

8       (c) The management of classes I, II, and IV correctional industries  
9 may establish an incentive payment for offender workers based on  
10 productivity criteria. This incentive shall be paid separately from  
11 the hourly wage/gratuity rate and shall not be subject to the specified  
12 deduction for cost of incarceration.

13       (4)(a) Subject to availability of funds for the correctional  
14 industries program, the expansion of inmate employment in class I and  
15 class II correctional industries shall be implemented according to the  
16 following schedule:

17       (i) Not later than June 30, 2005, the secretary shall achieve a net  
18 increase of at least two hundred in the number of inmates employed in  
19 class I or class II correctional industries work programs above the  
20 number so employed on June 30, 2003;

21       (ii) Not later than June 30, 2006, the secretary shall achieve a  
22 net increase of at least four hundred in the number of inmates employed  
23 in class I or class II correctional industries work programs above the  
24 number so employed on June 30, 2003;

25       (iii) Not later than June 30, 2007, the secretary shall achieve a  
26 net increase of at least six hundred in the number of inmates employed  
27 in class I or class II correctional industries work programs above the  
28 number so employed on June 30, 2003;

29       (iv) Not later than June 30, 2008, the secretary shall achieve a  
30 net increase of at least nine hundred in the number of inmates employed  
31 in class I or class II correctional industries work programs above the  
32 number so employed on June 30, 2003;

33       (v) Not later than June 30, 2009, the secretary shall achieve a net  
34 increase of at least one thousand two hundred in the number of inmates  
35 employed in class I or class II correctional industries work programs  
36 above the number so employed on June 30, 2003;

37       (vi) Not later than June 30, 2010, the secretary shall achieve a

1 net increase of at least one thousand five hundred in the number of  
2 inmates employed in class I or class II correctional industries work  
3 programs above the number so employed on June 30, 2003.

4 (b) Failure to comply with the schedule in this subsection does not  
5 create a private right of action.

6 (5) In the event that the offender worker's wages, gratuity, or  
7 workers' compensation benefit is subject to garnishment for support  
8 enforcement, the crime victims' compensation, savings, and cost of  
9 incarceration deductions shall be calculated on the net wages after  
10 taxes, legal financial obligations, and garnishment.

11 (6) The department shall explore other methods of recovering a  
12 portion of the cost of the inmate's incarceration and for encouraging  
13 participation in work programs, including development of incentive  
14 programs that offer inmates benefits and amenities paid for only from  
15 wages earned while working in a correctional industries work program.

16 (7) The department shall develop the necessary administrative  
17 structure to recover inmates' wages and keep records of the amount  
18 inmates pay for the costs of incarceration and amenities. All funds  
19 deducted from inmate wages under subsection (1) of this section for the  
20 purpose of contributions to the cost of incarceration shall be  
21 deposited in a dedicated fund with the department and shall be used  
22 only for the purpose of enhancing and maintaining correctional  
23 industries work programs.

24 (8) It shall be in the discretion of the secretary to apportion the  
25 inmates between class I and class II depending on available contracts  
26 and resources.

27 (9) Nothing in this section shall limit the authority of the  
28 department of social and health services division of child support from  
29 taking collection action against an inmate's moneys, assets, or  
30 property pursuant to chapter 26.23, 74.20, or 74.20A RCW.

31 **PART VII - MISCELLANEOUS**

32 NEW SECTION. **Sec. 701.** Part headings used in this act are not any  
33 part of the law.

34 NEW SECTION. **Sec. 702.** If any provision of this act or its

1 application to any person or circumstance is held invalid, the  
2 remainder of the act or the application of the provision to other  
3 persons or circumstances is not affected.

4 NEW SECTION. **Sec. 703.** If specific funding for the purposes of  
5 the following sections of this act, referencing the section of this act  
6 by bill or chapter number and section number, is not provided by June  
7 30, 2007, in the omnibus appropriations act, the section is null and  
8 void:

- 9 (1) Section 301 of this act;
- 10 (2) Section 305 of this act;
- 11 (3) Section 306 of this act;
- 12 (4) Section 308 of this act;
- 13 (5) Section 406 of this act;
- 14 (6) Section 407 of this act.

--- END ---