
HOUSE BILL 1488

State of Washington 61st Legislature 2009 Regular Session

By Representatives Miloscia, Sullivan, Goodman, Ormsby, and Blake

Read first time 01/21/09. Referred to Committee on Local Government & Housing.

1 AN ACT Relating to eliminating the discharge of vulnerable
2 populations from state institutions into homelessness; amending RCW
3 72.09.270, 72.09.270, 9.94A.760, 9.94A.760, 43.63A.305, 71.05.350, and
4 71.24.045; reenacting and amending RCW 13.40.210; adding a new section
5 to chapter 72.09 RCW; adding a new section to chapter 43.20A RCW;
6 creating a new section; providing an effective date; providing an
7 expiration date; and declaring an emergency.

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

9 NEW SECTION. **Sec. 1.** (1) The legislature finds that an extremely
10 high risk of homelessness exists for persons discharged from state
11 institutions and persons under ongoing care or supervision of state
12 agencies, such as youth aging out of the foster care system, any former
13 dependent of the state under chapter 13.34 RCW, adults being released
14 from state psychiatric wards, adults receiving ongoing mental health
15 care from regional support networks, former offenders being released
16 from state correctional facilities, and former offenders under active
17 supervision. Providing safe and viable options for housing to these
18 populations to avoid homelessness confers a valuable benefit on the
19 public that is intended to improve public health, safety, and welfare.

1 (2) It is the goal of this state to:

2 (a) Gather evidence to discover the true nature and extent of the
3 problem of homelessness as it relates to persons discharged from state
4 institutions and persons under ongoing care or supervision of state
5 agencies; and

6 (b) Collect adequate and appropriate data related to the housing
7 status of persons discharged from state institutions and persons under
8 ongoing care or supervision of state agencies; and

9 (c) Ensure that all persons discharged from state institutions and
10 persons under ongoing care or supervision of state agencies have access
11 to decent, appropriate, and affordable housing in a healthy safe
12 environment; and

13 (d) Eliminate the occurrence of any state institution discharging
14 persons into homelessness by 2011.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 72.09 RCW
16 to read as follows:

17 Not later than September 1, 2009, the department of corrections
18 shall submit to the appropriate committees of the legislature a plan by
19 which the department proposes to eliminate the discharge of offenders
20 from the custody of the department into homelessness. The plan must
21 specifically identify the resources necessary and actions required to
22 eliminate the discharge of any offender into homelessness by 2011. The
23 plan must also include performance measures to gauge the effectiveness
24 of the plan in increasing the percentage of released offenders who
25 secure and retain stable housing and decreasing the percentage of
26 released offenders who enter homelessness. Existing department plans
27 may be used to partially fulfill the planning requirement, but must be
28 updated with implementation strategies to meet this new goal.

29 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.20A RCW
30 to read as follows:

31 Not later than September 1, 2009, the department of social and
32 health services shall submit to the legislature a plan by which the
33 department proposes to eliminate the discharge into homelessness of
34 youth aging out of the foster care system, chronically mentally ill
35 persons being released from involuntary psychiatric commitment, and by
36 which the department proposes to address the housing needs of

1 chronically mentally ill persons receiving ongoing mental health care
2 from regional support networks. The plan must specifically identify
3 the resources necessary and actions required to eliminate the discharge
4 of such youth and adults into homelessness by 2011. The plan must also
5 include performance measures to gauge the effectiveness of the plan in
6 increasing the percentage of released persons who secure and retain
7 stable housing and decreasing the percentage of released persons who
8 enter homelessness. Existing department plans may be used to partially
9 fulfill the planning requirement, but must be updated with
10 implementation strategies to meet this new goal.

11 **Sec. 4.** RCW 72.09.270 and 2007 c 483 s 203 are each amended to
12 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, housing, and other areas
16 which are needed to facilitate a successful reintegration into the
17 community.

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

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

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

26 (iii) Record details, including an address, of the confirmed
27 housing situation arranged for the offender pending the offenders
28 release from custody.

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

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

1 (8)(a) In determining the county of discharge for an offender
2 released to community custody or community placement, the department
3 may not approve a residence location that is not in the offender's
4 county of origin unless it is determined by the department that the
5 offender's return to his or her county of origin would be inappropriate
6 considering any court-ordered condition of the offender's sentence,
7 victim safety concerns, negative influences on the offender in the
8 community, or the location of family or other sponsoring persons or
9 organizations that will support the offender.

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

13 (c) For purposes of this section, the offender's county of origin
14 means the county of the offender's first felony conviction in
15 Washington.

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

18 (10) While actively supervising any former offender, the department
19 shall maintain a record of the former offender's housing status.

20 **Sec. 5.** RCW 72.09.270 and 2008 c 231 s 48 are each amended to read
21 as follows:

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

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

27 (b) Offenders who are subject to the provisions of 8 U.S.C. Sec.
28 1227.

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

32 (3) In developing individual reentry plans, the department shall
33 assess all offenders using standardized and comprehensive tools to
34 identify the criminogenic risks, programmatic needs, and educational
35 and vocational skill levels for each offender. The assessment tool
36 should take into account demographic biases, such as culture, age, and

1 gender, as well as the needs of the offender, including any learning
2 disabilities, substance abuse or mental health issues, and social or
3 behavior deficits.

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

7 (b) The offender's individual reentry plan shall be developed as
8 soon as possible after the initial assessment is conducted, but,
9 whenever possible, no later than sixty days after completion of the
10 assessment, and shall be periodically reviewed and updated as
11 appropriate.

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

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

17 (b) An individualized portfolio for each offender that includes the
18 offender's education achievements, certifications, employment, work
19 experience, skills, and any training received prior to and during
20 incarceration; and

21 (c) A plan for the offender during the period of incarceration
22 through reentry into the community that addresses the needs of the
23 offender including education, employment, substance abuse treatment,
24 mental health treatment, family reunification, housing, and other areas
25 which are needed to facilitate a successful reintegration into the
26 community.

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

28 (i) Evaluate the offender's needs and, to the extent possible,
29 connect the offender with existing services and resources that meet
30 those needs; and

31 (ii) Connect the offender with a community justice center and/or
32 community transition coordination network in the area in which the
33 offender will be residing once released from the correctional system if
34 one exists; and

35 (iii) Record details, including an address, of the confirmed
36 housing situation arranged for the offender pending the offenders
37 release from custody.

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

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

10 (8)(a) In determining the county of discharge for an offender
11 released to community custody, the department may not approve a
12 residence location that is not in the offender's county of origin
13 unless it is determined by the department that the offender's return to
14 his or her county of origin would be inappropriate considering any
15 court-ordered condition of the offender's sentence, victim safety
16 concerns, negative influences on the offender in the community, or the
17 location of family or other sponsoring persons or organizations that
18 will support the offender.

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

22 (c) For purposes of this section, the offender's county of origin
23 means the county of the offender's first felony conviction in
24 Washington.

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

27 (10) While actively supervising any former offender, the department
28 shall maintain a record of the former offender's housing status.

29 **Sec. 6.** RCW 9.94A.760 and 2005 c 263 s 1 are each amended to read
30 as follows:

31 (1) Whenever a person is convicted in superior court, the court may
32 order the payment of a legal financial obligation as part of the
33 sentence. The court must on either the judgment and sentence or on a
34 subsequent order to pay, designate the total amount of a legal
35 financial obligation and segregate this amount among the separate
36 assessments made for restitution, costs, fines, and other assessments
37 required by law. On the same order, the court is also to set a sum

1 that the offender is required to pay on a monthly basis towards
2 satisfying the legal financial obligation. If the court fails to set
3 the offender monthly payment amount, the department shall set the
4 amount if the department has active supervision of the offender,
5 otherwise the county clerk shall set the amount. Upon receipt of an
6 offender's monthly payment, restitution shall be paid prior to any
7 payments of other monetary obligations. After restitution is
8 satisfied, the county clerk shall distribute the payment proportionally
9 among all other fines, costs, and assessments imposed, unless otherwise
10 ordered by the court.

11 (2) If the court determines that the offender, at the time of
12 sentencing, has the means to pay for the cost of incarceration, the
13 court may require the offender to pay for the cost of incarceration at
14 a rate of fifty dollars per day of incarceration, if incarcerated in a
15 prison, or the court may require the offender to pay the actual cost of
16 incarceration per day of incarceration, if incarcerated in a county
17 jail. In no case may the court require the offender to pay more than
18 one hundred dollars per day for the cost of incarceration. Payment of
19 other court-ordered financial obligations, including all legal
20 financial obligations and costs of supervision shall take precedence
21 over the payment of the cost of incarceration ordered by the court.
22 All funds recovered from offenders for the cost of incarceration in the
23 county jail shall be remitted to the county and the costs of
24 incarceration in a prison shall be remitted to the department.

25 (3) The court may add to the judgment and sentence or subsequent
26 order to pay a statement that a notice of payroll deduction is to be
27 issued immediately. If the court chooses not to order the immediate
28 issuance of a notice of payroll deduction at sentencing, the court
29 shall add to the judgment and sentence or subsequent order to pay a
30 statement that a notice of payroll deduction may be issued or other
31 income-withholding action may be taken, without further notice to the
32 offender if a monthly court-ordered legal financial obligation payment
33 is not paid when due, and an amount equal to or greater than the amount
34 payable for one month is owed.

35 If a judgment and sentence or subsequent order to pay does not
36 include the statement that a notice of payroll deduction may be issued
37 or other income-withholding action may be taken if a monthly legal
38 financial obligation payment is past due, the department or the county

1 clerk may serve a notice on the offender stating such requirements and
2 authorizations. Service shall be by personal service or any form of
3 mail requiring a return receipt.

4 (4) Independent of the department or the county clerk, the party or
5 entity to whom the legal financial obligation is owed shall have the
6 authority to use any other remedies available to the party or entity to
7 collect the legal financial obligation. These remedies include
8 enforcement in the same manner as a judgment in a civil action by the
9 party or entity to whom the legal financial obligation is owed.
10 Restitution collected through civil enforcement must be paid through
11 the registry of the court and must be distributed proportionately
12 according to each victim's loss when there is more than one victim.
13 The judgment and sentence shall identify the party or entity to whom
14 restitution is owed so that the state, party, or entity may enforce the
15 judgment. If restitution is ordered pursuant to RCW 9.94A.750(6) or
16 9.94A.753(6) to a victim of rape of a child or a victim's child born
17 from the rape, the Washington state child support registry shall be
18 identified as the party to whom payments must be made. Restitution
19 obligations arising from the rape of a child in the first, second, or
20 third degree that result in the pregnancy of the victim may be enforced
21 for the time periods provided under RCW 9.94A.750(6) and 9.94A.753(6).
22 All other legal financial obligations for an offense committed prior to
23 July 1, 2000, may be enforced at any time during the ten-year period
24 following the offender's release from total confinement or within ten
25 years of entry of the judgment and sentence, whichever period ends
26 later. Prior to the expiration of the initial ten-year period, the
27 superior court may extend the criminal judgment an additional ten years
28 for payment of legal financial obligations including crime victims'
29 assessments. All other legal financial obligations for an offense
30 committed on or after July 1, 2000, may be enforced at any time the
31 offender remains under the court's jurisdiction. For an offense
32 committed on or after July 1, 2000, the court shall retain jurisdiction
33 over the offender, for purposes of the offender's compliance with
34 payment of the legal financial obligations, until the obligation is
35 completely satisfied, regardless of the statutory maximum for the
36 crime. The department may only supervise the offender's compliance
37 with payment of the legal financial obligations during any period in
38 which the department is authorized to supervise the offender in the

1 community under RCW 9.94A.728, 9.94A.501, or in which the offender is
2 confined in a state correctional institution or a correctional facility
3 pursuant to a transfer agreement with the department, and the
4 department shall supervise the offender's compliance during any such
5 period. The department is not responsible for supervision of the
6 offender during any subsequent period of time the offender remains
7 under the court's jurisdiction. The county clerk is authorized to
8 collect unpaid legal financial obligations at any time the offender
9 remains under the jurisdiction of the court for purposes of his or her
10 legal financial obligations. The county clerk is authorized and
11 required to maintain a record of the current housing status and current
12 address of each offender under the jurisdiction of the court for
13 purposes of his or her financial obligations, and must provide this
14 information to the department upon request.

15 (5) In order to assist the court in setting a monthly sum that the
16 offender must pay during the period of supervision, the offender is
17 required to report to the department for purposes of preparing a
18 recommendation to the court. When reporting, the offender is required,
19 under oath, to respond truthfully and honestly to all questions
20 concerning present, past, and future earning capabilities and the
21 location and nature of all property or financial assets. The offender
22 is further required to bring all documents requested by the department.

23 (6) After completing the investigation, the department shall make
24 a report to the court on the amount of the monthly payment that the
25 offender should be required to make towards a satisfied legal financial
26 obligation.

27 (7)(a) During the period of supervision, the department may make a
28 recommendation to the court that the offender's monthly payment
29 schedule be modified so as to reflect a change in financial
30 circumstances. If the department sets the monthly payment amount, the
31 department may modify the monthly payment amount without the matter
32 being returned to the court. During the period of supervision, the
33 department may require the offender to report to the department for the
34 purposes of reviewing the appropriateness of the collection schedule
35 for the legal financial obligation. During this reporting, the
36 offender is required under oath to respond truthfully and honestly to
37 all questions concerning earning capabilities and the location and

1 nature of all property or financial assets. The offender shall bring
2 all documents requested by the department in order to prepare the
3 collection schedule.

4 (b) Subsequent to any period of supervision, or if the department
5 is not authorized to supervise the offender in the community, the
6 county clerk may make a recommendation to the court that the offender's
7 monthly payment schedule be modified so as to reflect a change in
8 financial circumstances. If the county clerk sets the monthly payment
9 amount, or if the department set the monthly payment amount and the
10 department has subsequently turned the collection of the legal
11 financial obligation over to the county clerk, the clerk may modify the
12 monthly payment amount without the matter being returned to the court.
13 During the period of repayment, the county clerk may require the
14 offender to report to the clerk for the purpose of reviewing the
15 appropriateness of the collection schedule for the legal financial
16 obligation. During this reporting, the offender is required under oath
17 to respond truthfully and honestly to all questions concerning earning
18 capabilities and the location and nature of all property or financial
19 assets. The offender shall bring all documents requested by the county
20 clerk in order to prepare the collection schedule.

21 (8) After the judgment and sentence or payment order is entered,
22 the department is authorized, for any period of supervision, to collect
23 the legal financial obligation from the offender. Subsequent to any
24 period of supervision or, if the department is not authorized to
25 supervise the offender in the community, the county clerk is authorized
26 to collect unpaid legal financial obligations from the offender. Any
27 amount collected by the department shall be remitted daily to the
28 county clerk for the purpose of disbursements. The department and the
29 county clerks are authorized, but not required, to accept credit cards
30 as payment for a legal financial obligation, and any costs incurred
31 related to accepting credit card payments shall be the responsibility
32 of the offender.

33 (9) The department or any obligee of the legal financial obligation
34 may seek a mandatory wage assignment for the purposes of obtaining
35 satisfaction for the legal financial obligation pursuant to RCW
36 9.94A.7701. Any party obtaining a wage assignment shall notify the
37 county clerk. The county clerks shall notify the department, or the

1 administrative office of the courts, whichever is providing the monthly
2 billing for the offender.

3 (10) The requirement that the offender pay a monthly sum towards a
4 legal financial obligation constitutes a condition or requirement of a
5 sentence and the offender is subject to the penalties for noncompliance
6 as provided in RCW 9.94A.634, 9.94A.737, or 9.94A.740.

7 (11)(a) Until January 1, 2004, the department shall mail
8 individualized monthly billings to the address known by the department
9 for each offender with an unsatisfied legal financial obligation.

10 (b) Beginning January 1, 2004, the administrative office of the
11 courts shall mail individualized monthly billings to the address known
12 by the office for each offender with an unsatisfied legal financial
13 obligation.

14 (c) The billing shall direct payments, other than outstanding cost
15 of supervision assessments under RCW 9.94A.780, parole assessments
16 under RCW 72.04A.120, and cost of probation assessments under RCW
17 9.95.214, to the county clerk, and cost of supervision, parole, or
18 probation assessments to the department.

19 (d) The county clerk shall provide the administrative office of the
20 courts with notice of payments by such offenders no less frequently
21 than weekly.

22 (e) The county clerks, the administrative office of the courts, and
23 the department shall maintain agreements to implement this subsection.

24 (12) The department shall arrange for the collection of unpaid
25 legal financial obligations during any period of supervision in the
26 community through the county clerk. The department shall either
27 collect unpaid legal financial obligations or arrange for collections
28 through another entity if the clerk does not assume responsibility or
29 is unable to continue to assume responsibility for collection pursuant
30 to subsection (4) of this section. The costs for collection services
31 shall be paid by the offender.

32 (13) The county clerk may access the records of the employment
33 security department for the purposes of verifying employment or income,
34 seeking any assignment of wages, or performing other duties necessary
35 to the collection of an offender's legal financial obligations.

36 (14) Nothing in this chapter makes the department, the state, the
37 counties, or any state or county employees, agents, or other persons
38 acting on their behalf liable under any circumstances for the payment

1 of these legal financial obligations or for the acts of any offender
2 who is no longer, or was not, subject to supervision by the department
3 for a term of community custody, community placement, or community
4 supervision, and who remains under the jurisdiction of the court for
5 payment of legal financial obligations.

6 **Sec. 7.** RCW 9.94A.760 and 2008 c 231 s 35 are each amended to read
7 as follows:

8 (1) Whenever a person is convicted in superior court, the court may
9 order the payment of a legal financial obligation as part of the
10 sentence. The court must on either the judgment and sentence or on a
11 subsequent order to pay, designate the total amount of a legal
12 financial obligation and segregate this amount among the separate
13 assessments made for restitution, costs, fines, and other assessments
14 required by law. On the same order, the court is also to set a sum
15 that the offender is required to pay on a monthly basis towards
16 satisfying the legal financial obligation. If the court fails to set
17 the offender monthly payment amount, the department shall set the
18 amount if the department has active supervision of the offender,
19 otherwise the county clerk shall set the amount. Upon receipt of an
20 offender's monthly payment, restitution shall be paid prior to any
21 payments of other monetary obligations. After restitution is
22 satisfied, the county clerk shall distribute the payment proportionally
23 among all other fines, costs, and assessments imposed, unless otherwise
24 ordered by the court.

25 (2) If the court determines that the offender, at the time of
26 sentencing, has the means to pay for the cost of incarceration, the
27 court may require the offender to pay for the cost of incarceration at
28 a rate of fifty dollars per day of incarceration, if incarcerated in a
29 prison, or the court may require the offender to pay the actual cost of
30 incarceration per day of incarceration, if incarcerated in a county
31 jail. In no case may the court require the offender to pay more than
32 one hundred dollars per day for the cost of incarceration. Payment of
33 other court-ordered financial obligations, including all legal
34 financial obligations and costs of supervision shall take precedence
35 over the payment of the cost of incarceration ordered by the court.
36 All funds recovered from offenders for the cost of incarceration in the

1 county jail shall be remitted to the county and the costs of
2 incarceration in a prison shall be remitted to the department.

3 (3) The court may add to the judgment and sentence or subsequent
4 order to pay a statement that a notice of payroll deduction is to be
5 issued immediately. If the court chooses not to order the immediate
6 issuance of a notice of payroll deduction at sentencing, the court
7 shall add to the judgment and sentence or subsequent order to pay a
8 statement that a notice of payroll deduction may be issued or other
9 income-withholding action may be taken, without further notice to the
10 offender if a monthly court-ordered legal financial obligation payment
11 is not paid when due, and an amount equal to or greater than the amount
12 payable for one month is owed.

13 If a judgment and sentence or subsequent order to pay does not
14 include the statement that a notice of payroll deduction may be issued
15 or other income-withholding action may be taken if a monthly legal
16 financial obligation payment is past due, the department or the county
17 clerk may serve a notice on the offender stating such requirements and
18 authorizations. Service shall be by personal service or any form of
19 mail requiring a return receipt.

20 (4) Independent of the department or the county clerk, the party or
21 entity to whom the legal financial obligation is owed shall have the
22 authority to use any other remedies available to the party or entity to
23 collect the legal financial obligation. These remedies include
24 enforcement in the same manner as a judgment in a civil action by the
25 party or entity to whom the legal financial obligation is owed.
26 Restitution collected through civil enforcement must be paid through
27 the registry of the court and must be distributed proportionately
28 according to each victim's loss when there is more than one victim.
29 The judgment and sentence shall identify the party or entity to whom
30 restitution is owed so that the state, party, or entity may enforce the
31 judgment. If restitution is ordered pursuant to RCW 9.94A.750(6) or
32 9.94A.753(6) to a victim of rape of a child or a victim's child born
33 from the rape, the Washington state child support registry shall be
34 identified as the party to whom payments must be made. Restitution
35 obligations arising from the rape of a child in the first, second, or
36 third degree that result in the pregnancy of the victim may be enforced
37 for the time periods provided under RCW 9.94A.750(6) and 9.94A.753(6).
38 All other legal financial obligations for an offense committed prior to

1 July 1, 2000, may be enforced at any time during the ten-year period
2 following the offender's release from total confinement or within ten
3 years of entry of the judgment and sentence, whichever period ends
4 later. Prior to the expiration of the initial ten-year period, the
5 superior court may extend the criminal judgment an additional ten years
6 for payment of legal financial obligations including crime victims'
7 assessments. All other legal financial obligations for an offense
8 committed on or after July 1, 2000, may be enforced at any time the
9 offender remains under the court's jurisdiction. For an offense
10 committed on or after July 1, 2000, the court shall retain jurisdiction
11 over the offender, for purposes of the offender's compliance with
12 payment of the legal financial obligations, until the obligation is
13 completely satisfied, regardless of the statutory maximum for the
14 crime. The department may only supervise the offender's compliance
15 with payment of the legal financial obligations during any period in
16 which the department is authorized to supervise the offender in the
17 community under RCW 9.94A.728, 9.94A.501, or in which the offender is
18 confined in a state correctional institution or a correctional facility
19 pursuant to a transfer agreement with the department, and the
20 department shall supervise the offender's compliance during any such
21 period. The department is not responsible for supervision of the
22 offender during any subsequent period of time the offender remains
23 under the court's jurisdiction. The county clerk is authorized to
24 collect unpaid legal financial obligations at any time the offender
25 remains under the jurisdiction of the court for purposes of his or her
26 legal financial obligations. The county clerk is authorized and
27 required to maintain a record of the current housing status and current
28 address of each offender under the jurisdiction of the court for
29 purposes of his or her financial obligations, and must provide this
30 information to the department upon request.

31 (5) In order to assist the court in setting a monthly sum that the
32 offender must pay during the period of supervision, the offender is
33 required to report to the department for purposes of preparing a
34 recommendation to the court. When reporting, the offender is required,
35 under oath, to respond truthfully and honestly to all questions
36 concerning present, past, and future earning capabilities and the
37 location and nature of all property or financial assets. The offender
38 is further required to bring all documents requested by the department.

1 (6) After completing the investigation, the department shall make
2 a report to the court on the amount of the monthly payment that the
3 offender should be required to make towards a satisfied legal financial
4 obligation.

5 (7)(a) During the period of supervision, the department may make a
6 recommendation to the court that the offender's monthly payment
7 schedule be modified so as to reflect a change in financial
8 circumstances. If the department sets the monthly payment amount, the
9 department may modify the monthly payment amount without the matter
10 being returned to the court. During the period of supervision, the
11 department may require the offender to report to the department for the
12 purposes of reviewing the appropriateness of the collection schedule
13 for the legal financial obligation. During this reporting, the
14 offender is required under oath to respond truthfully and honestly to
15 all questions concerning earning capabilities and the location and
16 nature of all property or financial assets. The offender shall bring
17 all documents requested by the department in order to prepare the
18 collection schedule.

19 (b) Subsequent to any period of supervision, or if the department
20 is not authorized to supervise the offender in the community, the
21 county clerk may make a recommendation to the court that the offender's
22 monthly payment schedule be modified so as to reflect a change in
23 financial circumstances. If the county clerk sets the monthly payment
24 amount, or if the department set the monthly payment amount and the
25 department has subsequently turned the collection of the legal
26 financial obligation over to the county clerk, the clerk may modify the
27 monthly payment amount without the matter being returned to the court.
28 During the period of repayment, the county clerk may require the
29 offender to report to the clerk for the purpose of reviewing the
30 appropriateness of the collection schedule for the legal financial
31 obligation. During this reporting, the offender is required under oath
32 to respond truthfully and honestly to all questions concerning earning
33 capabilities and the location and nature of all property or financial
34 assets. The offender shall bring all documents requested by the county
35 clerk in order to prepare the collection schedule.

36 (8) After the judgment and sentence or payment order is entered,
37 the department is authorized, for any period of supervision, to collect
38 the legal financial obligation from the offender. Subsequent to any

1 period of supervision or, if the department is not authorized to
2 supervise the offender in the community, the county clerk is authorized
3 to collect unpaid legal financial obligations from the offender. Any
4 amount collected by the department shall be remitted daily to the
5 county clerk for the purpose of disbursements. The department and the
6 county clerks are authorized, but not required, to accept credit cards
7 as payment for a legal financial obligation, and any costs incurred
8 related to accepting credit card payments shall be the responsibility
9 of the offender.

10 (9) The department or any obligee of the legal financial obligation
11 may seek a mandatory wage assignment for the purposes of obtaining
12 satisfaction for the legal financial obligation pursuant to RCW
13 9.94A.7701. Any party obtaining a wage assignment shall notify the
14 county clerk. The county clerks shall notify the department, or the
15 administrative office of the courts, whichever is providing the monthly
16 billing for the offender.

17 (10) The requirement that the offender pay a monthly sum towards a
18 legal financial obligation constitutes a condition or requirement of a
19 sentence and the offender is subject to the penalties for noncompliance
20 as provided in RCW 9.94B.040, 9.94A.737, or 9.94A.740.

21 (11)(a) Until January 1, 2004, the department shall mail
22 individualized monthly billings to the address known by the department
23 for each offender with an unsatisfied legal financial obligation.

24 (b) Beginning January 1, 2004, the administrative office of the
25 courts shall mail individualized monthly billings to the address known
26 by the office for each offender with an unsatisfied legal financial
27 obligation.

28 (c) The billing shall direct payments, other than outstanding cost
29 of supervision assessments under RCW 9.94A.780, parole assessments
30 under RCW 72.04A.120, and cost of probation assessments under RCW
31 9.95.214, to the county clerk, and cost of supervision, parole, or
32 probation assessments to the department.

33 (d) The county clerk shall provide the administrative office of the
34 courts with notice of payments by such offenders no less frequently
35 than weekly.

36 (e) The county clerks, the administrative office of the courts, and
37 the department shall maintain agreements to implement this subsection.

1 (12) The department shall arrange for the collection of unpaid
2 legal financial obligations during any period of supervision in the
3 community through the county clerk. The department shall either
4 collect unpaid legal financial obligations or arrange for collections
5 through another entity if the clerk does not assume responsibility or
6 is unable to continue to assume responsibility for collection pursuant
7 to subsection (4) of this section. The costs for collection services
8 shall be paid by the offender.

9 (13) The county clerk may access the records of the employment
10 security department for the purposes of verifying employment or income,
11 seeking any assignment of wages, or performing other duties necessary
12 to the collection of an offender's legal financial obligations.

13 (14) Nothing in this chapter makes the department, the state, the
14 counties, or any state or county employees, agents, or other persons
15 acting on their behalf liable under any circumstances for the payment
16 of these legal financial obligations or for the acts of any offender
17 who is no longer, or was not, subject to supervision by the department
18 for a term of community custody, and who remains under the jurisdiction
19 of the court for payment of legal financial obligations.

20 **Sec. 8.** RCW 43.63A.305 and 2007 c 316 s 3 are each amended to read
21 as follows:

22 (1) The independent youth housing program is created in the
23 department to provide housing stipends to eligible youth to be used for
24 independent housing. In developing a plan for the design,
25 implementation, and operation of the independent youth housing program,
26 the department shall:

27 (a) Adopt policies, requirements, and procedures necessary to
28 administer the program;

29 (b) Contract with one or more eligible organizations described
30 under RCW 43.185A.040 to provide services and conduct administrative
31 activities as described in subsection (3) of this section;

32 (c) Establish eligibility criteria for youth to participate in the
33 independent youth housing program, giving priority to youth who have
34 been dependents of the state for at least one year;

35 (d) Refer interested youth to the designated subcontractor
36 organization administering the program in the area in which the youth
37 intends to reside;

1 (e) Develop a method for determining the amount of the housing
2 stipend, first and last month's rent, and security deposit, where
3 applicable, to be dedicated to participating youth. The method for
4 determining a housing stipend must take into account a youth's age, the
5 youth's total income from all sources, the fair market rent for the
6 area in which the youth lives or intends to live, and a variety of
7 possible living situations for the youth. The amount of housing
8 stipends must be adjusted, by a method and formula established by the
9 department, to promote the successful transition for youth to complete
10 housing self-sufficiency over time;

11 (f) Ensure that the independent youth housing program is integrated
12 and aligned with other state rental assistance and case management
13 programs operated by the department, as well as case management and
14 supportive services programs, including the independent living program,
15 the transitional living program, and other related programs offered by
16 the department of social and health services; and

17 (g) Consult with the department of social and health services and
18 other stakeholders involved with dependent youth, homeless youth, and
19 homeless young adults, as appropriate.

20 (2) The department of social and health services shall collaborate
21 with the department in implementing and operating the independent youth
22 housing program including, but not limited to, the following:

23 (a) Refer potential eligible youth to the department before the
24 youth's eighteenth birthday, if feasible, to include an indication, if
25 known, of where the youth plans to reside after aging out of foster
26 care;

27 (b) Provide information to all youth aged fifteen or older, who are
28 dependents of the state under chapter 13.34 RCW, about the independent
29 youth housing program, encouraging dependents nearing their eighteenth
30 birthday to consider applying for enrollment in the program;

31 (c) Encourage organizations participating in the independent living
32 program and the transitional living program to collaborate with
33 independent youth housing program providers whenever possible to
34 capitalize on resources and provide the greatest amount and variety of
35 services to eligible youth;

36 (d) Annually provide to the department data reflecting changes in
37 the percentage of youth aging out of the state dependency system each
38 year who are eligible for state assistance, as well as any other data

1 and performance measures that may assist the department to measure
2 program success, including but not limited to the number of youth aging
3 out of the state dependency system who do not have stable affordable
4 housing, as defined in RCW 43.185B.010, upon discharge; and

5 (e) Annually, beginning by December 31, 2007, provide to the
6 appropriate committees of the legislature and the interagency council
7 on homelessness as described under RCW 43.185C.170 recommendations of
8 strategies to reach the goals described in RCW 43.63A.311(2)(g).

9 (3) Under the independent youth housing program, subcontractor
10 organizations shall:

11 (a) Use moneys awarded to the organizations for housing stipends,
12 security deposits, first and last month's rent stipends, case
13 management program costs, and administrative costs;

14 (i) Administrative costs for each subcontractor organization may
15 not exceed twelve percent of the estimated total annual grant amount to
16 the subcontractor organization;

17 (ii) All housing stipends must be payable only to a landlord or
18 housing manager of any type of independent housing;

19 (b) Enroll eligible youth who are referred by the department and
20 who choose to reside in their assigned service area;

21 (c) Enter eligible youth program participants into the homeless
22 client management information system as described in RCW 43.185C.180;

23 (d) Monitor participating youth's housing status;

24 (e) Evaluate participating youth's eligibility and compliance with
25 department policies and procedures at least twice a year;

26 (f) Assist participating youth to develop or update an independent
27 living plan focused on obtaining and retaining independent housing or
28 collaborate with a case manager with whom the youth is already involved
29 to ensure that the youth has an independent living plan;

30 (g) Educate participating youth on tenant rights and
31 responsibilities;

32 (h) Provide support to participating youth in the form of general
33 case management and information and referral services, when necessary,
34 or collaborate with a case manager with whom the youth is already
35 involved to ensure that the youth is receiving the case management and
36 information and referral services needed;

37 (i) Connect participating youth, when possible, with individual
38 development account programs, other financial literacy programs, and

1 other programs that are designed to help young people acquire economic
2 independence and self-sufficiency, or collaborate with a case manager
3 with whom the youth is already involved to ensure that the youth is
4 receiving information and referrals to these programs, when
5 appropriate;

6 (j) Submit expenditure and performance reports, including
7 information related to the performance measures in RCW 43.63A.311, to
8 the department on a time schedule determined by the department; and

9 (k) Provide recommendations to the department regarding program
10 improvements and strategies that might assist the state to reach its
11 goals as described in RCW 43.63A.311(2)(g).

12 **Sec. 9.** RCW 13.40.210 and 2007 c 203 s 1 and 2007 c 199 s 13 are
13 each reenacted and amended to read as follows:

14 (1)(a) The secretary shall set a release date for each juvenile
15 committed to its custody. The release date shall be within the
16 prescribed range to which a juvenile has been committed under RCW
17 13.40.0357 or 13.40.030 except as provided in RCW 13.40.320 concerning
18 offenders the department determines are eligible for the juvenile
19 offender basic training camp program. Such dates shall be determined
20 prior to the expiration of sixty percent of a juvenile's minimum term
21 of confinement included within the prescribed range to which the
22 juvenile has been committed. The secretary shall release any juvenile
23 committed to the custody of the department within four calendar days
24 prior to the juvenile's release date or on the release date set under
25 this chapter. Days spent in the custody of the department shall be
26 tolled by any period of time during which a juvenile has absented
27 himself or herself from the department's supervision without the prior
28 approval of the secretary or the secretary's designee.

29 (b) Prior to release, the department shall record details,
30 including an address, of the confirmed housing situation arranged for
31 the juvenile pending the juvenile's release from custody.

32 (2) The secretary shall monitor the average daily population of the
33 state's juvenile residential facilities. When the secretary concludes
34 that in-residence population of residential facilities exceeds one
35 hundred five percent of the rated bed capacity specified in statute, or
36 in absence of such specification, as specified by the department in
37 rule, the secretary may recommend reductions to the governor. On

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

15 (3)(a) Following the release of any juvenile under subsection (1)
16 of this section, the secretary may require the juvenile to comply with
17 a program of parole to be administered by the department in his or her
18 community which shall last no longer than eighteen months, except that
19 in the case of a juvenile sentenced for rape in the first or second
20 degree, rape of a child in the first or second degree, child
21 molestation in the first degree, or indecent liberties with forcible
22 compulsion, the period of parole shall be twenty-four months and, in
23 the discretion of the secretary, may be up to thirty-six months when
24 the secretary finds that an additional period of parole is necessary
25 and appropriate in the interests of public safety or to meet the
26 ongoing needs of the juvenile. A parole program is mandatory for
27 offenders released under subsection (2) of this section and for
28 offenders who receive a juvenile residential commitment sentence of
29 theft of a motor vehicle 1, possession of a stolen motor vehicle, or
30 taking a motor vehicle without permission 1. The decision to place an
31 offender on parole shall be based on an assessment by the department of
32 the offender's risk for reoffending upon release. The department shall
33 prioritize available parole resources to provide supervision and
34 services to offenders at moderate to high risk for reoffending.

35 (b) The secretary shall, for the period of parole, facilitate the
36 juvenile's reintegration into his or her community and to further this
37 goal shall require the juvenile to refrain from possessing a firearm or
38 using a deadly weapon and refrain from committing new offenses and may

1 require the juvenile to: (i) Undergo available medical, psychiatric,
2 drug and alcohol, sex offender, mental health, and other offense-
3 related treatment services; (ii) report as directed to a parole officer
4 and/or designee; (iii) pursue a course of study, vocational training,
5 or employment; (iv) notify the parole officer of the current address
6 where he or she resides; (v) be present at a particular address during
7 specified hours; (vi) remain within prescribed geographical boundaries;
8 (vii) submit to electronic monitoring; (viii) refrain from using
9 illegal drugs and alcohol, and submit to random urinalysis when
10 requested by the assigned parole officer; (ix) refrain from contact
11 with specific individuals or a specified class of individuals; (x) meet
12 other conditions determined by the parole officer to further enhance
13 the juvenile's reintegration into the community; (xi) pay any court-
14 ordered fines or restitution; and (xii) perform community restitution.
15 Community restitution for the purpose of this section means compulsory
16 service, without compensation, performed for the benefit of the
17 community by the offender. Community restitution may be performed
18 through public or private organizations or through work crews.

19 (c) The secretary may further require up to twenty-five percent of
20 the highest risk juvenile offenders who are placed on parole to
21 participate in an intensive supervision program. Offenders
22 participating in an intensive supervision program shall be required to
23 comply with all terms and conditions listed in (b) of this subsection
24 and shall also be required to comply with the following additional
25 terms and conditions: (i) Obey all laws and refrain from any conduct
26 that threatens public safety; (ii) report at least once a week to an
27 assigned community case manager; and (iii) meet all other requirements
28 imposed by the community case manager related to participating in the
29 intensive supervision program. As a part of the intensive supervision
30 program, the secretary may require day reporting.

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

33 (e) The department must track the housing status of juvenile
34 offenders who are placed on parole for the duration of the juvenile's
35 supervision.

36 (4)(a) The department may also modify parole for violation thereof.
37 If, after affording a juvenile all of the due process rights to which
38 he or she would be entitled if the juvenile were an adult, the

1 secretary finds that a juvenile has violated a condition of his or her
2 parole, the secretary shall order one of the following which is
3 reasonably likely to effectuate the purpose of the parole and to
4 protect the public: (i) Continued supervision under the same
5 conditions previously imposed; (ii) intensified supervision with
6 increased reporting requirements; (iii) additional conditions of
7 supervision authorized by this chapter; (iv) except as provided in
8 (a)(v) and (vi) of this subsection, imposition of a period of
9 confinement not to exceed thirty days in a facility operated by or
10 pursuant to a contract with the state of Washington or any city or
11 county for a portion of each day or for a certain number of days each
12 week with the balance of the days or weeks spent under supervision; (v)
13 the secretary may order any of the conditions or may return the
14 offender to confinement for the remainder of the sentence range if the
15 offense for which the offender was sentenced is rape in the first or
16 second degree, rape of a child in the first or second degree, child
17 molestation in the first degree, indecent liberties with forcible
18 compulsion, or a sex offense that is also a serious violent offense as
19 defined by RCW 9.94A.030; and (vi) the secretary may order any of the
20 conditions or may return the offender to confinement for the remainder
21 of the sentence range if the youth has completed the basic training
22 camp program as described in RCW 13.40.320.

23 (b) The secretary may modify parole and order any of the conditions
24 or may return the offender to confinement for up to twenty-four weeks
25 if the offender was sentenced for a sex offense as defined under RCW
26 9A.44.130 and is known to have violated the terms of parole.
27 Confinement beyond thirty days is intended to only be used for a small
28 and limited number of sex offenders. It shall only be used when other
29 graduated sanctions or interventions have not been effective or the
30 behavior is so egregious it warrants the use of the higher level
31 intervention and the violation: (i) Is a known pattern of behavior
32 consistent with a previous sex offense that puts the youth at high risk
33 for reoffending sexually; (ii) consists of sexual behavior that is
34 determined to be predatory as defined in RCW 71.09.020; or (iii)
35 requires a review under chapter 71.09 RCW, due to a recent overt act.
36 The total number of days of confinement for violations of parole
37 conditions during the parole period shall not exceed the number of days
38 provided by the maximum sentence imposed by the disposition for the

1 underlying offense pursuant to RCW 13.40.0357. The department shall
2 not aggregate multiple parole violations that occur prior to the parole
3 revocation hearing and impose consecutive twenty-four week periods of
4 confinement for each parole violation. The department is authorized to
5 engage in rule making pursuant to chapter 34.05 RCW, to implement this
6 subsection, including narrowly defining the behaviors that could lead
7 to this higher level intervention.

8 (c) If the department finds that any juvenile in a program of
9 parole has possessed a firearm or used a deadly weapon during the
10 program of parole, the department shall modify the parole under (a) of
11 this subsection and confine the juvenile for at least thirty days.
12 Confinement shall be in a facility operated by or pursuant to a
13 contract with the state or any county.

14 (5) A parole officer of the department of social and health
15 services shall have the power to arrest a juvenile under his or her
16 supervision on the same grounds as a law enforcement officer would be
17 authorized to arrest the person.

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

21 **Sec. 10.** RCW 71.05.350 and 1997 c 112 s 29 are each amended to
22 read as follows:

23 No indigent patient shall be conditionally released or discharged
24 from involuntary treatment without suitable clothing, and the
25 superintendent of a state hospital shall furnish the same, together
26 with such sum of money as he or she deems necessary for the immediate
27 welfare of the patient. Such sum of money shall be the same as the
28 amount required by RCW 72.02.100 to be provided to persons in need
29 being released from correctional institutions. As funds are available,
30 the secretary may provide payment to indigent persons conditionally
31 released pursuant to this chapter consistent with the optional
32 provisions of RCW 72.02.100 and 72.02.110, and may adopt rules and
33 regulations to do so. The department must also record the housing
34 status of indigent patients when they are discharged from a state
35 hospital.

1 **Sec. 11.** RCW 71.24.045 and 2006 c 333 s 105 are each amended to
2 read as follows:

3 The regional support network shall:

4 (1) Contract as needed with licensed service providers. The
5 regional support network may, in the absence of a licensed service
6 provider entity, become a licensed service provider entity pursuant to
7 minimum standards required for licensing by the department for the
8 purpose of providing services not available from licensed service
9 providers;

10 (2) Operate as a licensed service provider if it deems that doing
11 so is more efficient and cost effective than contracting for services.
12 When doing so, the regional support network shall comply with rules
13 promulgated by the secretary that shall provide measurements to
14 determine when a regional support network provided service is more
15 efficient and cost effective;

16 (3) Monitor and perform biennial fiscal audits of licensed service
17 providers who have contracted with the regional support network to
18 provide services required by this chapter. The monitoring and audits
19 shall be performed by means of a formal process which insures that the
20 licensed service providers and professionals designated in this
21 subsection meet the terms of their contracts;

22 (4) Assure that the special needs of minorities, the elderly,
23 ~~((disabled))~~ persons with disabilities, children, and low-income
24 persons are met within the priorities established in this chapter;

25 (5)(a) Maintain patient tracking information in a central location
26 as required for resource management services and the department's
27 information system;

28 (b) Within the patient tracking system, track the housing status of
29 patients receiving care from regional support networks;

30 (6) Collaborate to ensure that policies do not result in an adverse
31 shift of ~~((mentally ill))~~ persons with mental illnesses into state and
32 local correctional facilities;

33 (7) Work with the department to expedite the enrollment or re-
34 enrollment of eligible persons leaving state or local correctional
35 facilities and institutions for mental diseases;

36 (8) If a regional support network is not operated by the county,
37 work closely with the county designated mental health professional or

1 county designated crisis responder to maximize appropriate placement of
2 persons into community services; and

3 (9) Coordinate services for individuals who have received services
4 through the community mental health system and who become patients at
5 a state mental hospital to ensure they are transitioned into the
6 community in accordance with mutually agreed upon discharge plans and
7 upon determination by the medical director of the state mental hospital
8 that they no longer need intensive inpatient care.

9 NEW SECTION. **Sec. 12.** Sections 4 and 6 of this act expire August
10 1, 2009.

11 NEW SECTION. **Sec. 13.** Sections 5 and 7 of this act take effect
12 August 1, 2009.

13 NEW SECTION. **Sec. 14.** Except for sections 5 and 7 of this act,
14 this act is necessary for the immediate preservation of the public
15 peace, health, or safety, or support of the state government and its
16 existing public institutions, and takes effect immediately.

--- END ---