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SENATE BILL 6172

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State of Washington

60th Legislature

2007 Regular Session

By Senators Carrell, Regala and Hargrove

Read first time . Referred to .

1 AN ACT Relating to reducing offender recidivism by increasing  
2 access and coordination of offender services in communities; by  
3 improving liability protections for government entities and its  
4 employees charged with supervision; by developing and implementing  
5 individual reentry plans; by improving transition facilities for  
6 offenders under the jurisdiction of department of corrections; by  
7 permitting partial confinement in lieu of earned early release up to  
8 three months; by requiring, upon the third violation hearing, the  
9 return of an offender to total confinement to serve up to the remaining  
10 portion of his or her sentence unless it is determined that returning  
11 the offender would substantially interfere with the offender's ability  
12 to maintain community supports to participate in treatment or would  
13 increase the likelihood of reoffending; by requiring an offender  
14 arrested for a new felony to be held in confinement until a hearing  
15 before the department or until a formal charge, whichever is earlier;  
16 by conducting a review of current laws and policy regarding the  
17 supervision of offenders; by improving educational opportunities; by  
18 increasing access to housing; by increasing employment opportunities;  
19 by increasing offenders' opportunities for civic participation; and by  
20 increasing legislative oversight of the department of corrections;  
21 amending RCW 72.09.300, 72.09.015, 9.94A.728, 9.94A.737, 9.94A.850,

1 72.09.460, 72.09.480, 72.09.450, 72.09.111, 29A.04.079, 29A.08.520,  
2 9.92.066, 9.94A.637, 9.96.050, and 10.64.140; adding new sections to  
3 chapter 4.24 RCW; adding new sections to chapter 72.09 RCW; adding a  
4 new section to chapter 82.04 RCW; adding a new section to chapter 82.16  
5 RCW; adding a new section to chapter 59.18 RCW; adding a new section to  
6 chapter 35.82 RCW; adding new sections to chapter 43.185C RCW; adding  
7 a new chapter to Title 72 RCW; creating new sections; repealing RCW  
8 10.64.021 and 29A.08.660; and providing expiration dates.

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

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

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

34 While the legislature recognizes that recidivism cannot be  
35 eliminated and that a significant number of offenders are unwilling or  
36 unable to work to develop the tools necessary to successfully

1 reintegrate into society, the interests of the public overall are  
2 better served by better preparing offenders while incarcerated, and  
3 continuing those efforts for those recently released from prison or  
4 jail, for successful, productive, and healthy transitions to their  
5 communities. Educational, employment, and treatment opportunities  
6 should be designed to address individual deficits and ideally give  
7 offenders the ability to function in society. In order to foster  
8 reintegration, this act recognizes the importance of a strong  
9 partnership between the department of corrections, local governments,  
10 law enforcement, social service providers, and interested members of  
11 communities across our state.

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

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

15 (1) A "community transition coordination network" is a system of  
16 coordination that facilitates partnerships between supervision and  
17 service providers. It is anticipated that an offender who is released  
18 to the community will be able to utilize a community transition  
19 coordination network to be connected directly to the supervision and/or  
20 services needed for successful reentry.

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

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

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

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

7 (6) "Research-based" means a program or practice that has some  
8 research demonstrating effectiveness, but that does not yet meet the  
9 standard of evidence-based practices.

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

12 NEW SECTION. Sec. 102. (1) Each county or group of counties shall  
13 conduct an inventory of the services and resources available in the  
14 county or group of counties to assist offenders in reentering the  
15 community.

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

18 (a) The department of corrections, including community corrections  
19 officers;

20 (b) The department of social and health services in applicable  
21 program areas;

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

24 (d) Local public health jurisdictions;

25 (e) City and county law enforcement;

26 (f) Local probation/supervision programs;

27 (g) Local community and technical colleges;

28 (h) The local worksource center operated under the statewide  
29 workforce investment system;

30 (i) Faith-based and nonprofit organizations providing assistance to  
31 offenders;

32 (j) Housing providers;

33 (k) Crime victims service providers; and

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

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

36 (a) A list of programs available through the entities listed in  
37 subsection (2) of this section and services currently available in the

1 community for offenders including, but not limited to, housing  
2 assistance, employment assistance, education, vocational training,  
3 parenting education, financial literacy, treatment for substance abuse,  
4 mental health, anger management, life skills training, specialized  
5 treatment programs such as batterers treatment and sex offender  
6 treatment, and any other service or program that will assist the former  
7 offender to successfully transition into the community; and

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

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

13 NEW SECTION. **Sec. 103.** (1) The department of community, trade,  
14 and economic development shall establish a community transition  
15 coordination network pilot program for the purpose of awarding grants  
16 to counties or groups of counties for implementing coordinated reentry  
17 efforts for offenders returning to the community. Grant awards are  
18 subject to the availability of amounts appropriated for this specific  
19 purpose.

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

25 (3) Effective February 1, 2008, any county or group of counties may  
26 apply for participation in the community transition coordination  
27 network pilot program by submitting a proposal for a community  
28 transition coordination network.

29 (4) A proposal for a community transition coordination network  
30 initiated under this section must be collaborative in nature and must  
31 seek locally appropriate evidence-based or research-based solutions and  
32 promising practices utilizing the participation of public and private  
33 entities or programs to support successful, community-based offender  
34 reentry.

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

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

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

5 (c) Partnerships between the department of corrections and local  
6 community policing and supervision programs to facilitate supervision  
7 of offenders under the respective jurisdictions of each, as well as  
8 timely and effective responses to an offender's failure to comply with  
9 the terms of supervision.

10 (6) A proposal for a community transition coordination network must  
11 include:

12 (a) Descriptions of collaboration and coordination between local  
13 community policing and supervision programs and those agencies and  
14 entities identified in the inventory conducted pursuant to section 102  
15 of this act to address the risks and needs of offenders under a  
16 participating county or city misdemeanor probation or other  
17 supervision program including:

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

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

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

28 (iv) The communication of assessment information, individual  
29 reentry plans, and service information between parties involved with  
30 offender's reentry;

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

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

1 (ii) Coordination of access to existing services with community  
2 providers and provision of information to offenders regarding how to  
3 access the various type of services and resources that are available in  
4 the community; and

5 (c) An evaluation of the county's or group of counties' readiness  
6 to implement a community transition coordination network including the  
7 social service needs of offenders in general, capacity of local  
8 facilities and resources to meet offenders' needs, and the cost to  
9 implement and maintain a community transition coordination network for  
10 the duration of the pilot project.

11 (7) The department of community, trade, and economic development  
12 shall review county applications for funding through the community  
13 transition coordination network pilot program and, no later than April  
14 1, 2008, shall select up to four counties or groups of counties. In  
15 selecting pilot counties or regions, the department shall consider the  
16 extent to which the proposal:

17 (a) Addresses the requirements set out in subsection (6) of this  
18 section;

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

23 (c) Focuses on measurable outcomes such as increased employment and  
24 income, treatment objectives, maintenance of stable housing, and  
25 reduced recidivism;

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

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

36 (8) The department of community, trade, and economic development  
37 shall convene a policy advisory committee composed of representatives  
38 from the senate, the house of representatives, the governor's office of

1 financial management, the department of corrections, to include one  
2 representative who is a community corrections officer, the office of  
3 crime victims' advocacy, the Washington state association of counties,  
4 association of Washington cities, a nonprofit provider of reentry  
5 services, and an ex-offender who has discharged the terms of his or her  
6 sentence. The advisory committee shall meet no less than annually to  
7 receive status reports on the implementation of community transition  
8 coordination networks, review annual reports and the pilot project  
9 evaluations submitted pursuant to section 105 of this act, and identify  
10 evidence-based, research-based, and promising practices for other  
11 counties seeking to establish community transition coordination  
12 networks.

13 (9) Pilot networks established under this section shall extend for  
14 a period of four fiscal years, beginning July 1, 2008, and ending June  
15 30, 2012.

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

17 NEW SECTION. **Sec. 104.** Nothing in section 103 of this act is  
18 intended to shift the supervising responsibility or sanctioning  
19 authority from one government entity to another or give a community  
20 transition coordination network oversight responsibility for those  
21 activities or allow imposition of civil liability where none existed  
22 previously.

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

25 (2) Counties receiving state funds must:

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

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

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



1 (d) Cooperate with the Washington state institute for public policy  
2 at the completion of the pilot project to conduct an evaluation of the  
3 project.

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

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

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

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

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

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

29 (1) Every county legislative authority shall by resolution or  
30 ordinance establish a local law and justice council. The county  
31 legislative authority shall determine the size and composition of the  
32 council, which shall include the county sheriff and a representative of  
33 the municipal police departments within the county, the county  
34 prosecutor and a representative of the municipal prosecutors within the  
35 county, a representative of the city legislative authorities within the

1 county, a representative of the county's superior, juvenile, district,  
2 and municipal courts, the county jail administrator, the county clerk,  
3 the county risk manager, and the secretary of corrections and his or  
4 her designees. Officials designated may appoint representatives.

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

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

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

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

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

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

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

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

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

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

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

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

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

4       ~~(5))~~;

5       (b) Jail management;

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

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

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

18       ~~((6))~~ (5) Upon receiving a request for assistance from a county,  
19 the department may provide the requested assistance.

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

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

37       ~~(9) The council shall establish an advisory committee on juvenile~~  
38 ~~justice proportionality. The council shall appoint the county juvenile~~

1 court administrator and at least five citizens as advisory committee  
2 members. The citizen advisory committee members shall be  
3 representative of the county's ethnic and geographic diversity. The  
4 advisory committee members shall serve two year terms and may be  
5 reappointed. The duties of the advisory committee include:

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

9 (i) The rehabilitative services offered by county and state  
10 institutions to juvenile offenders; and

11 (ii) The rehabilitative services offered in conjunction with  
12 diversions, deferred dispositions, community supervision, and parole;

13 (b) Reviewing citizen complaints regarding bias or  
14 disproportionality in that county's juvenile justice system;

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

18 NEW SECTION. Sec. 109. If specific funding for the purposes of  
19 sections 101 through 107 of this act, referencing sections 101 through  
20 107 of this act by bill or chapter number and section number, is not  
21 provided by June 30, 2007, in the omnibus appropriations act, sections  
22 101 through 107 of this act are null and void.

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

## 25 PART II - LIABILITY

26 NEW SECTION. Sec. 201. A new section is added to chapter 4.24 RCW  
27 to read as follows:

28 For the purposes of this chapter:

29 (1) "Limited jurisdiction court" means a district court or a  
30 municipal court, and anyone acting or operating at the direction of  
31 such court, including but not limited to its officers, employees,  
32 agents, contractors, and volunteers.

33 (2) "Misdemeanant supervision services" means preconviction or  
34 postconviction misdemeanor probation or supervision services, or the

1 monitoring of a misdemeanor defendant's compliance with a preconviction  
2 or postconviction order of the court, including but not limited to  
3 community corrections programs, probation supervision, pretrial  
4 supervision, or pretrial release services.

5 (3) "Supervision or community custody" includes preconviction or  
6 postconviction probation or supervision services, or the monitoring of  
7 a defendant's compliance with a preconviction or postconviction order  
8 of the court, including but not limited to community corrections  
9 programs, probation supervision, pretrial supervision, or pretrial  
10 release services. Community supervision also includes activities  
11 associated with partnerships between corrections officers and law  
12 enforcement that may exist for this purpose.

13 (4) "The state" means the state, the department of corrections, and  
14 anyone acting under the direction of the state or department, including  
15 but not limited to its officers, employees, agents, contractors, and  
16 volunteers.

17 NEW SECTION. **Sec. 202.** A new section is added to chapter 4.24 RCW  
18 to read as follows:

19 A limited jurisdiction court that provides misdemeanor supervision  
20 services is not liable for civil damages based on the inadequate  
21 supervision or monitoring of a misdemeanor defendant or probationer  
22 unless the inadequate supervision or monitoring constitutes gross  
23 negligence. This section does not create any duty and shall not be  
24 construed to create a duty where none exists. Nothing in this section  
25 shall be construed to affect judicial immunity.

26 NEW SECTION. **Sec. 203.** A new section is added to chapter 4.24 RCW  
27 to read as follows:

28 The state is not liable for civil damages resulting from any act or  
29 omission in the provision of supervision or community custody unless  
30 the act or omission constitutes gross negligence. This section does  
31 not create any duty and shall not be construed to create a duty where  
32 none exists.

33 NEW SECTION. **Sec. 204.** A new section is added to chapter 4.24 RCW  
34 to read as follows:

35 (1) The state is not liable for civil damages resulting from any

1 act or omission in the assessment, screening, or delivery of services  
2 to an offender under supervision or community custody for the purpose  
3 of creating, amending, maintaining, or implementing an individual  
4 reentry plan, unless the act or omission constitutes gross negligence.

5 (2) A limited jurisdiction court is not liable for civil damages  
6 resulting from any act or omission in the assessment, screening, or  
7 delivery of services to an offender under supervision or community  
8 custody for the purpose of creating, amending, maintaining, or  
9 implementing an individual reentry plan unless the act or omission  
10 constitutes gross negligence.

11 (3) This section does not create any duty and shall not be  
12 construed to create a duty where none exists.

### 13 PART III - INDIVIDUAL REENTRY PLAN

14 **Sec. 301.** RCW 72.09.015 and 2004 c 167 s 6 are each amended to  
15 read as follows:

16 The definitions in this section apply throughout this chapter.

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

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

25 ((+2)) (3) "Contraband" means any object or communication the  
26 secretary determines shall not be allowed to be: (a) Brought into; (b)  
27 possessed while on the grounds of; or (c) sent from any institution  
28 under the control of the secretary.

29 ((+3)) (4) "County" means a county or combination of counties.

30 ((+4)) (5) "Department" means the department of corrections.

31 ((+5)) (6) "Earned early release" means earned release as  
32 authorized by RCW 9.94A.728.

33 ((+6)) (7) "Evidence-based" means a program or practice that has  
34 had multiple-site random controlled trials across heterogeneous  
35 populations demonstrating that the program or practice is effective in  
36 reducing recidivism for the population.

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

5       (~~(7)~~) (9) "Good conduct" means compliance with department rules  
6 and policies.

7       (~~(8)~~) (10) "Good performance" means successful completion of a  
8 program required by the department, including an education, work, or  
9 other program.

10       (~~(9)~~) (11) "Immediate family" means the inmate's children,  
11 stepchildren, grandchildren, great grandchildren, parents, stepparents,  
12 grandparents, great grandparents, siblings, and a person legally  
13 married to an inmate. "Immediate family" does not include an inmate  
14 adopted by another inmate or the immediate family of the adopted or  
15 adopting inmate.

16       (~~(10)~~) (12) "Indigent inmate," "indigent," and "indigency" mean  
17 an inmate who has less than a ten-dollar balance of disposable income  
18 in his or her institutional account on the day a request is made to  
19 utilize funds and during the thirty days previous to the request.

20       (~~(11)~~) (13) "Individual reentry plan" means the plan to prepare  
21 an offender for release into the community. It must be developed  
22 collaboratively between the department and the offender and based on an  
23 assessment of the offender using a standardized and comprehensive tool  
24 to identify the offenders' risks and needs. The individual reentry  
25 plan describes actions that must occur to prepare individual offenders  
26 for release from prison or jail and specifies the supervision and  
27 services they will experience in the community. An individual reentry  
28 plan must be updated throughout the period of an offender's  
29 incarceration and supervision to be relevant to the offender's current  
30 needs and risks.

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

36       (~~(12)~~) (15) "Privilege" means any goods or services, education or  
37 work programs, or earned early release days, the receipt of which are  
38 directly linked to an inmate's (a) good conduct; and (b) good

1 performance. Privileges do not include any goods or services the  
2 department is required to provide under the state or federal  
3 Constitution or under state or federal law.

4 ~~((13))~~ (16) "Promising practice" means a practice that presents,  
5 based on preliminary information, potential for becoming a  
6 research-based or consensus-based practice.

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

10 (18) "Secretary" means the secretary of corrections or his or her  
11 designee.

12 ~~((14))~~ (19) "Significant expansion" includes any expansion into  
13 a new product line or service to the class I business that results from  
14 an increase in benefits provided by the department, including a  
15 decrease in labor costs, rent, or utility rates (for water, sewer,  
16 electricity, and disposal), an increase in work program space, tax  
17 advantages, or other overhead costs.

18 ~~((15))~~ (20) "Superintendent" means the superintendent of a  
19 correctional facility under the jurisdiction of the Washington state  
20 department of corrections, or his or her designee.

21 ~~((16))~~ (21) "Unfair competition" means any net competitive  
22 advantage that a business may acquire as a result of a correctional  
23 industries contract, including labor costs, rent, tax advantages,  
24 utility rates (water, sewer, electricity, and disposal), and other  
25 overhead costs. To determine net competitive advantage, the  
26 correctional industries board shall review and quantify any expenses  
27 unique to operating a for-profit business inside a prison.

28 ~~((17))~~ (22) "Vocational training" or "vocational education" means  
29 "vocational education" as defined in RCW 72.62.020.

30 (23) "Washington business" means an in-state manufacturer or  
31 service provider subject to chapter 82.04 RCW existing on June 10,  
32 2004.

33 ~~((18))~~ (24) "Work programs" means all classes of correctional  
34 industries jobs authorized under RCW 72.09.100.

35 NEW SECTION. Sec. 302. A new section is added to chapter 72.09  
36 RCW to read as follows:



1 (1) The department shall develop an individual reentry plan for  
2 every offender who is committed to the jurisdiction of the department  
3 of corrections except:

4 (a) Offenders who are sentenced to life without the possibility of  
5 release; and

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

7 (2) In developing individual reentry plans, the department shall  
8 assess all offenders using standardized and comprehensive tools to  
9 identify the criminogenic risks, programmatic needs, employability, and  
10 educational and vocational skill levels for each offender.

11 (3) Individual reentry plans must address:

12 (a) The offender's ability to participate in programming or  
13 activities due to a mental or physical disability or mental illness;

14 (b) If appropriate, ways for the offender to maintain contact with  
15 his or her children and family and the need for parenting classes or  
16 other family oriented services; and

17 (c) Victim safety concerns and no contact provisions of the  
18 judgment and sentence.

19 (4) The initial assessment shall be conducted, whenever possible,  
20 within the first six weeks of being sentenced to the jurisdiction of  
21 the department of corrections and shall be periodically reviewed and  
22 updated as appropriate.

23 (5)(a) Prior to discharge of any offender, the department shall:

24 (i) Evaluate the offender's needs and, to the extent possible,  
25 connect the offender with existing services and resources that meet  
26 those needs; and

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

31 (b) If the department recommends partial confinement in an  
32 offender's individual reentry plan, the department shall maximize the  
33 period of partial confinement for the offender as allowed pursuant to  
34 section 402 of this act to facilitate the offender's transition to the  
35 community.

36 (6) The department shall establish mechanisms for sharing  
37 information from individual reentry plans to those persons involved

1 with the offender's treatment, programming, and reentry, when deemed  
2 appropriate. When technologically feasible, this information shall be  
3 shared electronically.

4 (7) Nothing in this section creates a vested right in programming,  
5 education, or other services.

6 **PART IV - PARTIAL CONFINEMENT AND SUPERVISION**

7 NEW SECTION. **Sec. 401.** (1) The legislature intends that  
8 Washington's work release centers be transformed into residential  
9 reentry centers with the capacity to provide or connect offenders with  
10 the full range of reentry services to achieve measurable outcomes. The  
11 Washington state institute for public policy shall conduct a  
12 comprehensive analysis and evaluation of residential reentry centers  
13 and work release facilities to identify evidence-based, research-based,  
14 and promising practices or programs for the state of Washington and the  
15 necessary performance measures that show the greatest quality,  
16 effectiveness, and efficiency of the program on key outcomes. The  
17 research should include an examination of reentry and work release  
18 practices in both urban and rural areas and both inside and outside of  
19 the state of Washington. The institute should identify what services  
20 or combination of services should be provided to participants of  
21 residential reentry centers and the length of time services should be  
22 provided to optimize the successful transition of an offender back into  
23 society.

24 (2) By May 1, 2008, the secretary of the department of corrections,  
25 or the secretary's designee, shall, within existing resources, convene  
26 and chair a work group to review current laws and policy regarding work  
27 release.

28 (3) In addition to the secretary of the department of corrections,  
29 the following shall be members of the work group: A representative  
30 appointed by the governor, a community corrections officer, a  
31 representative of the Washington association of prosecuting attorneys,  
32 a representative of the superior court judges association, a member  
33 selected by the Washington association of sheriffs and police chiefs,  
34 a representative from the Washington state association of counties, a  
35 representative from the association of Washington cities, a  
36 representative from contract work release facilities in the state, a

1 representative from state-run work release facilities in the state, a  
2 representative from a nonprofit organization that works with former  
3 offenders who have completed a work release program, and a  
4 representative from the department of community, trade, and economic  
5 development. The secretary may designate a person to serve in his or  
6 her place. Members of the work group shall serve without compensation.

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

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

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

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

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

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

24 (f) Victim and community safety concerns are given priority when  
25 determining appropriate placement in residential reentry centers for  
26 individual offenders;

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

29 (h) Programs have the necessary performance measures needed to  
30 effectively monitor the quality, effectiveness, and efficiency of the  
31 programs.

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

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

1        NEW SECTION.    **Sec. 402.**    A new section is added to chapter 72.09  
2    RCW to read as follows:

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

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

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

16        (a) A violator program to allow the department to utilize a range  
17   of available sanctions for offenders who violate conditions of their  
18   supervision;

19        (b) An employment opportunity program to assist an offender in  
20   finding employment; and

21        (c) Resources for connecting offenders with services such as  
22   treatment, transportation, training, family reunification, and  
23   community services.

24        (4) In addition to any other programs or services offered by a  
25   community justice center, the department shall designate a transition  
26   coordinator to facilitate connections between the former offender and  
27   the community. The department may designate transition coordination  
28   services to be provided by a community transition coordination network  
29   pursuant to section 103 of this act if one has been established in the  
30   community where the community justice center is located and the  
31   department has entered into a memorandum of understanding with the  
32   county to share resources.

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

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

4 (i) Programs offered through the department of social and health  
5 services, the department of health, the department of licensing,  
6 housing authorities, local community and technical colleges, other  
7 state or federal entities which provide public benefits, and nonprofit  
8 entities;

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

14 (b) Coordinating access to the existing services with the community  
15 providers and provide offenders with information regarding how to  
16 access the various type of services and resources that are available in  
17 the community.

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

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

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

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

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

29 (c) Comply with section 403 of this act and all applicable zoning  
30 laws and regulations.

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

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

37 (b) Consult with the community providers listed in subsection (5)

1 of this section to determine if they have the capacity to provide  
2 services to offenders through the community justice center; and

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

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

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

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

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

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

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

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

29 NEW SECTION. **Sec. 403.** No later than July 1, 2007, and every  
30 biennium thereafter starting with the biennium beginning July 1, 2008,  
31 the department shall prepare a list of counties and rural multicounty  
32 geographic areas in which work release facilities, community justice  
33 centers and other community-based facilities are anticipated to be  
34 sited during the next three fiscal years and transmit the list to the  
35 office of financial management and the counties on the list. The list  
36 may be updated as needed.

1           **Sec. 404.** RCW 9.94A.728 and 2004 c 176 s 6 are each amended to  
2 read as follows:

3           No person serving a sentence imposed pursuant to this chapter and  
4 committed to the custody of the department shall leave the confines of  
5 the correctional facility or be released prior to the expiration of the  
6 sentence except as follows:

7           (1) Except as otherwise provided for in subsection (2) of this  
8 section, the term of the sentence of an offender committed to a  
9 correctional facility operated by the department may be reduced by  
10 earned release time in accordance with procedures that shall be  
11 developed and promulgated by the correctional agency having  
12 jurisdiction in which the offender is confined. The earned release  
13 time shall be for good behavior and good performance, as determined by  
14 the correctional agency having jurisdiction. The correctional agency  
15 shall not credit the offender with earned release credits in advance of  
16 the offender actually earning the credits. Any program established  
17 pursuant to this section shall allow an offender to earn early release  
18 credits for presentence incarceration. If an offender is transferred  
19 from a county jail to the department, the administrator of a county  
20 jail facility shall certify to the department the amount of time spent  
21 in custody at the facility and the amount of earned release time. An  
22 offender who has been convicted of a felony committed after July 23,  
23 1995, that involves any applicable deadly weapon enhancements under RCW  
24 9.94A.533 (3) or (4), or both, shall not receive any good time credits  
25 or earned release time for that portion of his or her sentence that  
26 results from any deadly weapon enhancements.

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

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

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

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

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

7 (I) A sex offense;

8 (II) A violent offense;

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

10 (IV) A felony that is domestic violence as defined in RCW  
11 10.99.020;

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

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

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

18 ((and))

19 (C) Has no prior conviction for:

20 (I) A sex offense;

21 (II) A violent offense;

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

23 (IV) A felony that is domestic violence as defined in RCW  
24 10.99.020;

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

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

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

31 (D) Participates in programming or activities as directed by the  
32 offender's individual reentry plan as provided under section 302 of  
33 this act to the extent that such programming or activities are made  
34 available by the department; and

35 (E) Has not committed a new felony after the effective date of this  
36 act while under community supervision, community restitution, community  
37 placement, or community custody.



1 (iii) For purposes of determining an offender's eligibility under  
2 this subsection (1)(b), the department shall perform a risk assessment  
3 of every offender committed to a correctional facility operated by the  
4 department who has no current or prior conviction for a sex offense, a  
5 violent offense, a crime against persons as defined in RCW 9.94A.411,  
6 a felony that is domestic violence as defined in RCW 10.99.020, a  
7 violation of RCW 9A.52.025 (residential burglary), a violation of, or  
8 an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by  
9 manufacture or delivery or possession with intent to deliver  
10 methamphetamine, or a violation of, or an attempt, solicitation, or  
11 conspiracy to violate, RCW 69.50.406 (delivery of a controlled  
12 substance to a minor). The department must classify each assessed  
13 offender in one of four risk categories between highest and lowest  
14 risk.

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

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

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

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

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

35 (b) A person convicted of a sex offense, a violent offense, any  
36 crime against persons under RCW 9.94A.411(2), or a felony offense under  
37 chapter 69.50 or 69.52 RCW, committed on or after July 1, 2000, may

1 become eligible, in accordance with a program developed by the  
2 department, for transfer to community custody status in lieu of earned  
3 release time pursuant to subsection (1) of this section;

4 (c) The department shall, as a part of its program for release to  
5 the community in lieu of earned release, require the offender to  
6 propose a release plan that includes an approved residence and living  
7 arrangement. All offenders with community placement or community  
8 custody terms eligible for release to community custody status in lieu  
9 of earned release shall provide an approved residence and living  
10 arrangement prior to release to the community;

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

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

29 (f) An offender serving a term of confinement imposed under RCW  
30 9.94A.670(4)(a) is not eligible for earned release credits under this  
31 section;

32 (3) An offender may leave a correctional facility pursuant to an  
33 authorized furlough or leave of absence. In addition, offenders may  
34 leave a correctional facility when in the custody of a corrections  
35 officer or officers;

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

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

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

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

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

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

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

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

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

30 (7) The governor may pardon any offender;

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

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

37 Notwithstanding any other provisions of this section, an offender  
38 sentenced for a felony crime listed in RCW 9.94A.540 as subject to a

1 mandatory minimum sentence of total confinement shall not be released  
2 from total confinement before the completion of the listed mandatory  
3 minimum sentence for that felony crime of conviction unless allowed  
4 under RCW 9.94A.540, however persistent offenders are not eligible for  
5 extraordinary medical placement.

6 **Sec. 405.** RCW 9.94A.737 and 2005 c 435 s 3 are each amended to  
7 read as follows:

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

15 (2) If an offender has not completed his or her maximum term of  
16 total confinement and commits a third violation of any condition of  
17 community custody, the department shall return the offender to total  
18 confinement in a state correctional facility to serve up to the  
19 remaining portion of his or her sentence, unless it is determined that  
20 returning the offender to a state correctional facility would  
21 substantially interfere with the offender's ability to maintain  
22 necessary community supports or to participate in necessary treatment  
23 or programming and would substantially increase the offender's  
24 likelihood of reoffending. At the completion of any term of total  
25 confinement under this subsection, an offender shall be subject to not  
26 less than twelve months of community custody if the offender was  
27 originally sentenced on or after the effective date of this section.

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

35 (b) For a sex offender sentenced to a term of community custody  
36 under RCW 9.94A.710 who violates any condition of community custody  
37 after having completed his or her maximum term of total confinement,

1 including time served on community custody in lieu of earned release,  
2 the department may impose a sanction of up to sixty days in a local  
3 correctional facility for each violation.

4 (c) For an offender sentenced to a term of community custody under  
5 RCW 9.94A.505(2)(b), 9.94A.650, or 9.94A.715, or under RCW 9.94A.545,  
6 for a crime committed on or after July 1, 2000, who violates any  
7 condition of community custody after having completed his or her  
8 maximum term of total confinement, including time served on community  
9 custody in lieu of earned release, the department may impose a sanction  
10 of up to sixty days in total confinement for each violation. The  
11 department may impose sanctions such as work release, home detention  
12 with electronic monitoring, work crew, community restitution, inpatient  
13 treatment, daily reporting, curfew, educational or counseling sessions,  
14 supervision enhanced through electronic monitoring, or any other  
15 sanctions available in the community.

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

27 ~~((+3))~~ (4) If an offender has been arrested for a new felony  
28 offense, the department shall hold the offender in total confinement  
29 until a hearing before the department as provided in this section or  
30 until the offender has been formally charged for the new felony  
31 offense, whichever is earlier. Nothing in this subsection shall be  
32 construed as to permit the department to hold an offender past his or  
33 her maximum term of total confinement if the offender has not completed  
34 the maximum term of total confinement or to permit the department to  
35 hold an offender past the offender's term of community custody.

36 (5) Any offender sanctioned to total confinement under this section  
37 shall serve the entire term of the sanction in total confinement as  
38 defined in RCW 9.94A.030.

1       (6) The department shall be financially responsible for any portion  
2 of the sanctions authorized by this section that are served in a local  
3 correctional facility.

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

10       ~~((+4))~~ (8) The hearing procedures required under subsection  
11 ~~((+3))~~ (7) of this section shall be developed by rule and include the  
12 following:

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

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

21       (c) The hearing shall be held unless waived by the offender, and  
22 shall be electronically recorded. For offenders not in total  
23 confinement, the hearing shall be held within fifteen working days, but  
24 not less than twenty-four hours, after notice of the violation. For  
25 offenders in total confinement, the hearing shall be held within five  
26 working days, but not less than twenty-four hours, after notice of the  
27 violation;

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

34       (e) The sanction shall take effect if affirmed by the hearing  
35 officer. Within seven days after the hearing officer's decision, the  
36 offender may appeal the decision to a panel of three reviewing officers  
37 designated by the secretary or by the secretary's designee. The  
38 sanction shall be reversed or modified if a majority of the panel finds

1 that the sanction was not reasonably related to any of the following:  
2 (i) The crime of conviction; (ii) the violation committed; (iii) the  
3 offender's risk of reoffending; or (iv) the safety of the community.

4 ~~((+5+))~~ (9) For purposes of this section, no finding of a violation  
5 of conditions may be based on unconfirmed or unconfirmable allegations.

6 ~~((+6+))~~ (10) The department shall work with the Washington  
7 association of sheriffs and police chiefs to establish and operate an  
8 electronic monitoring program for low-risk offenders who violate the  
9 terms of their community custody. Between January 1, 2006, and  
10 December 31, 2006, the department shall endeavor to place at least one  
11 hundred low-risk community custody violators on the electronic  
12 monitoring program per day if there are at least that many low-risk  
13 offenders who qualify for the electronic monitoring program.

14 ~~((+7+))~~ (11) Local governments, their subdivisions and employees,  
15 the department and its employees, and the Washington association of  
16 sheriffs and police chiefs and its employees shall be immune from civil  
17 liability for damages arising from incidents involving low-risk  
18 offenders who are placed on electronic monitoring unless it is shown  
19 that an employee acted with gross negligence or bad faith.

20 NEW SECTION. Sec. 406. (1) The secretary of the department of  
21 corrections, or the secretary's designee, shall within existing  
22 resources, review current laws and policy regarding the supervision of  
23 offenders through the department of corrections.

24 (2) In conducting its review, the department must:

25 (a) Standardize community corrections practices across the state  
26 and review field supervision policies to clarify expectations;

27 (b) Address the training needs of community corrections staff  
28 consistent with department practices and policies;

29 (c) Review the workloads of community corrections officers and  
30 other staff associated with supervision activities and explore  
31 mechanisms to allow for greater emphasis on field supervision;

32 (d) Review the supervision violation hearings and sanctions  
33 process, including the offender behavior response guide, to:

34 (i) Address recommendations identified in the assessment conducted  
35 by the national institute of corrections;

36 (ii) Improve the ability to respond appropriately and effectively  
37 sanction an offender's behavior; and

1 (iii) Ensure appropriate standards for the due process rights of  
2 offenders and that those standards are consistently upheld;

3 (e) Increase options and application of evidence-based,  
4 research-based, and promising practices for offenders on supervision,  
5 including those with chemical dependency issues;

6 (f) Standardize and implement consistent quality assurance  
7 standards for community corrections staff; and

8 (g) Review mechanisms to provide better access to information by  
9 community corrections officers about the offenders they are supervising  
10 including statutory changes to confidentiality provisions and  
11 utilization of automation and technology.

12 (3) The department of corrections shall present a progress report  
13 of the findings and recommendations to the governor and the appropriate  
14 committees of the legislature by November 15, 2007, with a final report  
15 due by November 15, 2008.

16 (4) This section expires December 15, 2008.

17 **Sec. 407.** RCW 9.94A.850 and 2005 c 282 s 19 are each amended to  
18 read as follows:

19 (1) A sentencing guidelines commission is established as an agency  
20 of state government.

21 (2) The legislature finds that the commission, having accomplished  
22 its original statutory directive to implement this chapter, and having  
23 expertise in sentencing practice and policies, shall:

24 (a) Evaluate state sentencing policy, to include whether the  
25 sentencing ranges and standards are consistent with and further:

26 (i) The purposes of this chapter as defined in RCW 9.94A.010; and

27 (ii) The intent of the legislature to emphasize confinement for the  
28 violent offender and alternatives to confinement for the nonviolent  
29 offender.

30 The commission shall provide the governor and the legislature with  
31 its evaluation and recommendations under this subsection not later than  
32 December 1, 1996, and every two years thereafter;

33 (b) Recommend to the legislature revisions or modifications to the  
34 standard sentence ranges, state sentencing policy, prosecuting  
35 standards, and other standards. If implementation of the revisions or  
36 modifications would result in exceeding the capacity of correctional



1 facilities, then the commission shall accompany its recommendation with  
2 an additional list of standard sentence ranges which are consistent  
3 with correction capacity;

4 (c) Study the existing criminal code and from time to time make  
5 recommendations to the legislature for modification;

6 (d)(i) Serve as a clearinghouse and information center for the  
7 collection, preparation, analysis, and dissemination of information on  
8 state and local adult and juvenile sentencing practices; (ii) develop  
9 and maintain a computerized adult and juvenile sentencing information  
10 system by individual superior court judge consisting of offender,  
11 offense, history, and sentence information entered from judgment and  
12 sentence forms for all adult felons; and (iii) conduct ongoing research  
13 regarding adult and juvenile sentencing guidelines, use of total  
14 confinement and alternatives to total confinement, plea bargaining, and  
15 other matters relating to the improvement of the adult criminal justice  
16 system and the juvenile justice system;

17 (e) Assume the powers and duties of the juvenile disposition  
18 standards commission after June 30, 1996;

19 (f) Evaluate the effectiveness of existing disposition standards  
20 and related statutes in implementing policies set forth in RCW  
21 13.40.010 generally, specifically review the guidelines relating to the  
22 confinement of minor and first-time offenders as well as the use of  
23 diversion, and review the application of current and proposed juvenile  
24 sentencing standards and guidelines for potential adverse impacts on  
25 the sentencing outcomes of racial and ethnic minority youth;

26 (g) Solicit the comments and suggestions of the juvenile justice  
27 community concerning disposition standards, and make recommendations to  
28 the legislature regarding revisions or modifications of the standards.  
29 The evaluations shall be submitted to the legislature on December 1 of  
30 each odd-numbered year. The department of social and health services  
31 shall provide the commission with available data concerning the  
32 implementation of the disposition standards and related statutes and  
33 their effect on the performance of the department's responsibilities  
34 relating to juvenile offenders, and with recommendations for  
35 modification of the disposition standards. The administrative office  
36 of the courts shall provide the commission with available data on  
37 diversion, including the use of youth court programs, and dispositions  
38 of juvenile offenders under chapter 13.40 RCW; and

1 (h) Not later than December 1, 1997, and at least every two years  
2 thereafter, based on available information, report to the governor and  
3 the legislature on:

4 (i) Racial disproportionality in juvenile and adult sentencing,  
5 and, if available, the impact that diversions, such as youth courts,  
6 have on racial disproportionality in juvenile prosecution,  
7 adjudication, and sentencing;

8 (ii) The capacity of state and local juvenile and adult facilities  
9 and resources; and

10 (iii) Recidivism information on adult and juvenile offenders.

11 (3) Each of the commission's recommended standard sentence ranges  
12 shall include one or more of the following: Total confinement, partial  
13 confinement, community supervision, community restitution, and a fine.

14 (4) The standard sentence ranges of total and partial confinement  
15 under this chapter, except as provided in RCW 9.94A.517, are subject to  
16 the following limitations:

17 (a) If the maximum term in the range is one year or less, the  
18 minimum term in the range shall be no less than one-third of the  
19 maximum term in the range, except that if the maximum term in the range  
20 is ninety days or less, the minimum term may be less than one-third of  
21 the maximum;

22 (b) If the maximum term in the range is greater than one year, the  
23 minimum term in the range shall be no less than seventy-five percent of  
24 the maximum term in the range, except that for murder in the second  
25 degree in seriousness level XIV under RCW 9.94A.510, the minimum term  
26 in the range shall be no less than fifty percent of the maximum term in  
27 the range; and

28 (c) The maximum term of confinement in a range may not exceed the  
29 statutory maximum for the crime as provided in RCW 9A.20.021.

30 (5)(a) Not later than December 31, 1999, the commission shall  
31 propose to the legislature the initial community custody ranges to be  
32 included in sentences under RCW 9.94A.715 for crimes committed on or  
33 after July 1, 2000. Not later than December 31 of each year, the  
34 commission may propose modifications to the ranges. The ranges shall  
35 be based on the principles in RCW 9.94A.010, and shall take into  
36 account the funds available to the department for community custody.  
37 The minimum term in each range shall not be less than one-half of the  
38 maximum term.

1 (b) The legislature may, by enactment of a legislative bill, adopt  
2 or modify the community custody ranges proposed by the commission. If  
3 the legislature fails to adopt or modify the initial ranges in its next  
4 regular session after they are proposed, the proposed ranges shall take  
5 effect without legislative approval for crimes committed on or after  
6 July 1, 2000.

7 (c) When the commission proposes modifications to ranges pursuant  
8 to this subsection, the legislature may, by enactment of a bill, adopt  
9 or modify the ranges proposed by the commission for crimes committed on  
10 or after July 1 of the year after they were proposed. Unless the  
11 legislature adopts or modifies the commission's proposal in its next  
12 regular session, the proposed ranges shall not take effect.

13 (6) The commission shall review state sentencing laws and policy in  
14 order to simplify supervision requirements and allow community  
15 corrections officers to more easily identify statutory requirements  
16 associated with an offender's sentence. Not later than December 31,  
17 2007, the commission shall report to the legislature on any  
18 recommendations for changes to existing statutes.

19 (7) The commission shall exercise its duties under this section in  
20 conformity with chapter 34.05 RCW.

21 **PART V - EDUCATION**

22 **Sec. 501.** RCW 72.09.460 and 2004 c 167 s 5 are each amended to  
23 read as follows:

24 (1) The legislature intends that all inmates be required to  
25 participate in department-approved education programs, work programs,  
26 or both, unless exempted (~~(under subsection (4) of)~~) as specifically  
27 provided in this section. Eligible inmates who refuse to participate  
28 in available education or work programs available at no charge to the  
29 inmates shall lose privileges according to the system established under  
30 RCW 72.09.130. Eligible inmates who are required to contribute  
31 financially to an education or work program and refuse to contribute  
32 shall be placed in another work program. Refusal to contribute shall  
33 not result in a loss of privileges.

34 (2) The legislature recognizes more inmates may agree to  
35 participate in education and work programs than are available. The

1 department must make every effort to achieve maximum public benefit by  
2 placing inmates in available and appropriate education and work  
3 programs.

4 ~~((2) The department shall provide access to a program of education  
5 to all offenders who are under the age of eighteen and who have not met  
6 high school graduation or general equivalency diploma requirements in  
7 accordance with chapter 28A.193 RCW. The program of education  
8 established by the department and education provider under RCW  
9 28A.193.020 for offenders under the age of eighteen must provide each  
10 offender a choice of curriculum that will assist the inmate in  
11 achieving a high school diploma or general equivalency diploma. The  
12 program of education may include but not be limited to basic education,  
13 prevocational training, work ethic skills, conflict resolution  
14 counseling, substance abuse intervention, and anger management  
15 counseling. The curriculum may balance these and other rehabilitation,  
16 work, and training components.))~~

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

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

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

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

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

27 (4) ~~The department shall establish, by rule, objective medical  
28 standards to determine when an inmate is physically or mentally unable  
29 to participate in available education or work programs. When the  
30 department determines an inmate is permanently unable to participate in  
31 any available education or work program due to a medical condition, the  
32 inmate is exempt from the requirement under subsection (1) of this  
33 section. When the department determines an inmate is temporarily  
34 unable to participate in an education or work program due to a medical  
35 condition, the inmate is exempt from the requirement of subsection (1)  
36 of this section for the period of time he or she is temporarily  
37 disabled. The department shall periodically review the medical~~

1 ~~condition of all temporarily disabled inmates to ensure the earliest~~  
2 ~~possible entry or reentry by inmates into available programming.~~

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

6 ~~(a) Assessment. The department shall assess all inmates for their~~  
7 ~~basic academic skill levels using a professionally accepted method of~~  
8 ~~scoring reading, math, and language skills as grade level equivalents.~~  
9 ~~The department shall determine an inmate's education history, work~~  
10 ~~history, and vocational or work skills. The initial assessment shall~~  
11 ~~be conducted, whenever possible, within the first thirty days of an~~  
12 ~~inmate's entry into the correctional system, except that initial~~  
13 ~~assessments are not required for inmates who are sentenced to life~~  
14 ~~without the possibility of release, assigned to an intensive management~~  
15 ~~unit within the first thirty days after entry into the correctional~~  
16 ~~system, are returning to the correctional system within one year of a~~  
17 ~~prior release, or whose physical or mental condition renders them~~  
18 ~~unable to complete the assessment process. The department shall track~~  
19 ~~and record changes in the basic academic skill levels of all inmates~~  
20 ~~reflected in any testing or assessment performed as part of their~~  
21 ~~education programming;~~

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

29 ~~programs necessary for compliance with an offender's individual reentry~~  
30 ~~plan under section 302 of this act with the exception of postsecondary~~  
31 ~~education degree programs as provided in section 502 of this act; and~~

32 ~~(iv) Other appropriate vocational, work, or education programs that~~  
33 ~~are not necessary for compliance with an offender's individual reentry~~  
34 ~~plan under section 302 of this act with the exception of postsecondary~~  
35 ~~education degree programs as provided in section 502 of this act.~~

36 ~~(b) If programming is provided pursuant to (a)(i) through (iii) of~~  
37 ~~this subsection, the department shall pay the cost of such programming,~~

1 including but not limited to books, materials, supplies, and postage  
2 costs related to correspondence courses.

3 (c) If programming is provided pursuant to (a)(iv) of this  
4 subsection, inmates shall be required to pay all or a portion of the  
5 costs, including books, fees, and tuition, for participation in any  
6 vocational, work, or education program as provided in department  
7 policies. Department policies shall include a formula for determining  
8 how much an offender shall be required to pay. The formula shall  
9 include steps which correlate to an offender average monthly income or  
10 average available balance in a personal inmate savings account and  
11 which are correlated to a prorated portion or percent of the per credit  
12 fee for tuition, books, or other ancillary costs. The formula shall be  
13 reviewed every two years. A third party may pay directly to the  
14 department all or a portion of costs and tuition for any programming  
15 provided pursuant to (a)(iv) of this subsection on behalf of an inmate.  
16 Such payments shall not be subject to any of the deductions as provided  
17 in this chapter.

18 (d) The department may accept any and all donations and grants of  
19 money, equipment, supplies, materials, and services from any third  
20 party, including but not limited to nonprofit entities, and may  
21 receive, utilize, and dispose of same to complete the purposes of this  
22 section.

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

27 (4) 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  
37 counseling, substance abuse intervention, and anger management

1 counseling. The curriculum may balance these and other rehabilitation,  
2 work, and training components.

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

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

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

16 (iii) An inmate's work history and vocational or work skills;

17 (iv) An inmate's economic circumstances, including but not limited  
18 to an inmate's family support obligations; and

19 (v) Where applicable, an inmate's prior performance in department-  
20 approved education or work programs;

21 ~~((c) Performance and goals.))~~ (b) The department shall establish,  
22 and periodically review, inmate behavior standards and program goals  
23 for all education and work programs. Inmates shall be notified of  
24 applicable behavior standards and program goals prior to placement in  
25 an education or work program and shall be removed from the education or  
26 work program if they consistently fail to meet the standards or  
27 goals(;

28 ~~(d) Financial responsibility. (i) The department shall establish~~  
29 ~~a formula by which inmates, based on their ability to pay, shall pay~~  
30 ~~all or a portion of the costs or tuition of certain programs. Inmates~~  
31 ~~shall, based on the formula, pay a portion of the costs or tuition of~~  
32 ~~participation in:~~

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

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

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

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

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

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

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

12 ~~(i) Shall not be required to participate in education programming;~~  
13 ~~and~~

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

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

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

27 ~~(7) Before construction of a new correctional institution or~~  
28 ~~expansion of an existing correctional institution, the department shall~~  
29 ~~adopt a plan demonstrating how cable, closed circuit, and satellite~~  
30 ~~television will be used for education and training purposes in the~~  
31 ~~institution. The plan shall specify how the use of television in the~~  
32 ~~education and training programs will improve inmates' preparedness for~~  
33 ~~available work programs and job opportunities for which inmates may~~  
34 ~~qualify upon release.~~

35 ~~(8) The department shall adopt a plan to reduce the per pupil cost~~  
36 ~~of instruction by, among other methods, increasing the use of volunteer~~  
37 ~~instructors and implementing technological efficiencies. The plan~~  
38 ~~shall be adopted by December 1996 and shall be transmitted to the~~



1 legislature upon adoption. The department shall, in adoption of the  
2 plan, consider distance learning, satellite instruction, video tape  
3 usage, computer aided instruction, and flexible scheduling of offender  
4 instruction.

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

10 (6) Eligible inmates who refuse to participate in available  
11 education or work programs available at no charge to the inmates shall  
12 lose privileges according to the system established under RCW  
13 72.09.130. Eligible inmates who are required to contribute financially  
14 to an education or work program and refuse to contribute shall be  
15 placed in another work program. Refusal to contribute shall not result  
16 in a loss of privileges.

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

31 (8) The department shall establish policies requiring an offender  
32 to pay all or a portion of the costs and tuition for any vocational  
33 training or postsecondary education program if the offender completed  
34 more than two hundred hours in the program and then withdrew from  
35 participation without approval from the department. Department  
36 policies shall include a formula for determining how much an offender  
37 shall be required to pay. The formula shall include steps which  
38 correlate to an offender average monthly income or average available

1 balance in a personal inmate savings account and which are correlated  
2 to a prorated portion or percent of the per credit fee for tuition,  
3 books, or other ancillary costs. The formula shall be reviewed every  
4 two years. A third party may pay directly to the department all or a  
5 portion of costs and tuition for any program on behalf of an inmate  
6 under this subsection. Such payments shall not be subject to any of  
7 the deductions as provided in this chapter.

8 (9) Notwithstanding any other provision in this section, an inmate  
9 sentenced to life without the possibility of release or subject to the  
10 provisions of 8 U.S.C. Sec. 1227:

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

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

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

18 (d) Shall be subject to the applicable provisions of this chapter  
19 relating to inmate financial responsibility for programming except the  
20 postsecondary education degree loan program as provided in section  
21 502(3) of this act.

22 NEW SECTION. Sec. 502. A new section is added to chapter 72.09  
23 RCW to read as follows:

24 (1) The department shall, if funds are appropriated for the  
25 specific purpose, implement postsecondary education degree programs  
26 within state correctional institutions, including the state  
27 correctional institution with the largest population of female inmates.  
28 The department shall consider for inclusion in any postsecondary  
29 education degree program, any postsecondary education degree program  
30 from an accredited community college, college, or university that is  
31 part of an associate of arts, baccalaureate, masters of arts, or other  
32 graduate degree program.

33 (2) Inmates shall be required to pay the costs for participation in  
34 any postsecondary education degree programs established under this  
35 subsection, including books, fees, tuition, or any other appropriate  
36 ancillary costs, by one or more of the following means:

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

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

8 (c) The inmate who is participating in the postsecondary education  
9 degree program shall provide the required payment or payments to the  
10 department using loan funds obtained from the department's  
11 postsecondary education degree loan program created pursuant to  
12 subsection (3) of this section.

13 (3) The department shall, if funds are appropriated for the  
14 specific purpose, establish by rule a postsecondary education degree  
15 loan program for inmates seeking to participate in available  
16 postsecondary education degree programs. The department shall  
17 establish a process for awarding loans to inmates, including an  
18 application process and criteria for awarding loans. The department  
19 shall collect repayment as provided in section 504 of this act. A  
20 third party may pay directly to the department all or a portion of any  
21 loan on behalf of an inmate. Such payments shall not be subject to any  
22 of the deductions as provided in this chapter. Inmates under RCW  
23 72.09.460(9) are not eligible to participate in the postsecondary  
24 education degree loan program.

25 (4) The department may accept any and all donations and grants of  
26 money, equipment, supplies, materials, and services from any third  
27 party, including but not limited to nonprofit entities, and may  
28 receive, utilize, and dispose of same to complete the purposes of this  
29 section.

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

33 **Sec. 503.** RCW 72.09.480 and 2003 c 271 s 3 are each amended to  
34 read as follows:

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

1 (a) "Cost of incarceration" means the cost of providing an inmate  
2 with shelter, food, clothing, transportation, supervision, and other  
3 services and supplies as may be necessary for the maintenance and  
4 support of the inmate while in the custody of the department, based on  
5 the average per inmate costs established by the department and the  
6 office of financial management.

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

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

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

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

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

21 (c) Twenty percent to the department to contribute to the cost of  
22 incarceration;

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

26 (e) Fifteen percent for any child support owed under a support  
27 order.

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

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

37 (5)(a) The deductions required under subsection (2) of this section  
38 shall not apply to funds received by the department from an offender or

1 from a third party on behalf of an offender for payment of (~~one fee-~~  
2 ~~based~~) education or vocational programs (~~that is associated with an~~  
3 ~~inmate's work program or a placement decision made by the department~~  
4 ~~under RCW 72.09.460 to prepare an inmate for work upon release.~~

5 ~~An inmate may, prior to the completion of the fee-based education~~  
6 ~~or vocational program authorized under this subsection, apply to a~~  
7 ~~person designated by the secretary for permission to make a change in~~  
8 ~~his or her program. The secretary, or his or her designee, may approve~~  
9 ~~the application based solely on the following criteria: (a) The inmate~~  
10 ~~has been transferred to another institution by the department for~~  
11 ~~reasons unrelated to education or a change to a higher security~~  
12 ~~classification and the offender's current program is unavailable in the~~  
13 ~~offender's new placement; (b) the inmate entered an academic program as~~  
14 ~~an undeclared major and wishes to declare a major. No inmate may apply~~  
15 ~~for more than one change to his or her major and receive the exemption~~  
16 ~~from deductions specified in this subsection; (c) the educational or~~  
17 ~~vocational institution is terminating the inmate's current program; or~~  
18 ~~(d) the offender's training or education has demonstrated that the~~  
19 ~~current program is not the appropriate program to assist the offender~~  
20 ~~to achieve a placement decision made by the department under RCW~~  
21 ~~72.09.460 to prepare the inmate for work upon release)) or~~  
22 ~~postsecondary education degree programs as provided in RCW 72.09.460~~  
23 ~~and section 502 of this act.~~

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

29 (6) The deductions required under subsection (2) of this section  
30 shall not apply to any money received by the department, on behalf of  
31 an inmate, from family or other outside sources for the payment of  
32 postage expenses. Money received under this subsection may only be  
33 used for the payment of postage expenses and may not be transferred to  
34 any other account or purpose. Money that remains unused in the  
35 inmate's postage fund at the time of release shall be subject to the  
36 deductions outlined in subsection (2) of this section.

37 (7) When an inmate sentenced to life imprisonment without  
38 possibility of release or parole, or to death under chapter 10.95 RCW,

1 receives any funds in addition to his or her gratuities, except  
2 settlements or awards resulting from legal action, the additional funds  
3 shall be subject to: Deductions of five percent to the public safety  
4 and education account for the purpose of crime victims' compensation,  
5 twenty percent to the department to contribute to the cost of  
6 incarceration, and fifteen percent to child support payments.

7 (8) When an inmate sentenced to life imprisonment without  
8 possibility of release or parole, or to death under chapter 10.95 RCW,  
9 receives any funds from a settlement or award resulting from a legal  
10 action in addition to his or her gratuities, the additional funds shall  
11 be subject to: Deductions of five percent to the public safety and  
12 education account for the purpose of crime victims' compensation and  
13 twenty percent to the department to contribute to the cost of  
14 incarceration.

15 (9) The interest earned on an inmate savings account created as a  
16 result of the plan in section 4, chapter 325, Laws of 1999 shall be  
17 exempt from the mandatory deductions under this section and RCW  
18 72.09.111.

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

25 **Sec. 504.** RCW 72.09.450 and 1996 c 277 s 1 are each amended to  
26 read as follows:

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

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

35 (3) The department shall record as a debt any costs assessed by a  
36 court against an inmate plaintiff where the state is providing defense  
37 pursuant to chapter 4.92 RCW. The department shall recoup the debt

1 when the inmate's institutional account exceeds the indigency standard  
2 and may pursue other remedies to recoup the debt after the period of  
3 incarceration.

4 (4) The department shall record as a debt any loan recorded against  
5 an inmate participating in the postsecondary education degree loan  
6 program as provided under section 502 of this act. The department  
7 shall attempt to recoup the debt not sooner than two years from an  
8 inmate's date of release from total or partial confinement and any loan  
9 made under this subsection shall not accrue interest at any time. The  
10 department may pursue collection of the debt as provided in subsection  
11 (5) of this section.

12 (5) In order to maximize the cost-efficient collection of unpaid  
13 offender debt existing after the period of an offender's incarceration,  
14 the department is authorized to use the following nonexclusive options:

15 (a) Use the collection services available through the department of  
16 general administration, or (b) notwithstanding any provision of chapter  
17 41.06 RCW, contract with collection agencies for collection of the  
18 debts. The costs for general administration or collection agency  
19 services shall be paid by the debtor. Any contract with a collection  
20 agency shall only be awarded after competitive bidding. Factors the  
21 department shall consider in awarding a collection contract include but  
22 are not limited to a collection agency's history and reputation in the  
23 community; and the agency's access to a local database that may  
24 increase the efficiency of its collections. The servicing of an unpaid  
25 obligation to the department does not constitute assignment of a debt,  
26 and no contract with a collection agency may remove the department's  
27 control over unpaid obligations owed to the department.

28 NEW SECTION. Sec. 505. (1) The department of corrections and the  
29 state board for community and technical colleges, in cooperation with  
30 the unions representing academic employees in corrections education  
31 programs, shall investigate and review methods to optimize educational  
32 and vocational programming opportunities to meet the needs of each  
33 offender as identified in his or her individual reentry plan while an  
34 offender is under the jurisdiction of the department.

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

1 (a) Technological advances which could serve to expand educational  
2 programs and vocational training including, but not limited to,  
3 distance learning, satellite instruction, videotape usage, computer  
4 aided instruction, and flexible scheduling and also considering the  
5 infrastructure, resources, and security that would be needed to  
6 implement the program or training. These advances shall be assessed  
7 for their ability to provide the most cost-efficient and effective  
8 programming for offenders;

9 (b) Methods to ensure that educational programs and vocational  
10 training are relevant to enhance the employability of offenders upon  
11 release; and

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

15 (3) The department and state board shall report to the governor and  
16 the legislature no later than November 15, 2007.

17 NEW SECTION. **Sec. 506.** (1) The Washington state institute for  
18 public policy shall conduct a comprehensive analysis and evaluation of  
19 evidence-based, research-based, and promising correctional education  
20 programs and the extent to which Washington's programs are in accord  
21 with these practices. In gathering data regarding correctional  
22 education programs, the institute may consult with academic employees  
23 from correctional education programs.

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

26 **PART VI - EMPLOYMENT BARRIERS**

27 NEW SECTION. **Sec. 601.** A new section is added to chapter 82.04  
28 RCW to read as follows:

29 (1) Subject to the limits in this section, a credit is authorized  
30 against the tax otherwise due under this chapter for persons that  
31 employ one or more qualifying ex-offenders.

32 (2) In order to qualify for the tax credit, the person must, within  
33 twenty-eight days of the ex-offender's hire date, submit a completed  
34 application to the employment security department for certification of  
35 the employee as a qualifying ex-offender under this section.



1 (3) The employment security department shall adopt rules and make  
2 forms available to persons employing ex-offenders to apply for  
3 certification under this section.

4 (4) Credit is only earned when:

5 (a) The person claiming a credit has received certification from  
6 the employment security department that the employee is a qualifying  
7 ex-offender; and

8 (b) The qualifying ex-offender has worked at least seven hundred  
9 eighty hours in the first twelve months following the date the  
10 individual was hired by the person claiming the credit under this  
11 section.

12 (5) The amount of the credit is equal to one thousand dollars per  
13 qualifying ex-offender and may be used against any tax due under this  
14 chapter. Credit may only be claimed against taxes due for reporting  
15 periods ending after the credit is earned. Unused credit earned in one  
16 calendar year may be carried over and claimed against taxes due for the  
17 subsequent calendar year. No refunds may be granted for credits under  
18 this section that are in excess of taxes due and payable for the  
19 reporting period.

20 (6) Submittal of the certification to the department is not  
21 required to claim the credit under this section. The person claiming  
22 the credit must keep a copy of the certification on file to allow the  
23 department to verify eligibility under this section if necessary.

24 (7) A person claiming credit under this section shall not claim  
25 credit under section 602 of this act with respect to the same  
26 qualifying ex-offender.

27 (8) As used in this section, "qualifying ex-offender" means an  
28 individual who: (a) Has been convicted of a felony under any statute  
29 of the United States or any state; and (b) is hired by the person  
30 claiming the credit under this section within one year of being  
31 convicted of the felony or, if the individual served a prison sentence  
32 for the conviction, of being released from confinement.

33 NEW SECTION. **Sec. 602.** A new section is added to chapter 82.16  
34 RCW to read as follows:

35 (1) A credit is authorized against the tax otherwise due under this  
36 chapter for persons that employ one or more qualifying ex-offenders.

1 (2) The provisions for the credit authorized in section 601 of this  
2 act apply to this section.

3 (3) A person claiming credit under this section may not claim  
4 credit under section 601 of this act with respect to the same  
5 qualifying ex-offender.

6 NEW SECTION. **Sec. 603.** On or before October 1, 2007, the  
7 department of corrections and the department of licensing shall enter  
8 into an agreement establishing expedited procedures to assist offenders  
9 in obtaining a driver's license or identification card upon their  
10 release from a department of corrections' institution.

11 NEW SECTION. **Sec. 604.** (1) The director of the department of  
12 licensing, or the director's designee, shall, within existing  
13 resources, convene and chair a work group to review and recommend  
14 changes to occupational licensing laws and policies to encourage the  
15 employment of individuals with criminal convictions while ensuring the  
16 safety of the public.

17 (2) In addition to the director of the department of licensing, the  
18 following shall be members of the work group: A representative from  
19 the employment security department, a representative from the  
20 department of corrections, a representative from the Washington state  
21 association of prosecuting attorneys, and up to five members appointed  
22 by the governor from state agencies that issue occupational licenses.  
23 The department shall also invite participation from victim service  
24 agencies, the state board for community and technical colleges,  
25 association of Washington business, nonprofit organizations providing  
26 workforce training to released offenders, and legislative staff who  
27 provide support to the human services and human services and  
28 corrections committees. Members of the work group shall serve without  
29 compensation.

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

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

33 (b) Develop a process and standards by which the department of  
34 licensing and licensing agencies will determine whether a criminal  
35 conviction renders an applicant an unsuitable candidate for a license

1 or whether a conviction warrants revocation or suspension of a license  
2 previously granted;

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

6 (d) Establish mechanisms for making information regarding the  
7 process and guidelines easily accessible to potential applicants with  
8 criminal histories.

9 (4) The department of licensing shall present a report of its  
10 findings and recommendations to the governor and the appropriate  
11 committees of the legislature, including any proposed legislation, by  
12 November 15, 2008.

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

14 **PART VII - HOUSING**

15 NEW SECTION. **Sec. 701.** The legislature finds that, in order to  
16 improve the safety of our communities, more housing needs to be made  
17 available to offenders returning to the community. The legislature  
18 intends to increase the housing available to offenders by providing  
19 that landlords who rent to offenders shall be immune from civil  
20 liability for damages that may result from the criminal conduct of the  
21 tenant.

22 NEW SECTION. **Sec. 702.** A new section is added to chapter 59.18  
23 RCW to read as follows:

24 A landlord who rents to an offender is not liable for civil damages  
25 arising from the criminal conduct of the tenant. In order for a  
26 landlord to be protected from liability as provided under this section,  
27 a landlord must disclose to residents of the property that he or she  
28 rents or has a policy of renting to offenders.

29 NEW SECTION. **Sec. 703.** A new section is added to chapter 35.82  
30 RCW to read as follows:

31 The legislature recognizes that stable, habitable, and supportive  
32 housing is a critical factor that increases a previously incarcerated  
33 individual's access to treatment and services as well as the likelihood  
34 of success in the community. Housing authorities are therefore

1 encouraged to formulate rental policies that are not unduly burdensome  
2 to previously incarcerated individuals attempting to reenter the  
3 community, particularly when the individual's family may already reside  
4 in government subsidized housing.

5 NEW SECTION. **Sec. 704.** A new section is added to chapter 43.185C  
6 RCW to read as follows:

7 (1) The offender reentry transitional housing assistance program is  
8 created in the department of community, trade, and economic development  
9 to assist homeless offenders secure and retain safe, decent, and  
10 affordable housing. Within funds appropriated for the purposes of this  
11 section, the department shall provide grants to eligible organizations,  
12 as described in RCW 43.185.060, to provide assistance to program  
13 participants. The eligible organizations must use grant moneys for:

14 (a) Rental assistance, which includes security or utility deposits,  
15 first and last month's rent assistance, and eligible moving expenses to  
16 be determined by the department;

17 (b) Case management services designed to assist program  
18 participants to secure and retain immediate housing and to transition  
19 into permanent housing and greater levels of self-sufficiency;

20 (c) Contracts with supportive housing facilities to exclusively  
21 provide housing for homeless offenders. Supportive housing is housing  
22 that will provide a structured living environment for offenders to  
23 assist an offender in developing the interpersonal and social survival  
24 skills necessary to be independent and self-reliant in mainstream  
25 society; and

26 (d) Administrative costs of the eligible organization, which must  
27 not exceed limits prescribed by the department.

28 (2) Eligible to receive assistance up to twelve months through the  
29 offender reentry transitional housing assistance program are offenders  
30 who:

31 (a) Will be released or were released within the last six months  
32 from a correctional facility operated by the department of corrections;

33 (b) Are homeless or at risk of becoming homeless and have household  
34 incomes at or below fifty percent of the median household income for  
35 their county;

36 (c) Have not been found to have violated conditions of his or her  
37 supervision on two or more separate occasions.

1 (3) In providing assistance, priority shall be given to offenders  
2 who are designated as high risk or high needs as well as those  
3 determined not to have a viable release plan by the department of  
4 corrections.

5 (4) All housing assistance recipients must be willing to create and  
6 actively participate in a housing stability plan for achieving  
7 permanent housing and greater levels of self-sufficiency.

8 (5) Data on all housing assistance recipients must be entered into  
9 and tracked through the Washington homeless client management  
10 information system as described in RCW 43.185C.180.

11 (6) The department of corrections shall cooperate with the  
12 department in:

13 (a) Determining an appropriate formula for the distribution of  
14 grant funds to counties or regions; and

15 (b) Developing rules, requirements, procedures, and guidelines as  
16 necessary to implement and operate the offender reentry transitional  
17 housing assistance program.

18 (7) The department of corrections shall collaborate with the  
19 organization receiving grant funds to:

20 (a) Help identify appropriate housing solutions in the community  
21 for offenders;

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

24 (c) Identify enhancements to training provided to offenders prior  
25 to discharge that may assist an offender in effectively transitioning  
26 to the community;

27 (d) Maintain communication between the case manager, housing  
28 provider, and corrections staff supervising the offender; and

29 (e) Assist the offender in accessing resources and services  
30 available through the department of corrections and a community justice  
31 center, if one is located in the area.

32 (8) The department shall produce an annual transitional housing  
33 operating and rent program report that must be included in the  
34 department's homeless housing strategic plan as described in RCW  
35 43.185C.040. The report must include performance measures to be  
36 determined by the department that address, at a minimum, the following  
37 issue areas:

1 (a) The success of the program in helping housing assistance  
2 recipients transition into permanent housing and increase their levels  
3 of self-sufficiency;

4 (b) The financial performance of the program related to efficient  
5 program administration by the department and program operation by  
6 selected eligible organizations, including an analysis of the costs per  
7 program participant served;

8 (c) The quality, completeness, and timeliness of the information on  
9 housing assistance recipients provided to the Washington homeless  
10 client management information system database; and

11 (d) The satisfaction of housing assistance recipients in the  
12 assistance provided through the program.

13 (9) The state, department of community, trade, and economic  
14 development, department of corrections, local governments, local  
15 housing authorities, and its employees are not liable for civil damages  
16 arising from the criminal conduct of an offender due to the placement  
17 of an offender in housing provided under this section or the provision  
18 of housing assistance.

19 NEW SECTION. **Sec. 705.** A new section is added to chapter 43.185C  
20 RCW to read as follows:

21 The offender reentry transitional housing assistance account is  
22 created in the custody of the state treasurer. All receipts from  
23 sources directed to the offender reentry transitional housing  
24 assistance program must be deposited into the account. Expenditures  
25 from the account may be used solely for the purpose of the offender  
26 reentry transitional housing assistance program as described in section  
27 704 of this act. Only the director of the department of community,  
28 trade and economic development or the director's designee may authorize  
29 expenditures from the account. The account is subject to allotment  
30 procedures under chapter 43.88 RCW, but an appropriation is not  
31 required for expenditures.

32 **Sec. 706.** RCW 72.09.111 and 2004 c 167 s 7 are each amended to  
33 read as follows:

34 (1) The secretary shall deduct taxes and legal financial  
35 obligations from the gross wages, gratuities, or workers' compensation  
36 benefits payable directly to the inmate under chapter 51.32 RCW, of

1 each inmate working in correctional industries work programs, or  
2 otherwise receiving such wages, gratuities, or benefits. The secretary  
3 shall also deduct child support payments from the gratuities of each  
4 inmate working in class II through class IV correctional industries  
5 work programs. The secretary shall develop a formula for the  
6 distribution of offender wages, gratuities, and benefits. The formula  
7 shall not reduce the inmate account below the indigency level, as  
8 defined in RCW 72.09.015.

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

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) Twenty percent for payment of legal financial obligations for  
17 all inmates who have legal financial obligations owing in any  
18 Washington state superior court.

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

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

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

24 (iii) Fifteen percent to the department to contribute to the cost  
25 of incarceration;

26 (iv) Twenty percent for payment of legal financial obligations for  
27 all inmates who have legal financial obligations owing in any  
28 Washington state superior court; and

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

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

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

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

36 (iii) Twenty percent to the department to contribute to the cost of  
37 incarceration; and

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

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

6 (i) Five percent for the purpose of crime victims' compensation;  
7 and

8 (ii) Fifteen percent for any child support owed under a support  
9 order.

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

12 (i) Five percent to the department to contribute to the cost of  
13 incarceration; and

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

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

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

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

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

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

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

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

36 (4)(a) Subject to availability of funds for the correctional  
37 industries program, the expansion of inmate employment in class I and



1 class II correctional industries shall be implemented according to the  
2 following schedule:

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

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

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

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

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

23 (vi) Not later than June 30, 2010, the secretary shall achieve a  
24 net increase of at least one thousand five hundred in the number of  
25 inmates employed in class I or class II correctional industries work  
26 programs above the number so employed on June 30, 2003.

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

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

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

1 (7) The department shall develop the necessary administrative  
2 structure to recover inmates' wages and keep records of the amount  
3 inmates pay for the costs of incarceration and amenities. All funds  
4 deducted from inmate wages under subsection (1) of this section for the  
5 purpose of contributions to the cost of incarceration shall be  
6 deposited in a dedicated fund with the department and shall be used  
7 only for the purpose of enhancing and maintaining correctional  
8 industries work programs.

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

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

#### 16 PART VIII - RESTORATION OF CIVIL RIGHTS

17 **Sec. 801.** RCW 29A.04.079 and 2003 c 111 s 114 are each amended to  
18 read as follows:

19 An "infamous crime" is a crime punishable by death in the state  
20 penitentiary or imprisonment in a state correctional facility. The  
21 definition of "infamous crime" does not include juvenile adjudications  
22 pursuant to chapter 13.40 RCW or adult convictions for misdemeanors and  
23 gross misdemeanors.

24 **Sec. 802.** RCW 29A.08.520 and 2005 c 246 s 15 are each amended to  
25 read as follows:

26 (1) (~~Upon receiving official notice of a person's conviction of a~~  
27 ~~felony in either state or federal court, if the convicted person is a~~  
28 ~~registered voter in the county, the county auditor shall cancel the~~  
29 ~~defendant's voter registration. Additionally, the secretary of state~~  
30 ~~in conjunction with the department of corrections, the Washington state~~  
31 ~~patrol, the office of the administrator for the courts, and other~~  
32 ~~appropriate state agencies shall arrange for a quarterly comparison of~~  
33 ~~a list of known felons with the statewide voter registration list.))  
34 A person who has been convicted of a felony and who is under the  
35 jurisdiction of the department of corrections as a result of that~~

1 felony conviction is ineligible to vote. Following conviction of a  
2 felony, the right to vote is provisionally restored as long as the  
3 person is not under the jurisdiction of the department of corrections.

4 (2)(a) Once the right to vote has been provisionally restored, the  
5 sentencing court may revoke the provisional restoration of voting  
6 rights if the sentencing court determines that a person has willfully  
7 failed to comply with the terms of his or her order to pay legal  
8 financial obligations.

9 (b) If the person has failed to make three payments in a twelve-  
10 month period and the county clerk or restitution recipient requests,  
11 the prosecutor shall seek revocation of the provisional restoration of  
12 voting rights from the court.

13 (c) To the extent practicable, the prosecutor and county clerk  
14 shall inform a restitution recipient of the recipient's right to ask  
15 for the revocation of the provisional restoration of voting rights.

16 (3) If the court revokes the provisional restoration of voting  
17 rights, the revocation shall remain in effect until, upon motion by the  
18 person whose provisional voting rights have been revoked, the person  
19 shows that he or she has made a good faith effort to pay as defined in  
20 RCW 10.82.090.

21 (4) The county clerk shall enter into a database maintained by the  
22 administrator for the courts the names of all persons whose provisional  
23 voting rights have been revoked, and update the database for any person  
24 whose voting rights have subsequently been restored pursuant to  
25 subsection (6) of this section.

26 (5) At least twice a year, the secretary of state shall compare the  
27 list of registered voters to a list of felons who are not eligible to  
28 vote as provided in subsections (1) and (3) of this section. If a  
29 ((person is found on a felon list and the statewide voter registration  
30 list)) registered voter is not eligible to vote as provided in this  
31 section, the secretary of state or county auditor shall confirm the  
32 match through a date of birth comparison and suspend the voter  
33 registration from the official state voter registration list. The  
34 canceling authority shall send to the person at his or her last known  
35 voter registration address a notice of the proposed cancellation and an  
36 explanation of the requirements for provisionally and permanently  
37 restoring the right to vote ((once all terms of sentencing have been  
38 completed)) and reregistering. If the person does not respond within

1 thirty days, the registration must be canceled. To the extent  
2 possible, the secretary of state shall time the comparison required by  
3 this subsection to allow notice and cancellation of voting rights for  
4 ineligible voters prior to a primary or general election.

5 ((+2)) (6) The right to vote may be permanently restored by(~~(, for~~  
6 ~~each felony conviction,)~~) one of the following for each felony  
7 conviction:

8 (a) A certificate of discharge issued by the sentencing court, as  
9 provided in RCW 9.94A.637;

10 (b) A court order restoring the right, as provided in RCW 9.92.066;

11 (c) A final order of discharge issued by the indeterminate sentence  
12 review board, as provided in RCW 9.96.050; or

13 (d) A certificate of restoration issued by the governor, as  
14 provided in RCW 9.96.020.

15 **Sec. 803.** RCW 9.92.066 and 2003 c 66 s 2 are each amended to read  
16 as follows:

17 (1) Upon termination of any suspended sentence under RCW 9.92.060  
18 or 9.95.210, such person may apply to the court for restoration of his  
19 or her civil rights not already restored by RCW 29A.08.520. Thereupon  
20 the court may in its discretion enter an order directing that such  
21 defendant shall thereafter be released from all penalties and  
22 disabilities resulting from the offense or crime of which he or she has  
23 been convicted.

24 (2)(a) Upon termination of a suspended sentence under RCW 9.92.060  
25 or 9.95.210, the person may apply to the sentencing court for a  
26 vacation of the person's record of conviction under RCW 9.94A.640. The  
27 court may, in its discretion, clear the record of conviction if it  
28 finds the person has met the equivalent of the tests in RCW  
29 9.94A.640(2) as those tests would be applied to a person convicted of  
30 a crime committed before July 1, 1984.

31 (b) The clerk of the court in which the vacation order is entered  
32 shall immediately transmit the order vacating the conviction to the  
33 Washington state patrol identification section and to the local police  
34 agency, if any, which holds criminal history information for the person  
35 who is the subject of the conviction. The Washington state patrol and  
36 any such local police agency shall immediately update their records to  
37 reflect the vacation of the conviction, and shall transmit the order

1 vacating the conviction to the federal bureau of investigation. A  
2 conviction that has been vacated under this section may not be  
3 disseminated or disclosed by the state patrol or local law enforcement  
4 agency to any person, except other criminal justice enforcement  
5 agencies.

6 **Sec. 804.** RCW 9.94A.637 and 2004 c 121 s 2 are each amended to  
7 read as follows:

8 (1)(a) When an offender has completed all requirements of the  
9 sentence, including any and all legal financial obligations, and while  
10 under the custody and supervision of the department, the secretary or  
11 the secretary's designee shall notify the sentencing court, which shall  
12 discharge the offender and provide the offender with a certificate of  
13 discharge by issuing the certificate to the offender in person or by  
14 mailing the certificate to the offender's last known address.

15 (b)(i) When an offender has reached the end of his or her  
16 supervision with the department and has completed all the requirements  
17 of the sentence except his or her legal financial obligations, the  
18 secretary's designee shall provide the county clerk with a notice that  
19 the offender has completed all nonfinancial requirements of the  
20 sentence.

21 (ii) When the department has provided the county clerk with notice  
22 that an offender has completed all the requirements of the sentence and  
23 the offender subsequently satisfies all legal financial obligations  
24 under the sentence, the county clerk shall notify the sentencing court,  
25 including the notice from the department, which shall discharge the  
26 offender and provide the offender with a certificate of discharge by  
27 issuing the certificate to the offender in person or by mailing the  
28 certificate to the offender's last known address.

29 (c) When an offender who is subject to requirements of the sentence  
30 in addition to the payment of legal financial obligations either is not  
31 subject to supervision by the department or does not complete the  
32 requirements while under supervision of the department, it is the  
33 offender's responsibility to provide the court with verification of the  
34 completion of the sentence conditions other than the payment of legal  
35 financial obligations. When the offender satisfies all legal financial  
36 obligations under the sentence, the county clerk shall notify the  
37 sentencing court that the legal financial obligations have been

1 satisfied. When the court has received both notification from the  
2 clerk and adequate verification from the offender that the sentence  
3 requirements have been completed, the court shall discharge the  
4 offender and provide the offender with a certificate of discharge by  
5 issuing the certificate to the offender in person or by mailing the  
6 certificate to the offender's last known address.

7 (2) The court shall send a copy of every signed certificate of  
8 discharge to the auditor for the county in which the court resides and  
9 to the department. The department shall create and maintain a database  
10 containing the names of all felons who have been issued certificates of  
11 discharge, the date of discharge, and the date of conviction and  
12 offense.

13 (3) An offender who is not convicted of a violent offense or a sex  
14 offense and is sentenced to a term involving community supervision may  
15 be considered for a discharge of sentence by the sentencing court prior  
16 to the completion of community supervision, provided that the offender  
17 has completed at least one-half of the term of community supervision  
18 and has met all other sentence requirements.

19 (4) Except as provided in subsection (5) of this section, the  
20 discharge shall have the effect of restoring all civil rights (~~lost by~~  
21 ~~operation of law upon conviction~~) not already restored by RCW  
22 29A.08.520, and the certificate of discharge shall so state. Nothing  
23 in this section prohibits the use of an offender's prior record for  
24 purposes of determining sentences for later offenses as provided in  
25 this chapter. Nothing in this section affects or prevents use of the  
26 offender's prior conviction in a later criminal prosecution either as  
27 an element of an offense or for impeachment purposes. A certificate of  
28 discharge is not based on a finding of rehabilitation.

29 (5) Unless otherwise ordered by the sentencing court, a certificate  
30 of discharge shall not terminate the offender's obligation to comply  
31 with an order issued under chapter 10.99 RCW that excludes or prohibits  
32 the offender from having contact with a specified person or coming  
33 within a set distance of any specified location that was contained in  
34 the judgment and sentence. An offender who violates such an order  
35 after a certificate of discharge has been issued shall be subject to  
36 prosecution according to the chapter under which the order was  
37 originally issued.

1 (6) Upon release from custody, the offender may apply to the  
2 department for counseling and help in adjusting to the community. This  
3 voluntary help may be provided for up to one year following the release  
4 from custody.

5 **Sec. 805.** RCW 9.96.050 and 2002 c 16 s 3 are each amended to read  
6 as follows:

7 When a prisoner on parole has performed all obligations of his or  
8 her release, including any and all legal financial obligations, for  
9 such time as shall satisfy the indeterminate sentence review board that  
10 his or her final release is not incompatible with the best interests of  
11 society and the welfare of the paroled individual, the board may make  
12 a final order of discharge and issue a certificate of discharge to the  
13 prisoner. The certificate of discharge shall be issued to the offender  
14 in person or by mail to the prisoner's last known address.

15 The board shall send a copy of every signed certificate of  
16 discharge (~~to the auditor for the county in which the offender was~~  
17 ~~sentenced and~~) to the department of corrections. The department shall  
18 create and maintain a database containing the names of all felons who  
19 have been issued certificates of discharge, the date of discharge, and  
20 the date of conviction and offense.

21 The board retains the jurisdiction to issue a certificate of  
22 discharge after the expiration of the prisoner's or parolee's maximum  
23 statutory sentence. If not earlier granted, the board shall make a  
24 final order of discharge three years from the date of parole unless the  
25 parolee is on suspended or revoked status at the expiration of the  
26 three years. Such discharge, regardless of when issued, shall have the  
27 effect of restoring all civil rights (~~lost by operation of law upon~~  
28 ~~conviction~~) not already restored by RCW 29A.08.520, and the  
29 certification of discharge shall so state. This restoration of civil  
30 rights shall not restore the right to receive, possess, own, or  
31 transport firearms.

32 The discharge provided for in this section shall be considered as  
33 a part of the sentence of the convicted person and shall not in any  
34 manner be construed as affecting the powers of the governor to pardon  
35 any such person.





1 committee for the purpose of monitoring and ensuring compliance with  
2 administrative acts, relevant statutes, rules, and policies pertaining  
3 to the department of corrections and the treatment and supervision of  
4 offenders under the jurisdiction of the department. The committee  
5 shall consist of three senators and three representatives from the  
6 legislature. The senate members of the committee shall be appointed by  
7 the president of the senate. The house members of the committee shall  
8 be appointed by the speaker of the house of representatives. Not more  
9 than two members from each chamber shall be from the same political  
10 party. Members shall be appointed before the close of each regular  
11 session of the legislature during an odd-numbered year.

12 (2) The committee shall have the following powers:

13 (a) Selection of its officers and adoption of rules for orderly  
14 procedure;

15 (b) Request and receive status reports from the department related  
16 to its progress on the recommendations of the joint task force on  
17 offenders programs, sentencing and supervision authorized by chapter  
18 267, Laws of 2006, implementation of the provisions of this act, and  
19 other topics as appropriate;

20 (c) Monitor coordination and collaboration between local government  
21 and the department and efforts to share resources and reduce the  
22 duplication of services;

23 (d) Request investigations by the corrections ombudsman of  
24 administrative acts;

25 (e) Receive reports of the ombudsman;

26 (f)(i) Obtain access to all relevant records in the possession of  
27 the department or ombudsman, except as prohibited by law; and (ii) make  
28 recommendations to all branches of government;

29 (g) Request legislation;

30 (h) Conduct hearings into such matters as it deems necessary.

31 (3) Upon receipt of records from the department or ombudsman, the  
32 committee is subject to the same confidentiality restrictions as the  
33 department or ombudsman under Senate Bill No. 5295.

34 (4) The committee will receive the necessary staff support from  
35 both the senate and house of representatives staff resources.

36 (5) The members of the committee shall serve without additional  
37 compensation, but will be reimbursed for their travel expenses, in  
38 accordance with RCW 44.04.120, incurred while attending sessions of the

1 committee or meetings of a subcommittee of the committee, while engaged  
2 on other committee business authorized by the committee, and while  
3 going to and coming from committee sessions or committee meetings.

4 (6) This section expires July 1, 2012.

5 **PART X - MISCELLANEOUS**

6 NEW SECTION. **Sec. 1001.** Part headings used in this act are not  
7 any part of the law.

8 NEW SECTION. **Sec. 1002.** If any provision of this act or its  
9 application to any person or circumstance is held invalid, the  
10 remainder of the act or the application of the provision to other  
11 persons or circumstances is not affected.

12 NEW SECTION. **Sec. 1003.** If specific funding for the purposes of  
13 this act, referencing this act by bill or chapter number, is not  
14 provided by June 30, 2007, in the omnibus appropriations act, this act  
15 is null and void.

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