
SECOND SUBSTITUTE SENATE BILL 5070

State of Washington

60th Legislature

2007 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Carrell, Regala, Hargrove, Kline, Weinstein, Stevens, Brandland, Parlette, McCaslin, Kastama, Holmquist, Zarelli, Pridemore, Schoesler, Clements, Rasmussen, Swecker, Roach, Franklin, Delvin, Sheldon, Eide, Spanel, Hewitt, Hatfield, Keiser, Pflug, McAuliffe, Berkey, Haugen, Fairley, Murray, Tom, Kohl-Welles, Shin and Kilmer)

READ FIRST TIME 03/05/07.

1 AN ACT Relating to reduction of offender recidivism; amending RCW
2 72.09.300, 72.09.015, 9.94A.728, 9.94A.850, 72.09.460, 72.09.480,
3 72.09.450, 29A.04.079, 29A.08.520, 9.92.066, 9.94A.637, 9.96.050, and
4 10.64.140; adding new sections to chapter 4.24 RCW; adding new sections
5 to chapter 72.09 RCW; adding a new section to chapter 82.04 RCW; adding
6 a new section to chapter 82.16 RCW; adding a new section to chapter
7 59.18 RCW; adding a new section to chapter 35.82 RCW; adding new
8 sections to chapter 43.185C RCW; adding a new chapter to Title 72 RCW;
9 creating new sections; repealing RCW 10.64.021 and 29A.08.660; and
10 providing expiration dates.

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

12 NEW SECTION. **Sec. 1.** The people of the state of Washington expect
13 to live in safe communities in which the threat of crime is minimized.
14 Attempting to keep communities safe by building more prisons and paying
15 the costs of incarceration has proven to be expensive to taxpayers.
16 Incarceration is a necessary consequence for some offenders, however,
17 the vast majority of those offenders will eventually return to their
18 communities. Many of these former offenders will not have had the
19 opportunity to address the deficiencies that may have contributed to

1 their criminal behavior. Persons who do not have basic literacy and
2 job skills, or who are ill-equipped to make the behavioral changes
3 necessary to successfully function in the community, have a high risk
4 of reoffense. Recidivism represents serious costs to victims, both
5 financial and nonmonetary in nature, and also burdens state and local
6 governments with those offenders who recycle through the criminal
7 justice system.

8 The legislature believes that recidivism can be reduced and a
9 substantial cost savings can be realized by utilizing evidence-based,
10 research-based, and promising programs to address offender deficits,
11 developing and better coordinating the reentry efforts of state and
12 local governments and local communities. Research shows that if
13 quality assurances are adhered to, implementing an optimal portfolio of
14 evidence-based programming options for offenders who are willing to
15 take advantage of such programs can have a notable impact on
16 recidivism.

17 While the legislature recognizes that recidivism cannot be
18 eliminated and that a significant number of offenders are unwilling or
19 unable to work to develop the tools necessary to successfully
20 reintegrate into society, the interests of the public overall are
21 better served by better preparing offenders while incarcerated, and
22 continuing those efforts for those recently released from prison or
23 jail, for successful, productive, and healthy transitions to their
24 communities. Educational, employment, and treatment opportunities
25 should be designed to address individual deficits and ideally give
26 offenders the ability to function in society. In order to foster
27 reintegration, this act recognizes the importance of a strong
28 partnership between the department of corrections, local governments,
29 law enforcement, social service providers, and interested members of
30 communities across our state.

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

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

34 (1) A "community transition coordination network" is a system of
35 coordination that facilitates partnerships between supervision and
36 service providers. It is anticipated that an offender who is released

1 to the community will be able to utilize a community transition
2 coordination network to be connected directly to the supervision and/or
3 services needed for successful reentry.

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

8 (3) An "individual reentry plan" means the plan to prepare an
9 offender for release into the community. A reentry plan is developed
10 collaboratively between the supervising authority and the offender and
11 based on an assessment of the offender using a standardized and
12 comprehensive tool to identify the offenders' risks and needs. An
13 individual reentry plan describes actions that must occur to prepare
14 individual offenders for release from jail and specifies the
15 supervision and/or services he or she will experience in the community,
16 taking into account no contact provisions of the judgment and sentence.
17 An individual reentry plan must be updated throughout the period of an
18 offender's incarceration and supervision to be relevant to the
19 offender's current needs and risks.

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

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

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

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

31 NEW SECTION. **Sec. 102.** (1) Each county or group of counties shall
32 conduct an inventory of the services and resources available in the
33 county or group of counties to assist offenders in reentering the
34 community.

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

- 1 (a) The department of corrections, including community corrections
2 officers;
- 3 (b) The department of social and health services in applicable
4 program areas;
- 5 (c) Representatives from county human services departments and,
6 where applicable, multicounty regional support networks;
- 7 (d) Local public health jurisdictions;
- 8 (e) City and county law enforcement;
- 9 (f) Local probation/supervision programs;
- 10 (g) Local community and technical colleges;
- 11 (h) The local worksource center operated under the statewide
12 workforce investment system;
- 13 (i) Faith-based and nonprofit organizations providing assistance to
14 offenders;
- 15 (j) Housing providers;
- 16 (k) Crime victims service providers; and
- 17 (l) Other community stakeholders interested in reentry efforts.
- 18 (3) The inventory must include, but is not limited to:
- 19 (a) A list of programs available through the entities listed in
20 subsection (2) of this section and services currently available in the
21 community for offenders including, but not limited to, housing
22 assistance, employment assistance, education, vocational training,
23 parenting education, financial literacy, treatment for substance abuse,
24 mental health, anger management, life skills training, specialized
25 treatment programs such as batterers treatment and sex offender
26 treatment, and any other service or program that will assist the former
27 offender to successfully transition into the community; and
- 28 (b) An indication of the availability of community representatives
29 or volunteers to assist the offender with his or her transition.
- 30 (4) No later than January 1, 2008, each county or group of counties
31 shall present its inventory to the policy advisory committee convened
32 in section 103(8) of this act.

33 NEW SECTION. **Sec. 103.** (1) The department of community, trade,
34 and economic development shall establish a community transition
35 coordination network pilot program for the purpose of awarding grants
36 to counties or groups of counties for implementing coordinated reentry

1 efforts for offenders returning to the community. Grant awards are
2 subject to the availability of amounts appropriated for this specific
3 purpose.

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

9 (3) Effective February 1, 2008, any county or group of counties may
10 apply for participation in the community transition coordination
11 network pilot program by submitting a proposal for a community
12 transition coordination network.

13 (4) A proposal for a community transition coordination network
14 initiated under this section must be collaborative in nature and must
15 seek locally appropriate evidence-based or research-based solutions and
16 promising practices utilizing the participation of public and private
17 entities or programs to support successful, community-based offender
18 reentry.

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

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

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

26 (c) Partnerships between the department of corrections and local
27 community policing and supervision programs to facilitate supervision
28 of offenders under the respective jurisdictions of each and timely
29 response to an offender's failure to comply with the terms of
30 supervision.

31 (6) A proposal for a community transition coordination network must
32 include:

33 (a) Descriptions of collaboration and coordination between local
34 community policing and supervision programs and those agencies and
35 entities identified in the inventory conducted pursuant to section 102
36 of this act to address the risks and needs of offenders under a
37 participating county or city misdemeanor probation or other
38 supervision program including:

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

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

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

11 (iv) The communication of assessment information, individual
12 reentry plans, and service information between parties involved with
13 offender's reentry;

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

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

22 (ii) Coordination of access to existing services with community
23 providers and provision of information to offenders regarding how to
24 access the various type of services and resources that are available in
25 the community; and

26 (c) An evaluation of the county's or group of counties' readiness
27 to implement a community transition coordination network including the
28 social service needs of offenders in general, capacity of local
29 facilities and resources to meet offenders' needs, and the cost to
30 implement and maintain a community transition coordination network for
31 the duration of the pilot project.

32 (7) The department of community, trade, and economic development
33 shall review county applications for funding through the community
34 transition coordination network pilot program and, no later than April
35 1, 2008, shall select up to four counties or groups of counties. In
36 selecting pilot counties or regions, the department shall consider the
37 extent to which the proposal:

1 (a) Addresses the requirements set out in subsection (6) of this
2 section;

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

7 (c) Focuses on measurable outcomes such as increased employment and
8 income, treatment objectives, maintenance of stable housing, and
9 reduced recidivism;

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

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

20 (8) The department of community, trade, and economic development
21 shall convene a policy advisory committee composed of representatives
22 from the senate, the house of representatives, the governor's office of
23 financial management, the department of corrections, to include one
24 representative who is a community corrections officer, the office of
25 crime victims' advocacy, the Washington state association of counties,
26 association of Washington cities, a nonprofit provider of reentry
27 services, and an ex-offender who has discharged the terms of his or her
28 sentence. The advisory committee shall meet no less than annually to
29 receive status reports on the implementation of community transition
30 coordination networks, review annual reports and the pilot project
31 evaluations submitted pursuant to section 105 of this act, and identify
32 evidence-based, research-based, and promising practices for other
33 counties seeking to establish community transition coordination
34 networks.

35 (9) Pilot networks established under this section shall extend for
36 a period of four fiscal years, beginning July 1, 2008, and ending June
37 30, 2012.

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

1 NEW SECTION. **Sec. 104.** Nothing in section 103 of this act is
2 intended to shift the supervising responsibility or sanctioning
3 authority from one government entity to another or give a community
4 transition coordination network oversight responsibility for those
5 activities.

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

8 (2) Counties receiving state funds must:

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

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

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

19 (d) Cooperate with the Washington state institute for public policy
20 at the completion of the pilot project to conduct an evaluation of the
21 project.

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

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

33 NEW SECTION. **Sec. 106.** (1) The community transition coordination
34 network account is created in the state treasury. The account may
35 receive legislative appropriations, gifts, and grants. Moneys in the

1 account may be spent only after appropriation. Expenditures from the
2 account may be used only for the purposes of section 103 of this act.

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

4 NEW SECTION. **Sec. 107.** Nothing in this act creates an entitlement
5 for a county or group of counties to receive funding under the program
6 created in section 103 of this act, nor an obligation for a county or
7 group of counties to maintain a community transition coordination
8 network established pursuant to section 103 of this act upon expiration
9 of state funding.

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

12 (1) Every county legislative authority shall by resolution or
13 ordinance establish a local law and justice council. The county
14 legislative authority shall determine the size and composition of the
15 council, which shall include the county sheriff and a representative of
16 the municipal police departments within the county, the county
17 prosecutor and a representative of the municipal prosecutors within the
18 county, a representative of the city legislative authorities within the
19 county, a representative of the county's superior, juvenile, district,
20 and municipal courts, the county jail administrator, the county clerk,
21 the county risk manager, and the secretary of corrections and his or
22 her designees. Officials designated may appoint representatives.

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

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

31 (a) Maximizing local resources including personnel and facilities,
32 (~~((reduce))~~) reducing duplication of services, and (~~((share))~~) sharing
33 resources between local and state government in order to accomplish
34 local efficiencies without diminishing effectiveness(~~((The plan shall
35 also include a section on jail management. This section may include
36 the following elements:~~

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

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

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

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

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

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

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

14 ~~(h) A proposed plan to collect, synthesize, and disseminate~~
15 ~~technical information concerning local criminal justice activities,~~
16 ~~facilities, and procedures;~~

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

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

23 ~~(5))~~);

24 (b) Jail management;

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

27 (d) Partnerships between the department and local community
28 policing and supervision programs to facilitate supervision of
29 offenders under the respective jurisdictions of each and timely
30 response to an offender's failure to comply with the terms of
31 supervision.

32 (4) The county legislative authority may request technical
33 assistance in ((developing or implementing the plan from)) coordinating
34 services with other units or agencies of state or local government,
35 which shall include the department, the office of financial management,
36 and the Washington association of sheriffs and police chiefs.

37 ~~((+6))~~ (5) Upon receiving a request for assistance from a county,
38 the department may provide the requested assistance.

1 ~~((7))~~ (6) The secretary may adopt rules for the submittal,
2 review, and approval of all requests for assistance made to the
3 department. ~~((The secretary may also appoint an advisory committee of
4 local and state government officials to recommend policies and
5 procedures relating to the state and local correctional systems and to
6 assist the department in providing technical assistance to local
7 governments. The committee shall include representatives of the county
8 sheriffs, the police chiefs, the county prosecuting attorneys, the
9 county and city legislative authorities, and the jail administrators.
10 The secretary may contract with other state and local agencies and
11 provide funding in order to provide the assistance requested by
12 counties.~~

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

18 ~~(9) The council shall establish an advisory committee on juvenile
19 justice proportionality. The council shall appoint the county juvenile
20 court administrator and at least five citizens as advisory committee
21 members. The citizen advisory committee members shall be
22 representative of the county's ethnic and geographic diversity. The
23 advisory committee members shall serve two year terms and may be
24 reappointed. The duties of the advisory committee include:~~

25 ~~(a) Monitoring and reporting to the sentencing guidelines
26 commission on the proportionality, effectiveness, and cultural
27 relevance of:~~

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

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

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

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

1 populations demonstrating that the program or practice is effective in
2 reducing recidivism for the population.

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

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

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

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

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

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

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

1 ~~((12))~~ (15) "Privilege" means any goods or services, education or
2 work programs, or earned early release days, the receipt of which are
3 directly linked to an inmate's (a) good conduct; and (b) good
4 performance. Privileges do not include any goods or services the
5 department is required to provide under the state or federal
6 Constitution or under state or federal law.

7 ~~((13))~~ (16) "Promising practice" means a practice that presents,
8 based on preliminary information, potential for becoming a
9 research-based or consensus-based practice.

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

13 (18) "Secretary" means the secretary of corrections or his or her
14 designee.

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

21 ~~((15))~~ (20) "Superintendent" means the superintendent of a
22 correctional facility under the jurisdiction of the Washington state
23 department of corrections, or his or her designee.

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

31 ~~((17))~~ (22) "Vocational training" or "vocational education" means
32 "vocational education" as defined in RCW 72.62.020.

33 (23) "Washington business" means an in-state manufacturer or
34 service provider subject to chapter 82.04 RCW existing on June 10,
35 2004.

36 ~~((18))~~ (24) "Work programs" means all classes of correctional
37 industries jobs authorized under RCW 72.09.100.

1 NEW SECTION. **Sec. 302.** A new section is added to chapter 72.09

2 RCW to read as follows:

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

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

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

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

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

18 (3) Individual reentry plans shall take into account:

19 (a) The offender's ability to participate in programming or
20 activities due to a mental or physical disability or mental illness;
21 and

22 (b) Victim safety concerns and no contact provisions of the
23 judgment and sentence.

24 (4) The initial assessment shall be conducted, whenever possible,
25 within the first six weeks after entry into the department of
26 corrections and shall be periodically reviewed and updated as
27 appropriate.

28 (5)(a) Prior to discharge of any offender, the department shall
29 evaluate the offender's needs and, to the extent possible, connect the
30 offender with existing services and resources that meet those needs,
31 including a plan for the offender to become connected with a community
32 justice center and/or community transition coordination network in the
33 area in which the offender will be residing once released from the
34 correctional system.

35 (b) If the department recommends partial confinement in an
36 offender's individual reentry plan, the department shall maximize the
37 period of partial confinement for the offender as allowed pursuant to

1 section 402 of this act to facilitate the offender's transition to the
2 community.

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

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

10 (8) The state or a person, individually or in a representative
11 capacity for the state, who is involved in the assessment or screening
12 of an offender for the purpose of creating, amending, maintaining, or
13 implementing an individual reentry plan or who is involved in the
14 delivery of services related to an individual reentry plan as provided
15 in this section, is not liable for selecting one of two or more
16 alternative courses of action even though the course of action chosen
17 results in a poor outcome if the person exercised reasonable care and
18 skill in arriving at the judgment to follow the particular course of
19 action.

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

21 NEW SECTION. **Sec. 401.** (1) The legislature intends that
22 Washington's work release centers be transformed into residential
23 reentry centers with the capacity to provide or connect offenders with
24 the full range of reentry services to achieve measurable outcomes. The
25 Washington state institute for public policy shall conduct a
26 comprehensive analysis and evaluation of residential reentry centers
27 and work release facilities to identify evidence-based, research-based,
28 and promising practices or programs for the state of Washington and the
29 necessary performance measures that show the greatest quality,
30 effectiveness, and efficiency of the program on key outcomes. The
31 research should include an examination of reentry and work release
32 practices in both urban and rural areas and both inside and outside of
33 the state of Washington. The institute should identify what services
34 or combination of services should be provided to participants of
35 residential reentry centers and the length of time services should be

1 provided to optimize the successful transition of an offender back into
2 society.

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

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

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

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

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

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

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

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

1 (f) Victim and community safety concerns are given priority when
2 determining appropriate placement in residential reentry centers for
3 individual offenders;

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

6 (h) Programs have the necessary performance measures needed to
7 effectively monitor the quality, effectiveness, and efficiency of the
8 programs.

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

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

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

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

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

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

29 (a) A violator program to allow the department to utilize a range
30 of available sanctions for offenders who violate conditions of their
31 supervision;

32 (b) An employment opportunity program to assist an offender in
33 finding employment; and

34 (c) Resources for connecting offenders with services such as
35 treatment, transportation, training, family reunification, and
36 community services.

1 (4) In addition to any other programs or services offered by a
2 community justice center, the department shall designate a transition
3 coordinator to facilitate connections between the former offender and
4 the community. The department may designate transition coordination
5 services to be provided by a community transition coordination network
6 pursuant to section 103 of this act if one has been established in the
7 community where the community justice center is located and the
8 department has entered into a memorandum of understanding with the
9 county to share resources.

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

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

18 (i) Programs offered through the department of social and health
19 services, the department of health, the department of licensing,
20 housing authorities, local community and technical colleges, other
21 state or federal entities which provide public benefits, and nonprofit
22 entities;

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

28 (b) Coordinating access to the existing services with the community
29 providers and provide offenders with information regarding how to
30 access the various type of services and resources that are available in
31 the community.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 No person serving a sentence imposed pursuant to this chapter and
16 committed to the custody of the department shall leave the confines of
17 the correctional facility or be released prior to the expiration of the
18 sentence except as follows:

19 (1) Except as otherwise provided for in subsection (2) of this
20 section, the term of the sentence of an offender committed to a
21 correctional facility operated by the department may be reduced by
22 earned release time in accordance with procedures that shall be
23 developed and promulgated by the correctional agency having
24 jurisdiction in which the offender is confined. The earned release
25 time shall be for good behavior and good performance, as determined by
26 the correctional agency having jurisdiction. The correctional agency
27 shall not credit the offender with earned release credits in advance of
28 the offender actually earning the credits. Any program established
29 pursuant to this section shall allow an offender to earn early release
30 credits for presentence incarceration. If an offender is transferred
31 from a county jail to the department, the administrator of a county
32 jail facility shall certify to the department the amount of time spent
33 in custody at the facility and the amount of earned release time. An
34 offender who has been convicted of a felony committed after July 23,
35 1995, that involves any applicable deadly weapon enhancements under RCW

1 9.94A.533 (3) or (4), or both, shall not receive any good time credits
2 or earned release time for that portion of his or her sentence that
3 results from any deadly weapon enhancements.

4 (a) In the case of an offender convicted of a serious violent
5 offense, or a sex offense that is a class A felony, committed on or
6 after July 1, 1990, and before July 1, 2003, the aggregate earned
7 release time may not exceed fifteen percent of the sentence. In the
8 case of an offender convicted of a serious violent offense, or a sex
9 offense that is a class A felony, committed on or after July 1, 2003,
10 the aggregate earned release time may not exceed ten percent of the
11 sentence.

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

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

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

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

21 (I) A sex offense;

22 (II) A violent offense;

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

24 (IV) A felony that is domestic violence as defined in RCW
25 10.99.020;

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

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

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

32 (~~and~~)

33 (C) Has no prior conviction for:

34 (I) A sex offense;

35 (II) A violent offense;

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

37 (IV) A felony that is domestic violence as defined in RCW
38 10.99.020;

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

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

5 (VII) A violation of, or an attempt, solicitation, or conspiracy to
6 violate, RCW 69.50.406 (delivery of a controlled substance to a minor);
7 and

8 (D) Participates in programming or activities as directed by the
9 offender's individual reentry plan as provided under section 302 of
10 this act to the extent that such programming or activities are made
11 available by the department.

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

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

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

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

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

36 (2)(a) A person convicted of a sex offense or an offense
37 categorized as a serious violent offense, assault in the second degree,
38 vehicular homicide, vehicular assault, assault of a child in the second

1 degree, any crime against persons where it is determined in accordance
2 with RCW 9.94A.602 that the offender or an accomplice was armed with a
3 deadly weapon at the time of commission, or any felony offense under
4 chapter 69.50 or 69.52 RCW, committed before July 1, 2000, may become
5 eligible, in accordance with a program developed by the department, for
6 transfer to community custody status in lieu of earned release time
7 pursuant to subsection (1) of this section;

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

14 (c) The department shall, as a part of its program for release to
15 the community in lieu of earned release, require the offender to
16 propose a release plan that includes an approved residence and living
17 arrangement. All offenders with community placement or community
18 custody terms eligible for release to community custody status in lieu
19 of earned release shall provide an approved residence and living
20 arrangement prior to release to the community;

21 (d) The department may deny transfer to community custody status in
22 lieu of earned release time pursuant to subsection (1) of this section
23 if the department determines an offender's release plan, including
24 proposed residence location and living arrangements, may violate the
25 conditions of the sentence or conditions of supervision, place the
26 offender at risk to violate the conditions of the sentence, place the
27 offender at risk to reoffend, or present a risk to victim safety or
28 community safety. The department's authority under this section is
29 independent of any court-ordered condition of sentence or statutory
30 provision regarding conditions for community custody or community
31 placement;

32 (e) If the department denies transfer to community custody status
33 in lieu of earned early release pursuant to (d) of this subsection, the
34 department may transfer an offender to partial confinement in lieu of
35 earned early release up to three months. The three months in partial
36 confinement is in addition to that portion of the offender's term of
37 confinement that may be served in partial confinement as provided in
38 this section;

1 (f) An offender serving a term of confinement imposed under RCW
2 9.94A.670(4)(a) is not eligible for earned release credits under this
3 section;

4 (3) An offender may leave a correctional facility pursuant to an
5 authorized furlough or leave of absence. In addition, offenders may
6 leave a correctional facility when in the custody of a corrections
7 officer or officers;

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

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

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

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

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

20 (c) The secretary shall require electronic monitoring for all
21 offenders in extraordinary medical placement unless the electronic
22 monitoring equipment interferes with the function of the offender's
23 medical equipment or results in the loss of funding for the offender's
24 medical care. The secretary shall specify who shall provide the
25 monitoring services and the terms under which the monitoring shall be
26 performed.

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

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

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

1 (7) The governor may pardon any offender;

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

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

8 Notwithstanding any other provisions of this section, an offender
9 sentenced for a felony crime listed in RCW 9.94A.540 as subject to a
10 mandatory minimum sentence of total confinement shall not be released
11 from total confinement before the completion of the listed mandatory
12 minimum sentence for that felony crime of conviction unless allowed
13 under RCW 9.94A.540, however persistent offenders are not eligible for
14 extraordinary medical placement.

15 NEW SECTION. **Sec. 405.** (1) The secretary of the department of
16 corrections, or the secretary's designee, shall within existing
17 resources, review current laws and policy regarding the supervision of
18 offenders through the department of corrections.

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

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

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

24 (c) Review the workloads of community corrections officers and
25 other staff associated with supervision activities, including the
26 utilization of specialized caseloads and field offices;

27 (d) Review the supervision violation hearings and sanctions process
28 to:

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

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

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

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

1 (f) Standardize and implement consistent quality assurance
2 standards for community corrections staff; and

3 (g) Review mechanisms to provide better access to information by
4 community corrections officers about the offenders they are supervising
5 including statutory changes to confidentiality provisions and
6 utilization of automation and technology.

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

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

12 **Sec. 406.** RCW 9.94A.850 and 2005 c 282 s 19 are each amended to
13 read as follows:

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

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

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

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

22 (ii) The intent of the legislature to emphasize confinement for the
23 violent offender and alternatives to confinement for the nonviolent
24 offender.

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

28 (b) Recommend to the legislature revisions or modifications to the
29 standard sentence ranges, state sentencing policy, prosecuting
30 standards, and other standards. If implementation of the revisions or
31 modifications would result in exceeding the capacity of correctional
32 facilities, then the commission shall accompany its recommendation with
33 an additional list of standard sentence ranges which are consistent
34 with correction capacity;

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

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

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

14 (f) Evaluate the effectiveness of existing disposition standards
15 and related statutes in implementing policies set forth in RCW
16 13.40.010 generally, specifically review the guidelines relating to the
17 confinement of minor and first-time offenders as well as the use of
18 diversion, and review the application of current and proposed juvenile
19 sentencing standards and guidelines for potential adverse impacts on
20 the sentencing outcomes of racial and ethnic minority youth;

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

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

37 (i) Racial disproportionality in juvenile and adult sentencing,

1 and, if available, the impact that diversions, such as youth courts,
2 have on racial disproportionality in juvenile prosecution,
3 adjudication, and sentencing;

4 (ii) The capacity of state and local juvenile and adult facilities
5 and resources; and

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

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

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

13 (a) If the maximum term in the range is one year or less, the
14 minimum term in the range shall be no less than one-third of the
15 maximum term in the range, except that if the maximum term in the range
16 is ninety days or less, the minimum term may be less than one-third of
17 the maximum;

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

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

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

35 (b) The legislature may, by enactment of a legislative bill, adopt
36 or modify the community custody ranges proposed by the commission. If
37 the legislature fails to adopt or modify the initial ranges in its next

1 regular session after they are proposed, the proposed ranges shall take
2 effect without legislative approval for crimes committed on or after
3 July 1, 2000.

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

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

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

18 PART V - EDUCATION

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

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

31 (2) The legislature recognizes more inmates may agree to
32 participate in education and work programs than are available. The
33 department must make every effort to achieve maximum public benefit by
34 placing inmates in available and appropriate education and work
35 programs.

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

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

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

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

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

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

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

37 ~~(5) The department shall establish, by rule, standards for~~

1 participation in department approved education and work programs. The
2 standards shall address the following areas:

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

19 (b) Placement. The department shall follow the policies set forth
20 in subsection (1) of this section in establishing criteria for placing
21 inmates in education and work programs. The department shall, to the
22 extent possible, place all inmates whose composite grade level score
23 for basic academic skills is below the eighth grade level in a combined
24 education and work program. The placement criteria shall include at
25 least the following factors)) (iii) Additional work and education
26 programs necessary for compliance with an offender's individual reentry
27 plan under section 302 of this act with the exception of postsecondary
28 education degree programs as provided in section 502 of this act; and

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

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

37 (c) If programming is provided pursuant to (a)(iv) of this
38 subsection, inmates shall be required to pay all or a portion of the

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

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

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

23 (4) The department shall provide access to a program of education
24 to all offenders who are under the age of twenty-two and who have not
25 met high school graduation or general equivalency diploma requirements
26 in accordance with chapter 28A.193 RCW. The program of education
27 established by the department and education provider under RCW
28 28A.193.020 for offenders under the age of twenty-two must provide each
29 offender a choice of curriculum that will assist the inmate in
30 achieving a high school diploma or general equivalency diploma. The
31 program of education may include but not be limited to basic education,
32 prevocational training, work ethic skills, conflict resolution
33 counseling, substance abuse intervention, and anger management
34 counseling. The curriculum may balance these and other rehabilitation,
35 work, and training components.

36 (5)(a) In addition to the policies set forth in this section, the
37 department shall consider the following factors in establishing

1 criteria for assessing the inclusion of education and work programs in
2 an inmate's individual reentry plan and in placing inmates in education
3 and work programs:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 ~~(i) Shall not be required to participate in education programming;~~
9 ~~and~~

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

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

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

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

31 ~~(8) The department shall adopt a plan to reduce the per pupil cost~~
32 ~~of instruction by, among other methods, increasing the use of volunteer~~
33 ~~instructors and implementing technological efficiencies. The plan~~
34 ~~shall be adopted by December 1996 and shall be transmitted to the~~
35 ~~legislature upon adoption. The department shall, in adoption of the~~
36 ~~plan, consider distance learning, satellite instruction, video tape~~
37 ~~usage, computer aided instruction, and flexible scheduling of offender~~
38 ~~instruction.~~

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

6 (6) Eligible inmates who refuse to participate in available
7 education or work programs available at no charge to the inmates shall
8 lose privileges according to the system established under RCW
9 72.09.130. Eligible inmates who are required to contribute financially
10 to an education or work program and refuse to contribute shall be
11 placed in another work program. Refusal to contribute shall not result
12 in a loss of privileges.

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

27 (8) The department shall establish policies requiring an offender
28 to pay all or a portion of the costs and tuition for any vocational
29 training or postsecondary education program if the offender completed
30 more than two hundred hours in the program and then withdrew from
31 participation without approval from the department. Department
32 policies shall include a formula for determining how much an offender
33 shall be required to pay. The formula shall include steps which
34 correlate to an offender average monthly income or average available
35 balance in a personal inmate savings account and which are correlated
36 to a prorated portion or percent of the per credit fee for tuition,
37 books, or other ancillary costs. The formula shall be reviewed every
38 two years. A third party may pay directly to the department all or a

1 portion of costs and tuition for any program on behalf of an inmate
2 under this subsection. Such payments shall not be subject to any of
3 the deductions as provided in this chapter.

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

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

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

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

14 (d) Shall be subject to the applicable provisions of this chapter
15 relating to inmate financial responsibility for programming except the
16 postsecondary education degree loan program as provided in section
17 502(3) of this act.

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

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

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

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

36 (b) A third party shall provide the required payment or payments

1 directly to the department on behalf of an inmate, and such payments
2 shall not be subject to any of the deductions as provided in this
3 chapter; or

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

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

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

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

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

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

33 (a) "Cost of incarceration" means the cost of providing an inmate
34 with shelter, food, clothing, transportation, supervision, and other
35 services and supplies as may be necessary for the maintenance and
36 support of the inmate while in the custody of the department, based on

1 the average per inmate costs established by the department and the
2 office of financial management.

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

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

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

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

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

17 (c) Twenty percent to the department to contribute to the cost of
18 incarceration;

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

22 (e) Fifteen percent for any child support owed under a support
23 order.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (a) Technological advances which could serve to expand educational
35 programs and vocational training including, but not limited to,
36 distance learning, satellite instruction, videotape usage, computer
37 aided instruction, and flexible scheduling and also considering the

1 infrastructure, resources, and security that would be needed to
2 implement the program or training. These advances shall be assessed
3 for their ability to provide the most cost-efficient and effective
4 programming for offenders;

5 (b) Methods to ensure that educational programs and vocational
6 training are relevant to enhance the employability of offenders upon
7 release; and

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

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

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

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

22 **PART VI - EMPLOYMENT BARRIERS**

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

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

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

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

35 (4) Credit is only earned when:

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

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

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

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

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

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

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

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

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

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

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

6 NEW SECTION. **Sec. 604.** (1) By July 1, 2007, the director of the
7 department of licensing, or the director's designee, shall, within
8 existing resources, convene and chair a work group to review and
9 recommend changes to occupational licensing laws and policies to
10 encourage the employment of individuals with criminal convictions while
11 ensuring the safety of the public.

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

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

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

27 (b) Develop a process and standards by which the department of
28 licensing and licensing agencies will determine whether a criminal
29 conviction renders an applicant an unsuitable candidate for a license
30 or whether a conviction warrants revocation or suspension of a license
31 previously granted;

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

35 (d) Establish mechanisms for making information regarding the
36 process and guidelines easily accessible to potential applicants with
37 criminal histories.

1 (4) The department of licensing shall present a report of its
2 findings and recommendations to the governor and the appropriate
3 committees of the legislature, including any proposed legislation, by
4 November 15, 2007.

5 (5) This section expires December 15, 2007.

6 **PART VII - HOUSING**

7 NEW SECTION. **Sec. 701.** The legislature finds that, in order to
8 improve the safety of our communities, more housing needs to be made
9 available to offenders returning to the community. The legislature
10 intends to increase the housing available to offenders by providing
11 that landlords who rent to offenders shall be immune from civil
12 liability for damages that may result from the criminal conduct of the
13 tenant.

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

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

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

23 The legislature recognizes that stable, habitable, and supportive
24 housing is a critical factor that increases a previously incarcerated
25 individual's access to treatment and services as well as the likelihood
26 of success in the community. Housing authorities are therefore
27 encouraged to formulate rental policies that are not unduly burdensome
28 to previously incarcerated individuals attempting to reenter the
29 community, particularly when the individual's family may already reside
30 in government subsidized housing.

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

33 (1) The offender reentry transitional housing assistance program is

1 created in the department of community, trade, and economic development
2 to assist homeless offenders secure and retain safe, decent, and
3 affordable housing. Within funds appropriated under this section, the
4 department shall provide grants to eligible organizations, as described
5 in RCW 43.185.060, to provide assistance to program participants. The
6 eligible organizations must use grant moneys for:

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

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

13 (c) Contracts with supportive housing facilities to exclusively
14 provide housing for homeless offenders. Supportive housing is housing
15 that will provide a structured living environment for offenders to
16 assist an offender in developing the interpersonal and social survival
17 skills necessary to be independent and self-reliant in mainstream
18 society; and

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

21 (2) Eligible to receive assistance up to twelve months through the
22 offender reentry transitional housing assistance program are offenders
23 who:

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

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

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

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

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

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

4 (6) The department of corrections shall cooperate with the
5 department in:

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

8 (b) Developing rules, requirements, procedures, and guidelines as
9 necessary to implement and operate the offender reentry transitional
10 housing assistance program.

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

13 (a) Help identify appropriate housing solutions in the community
14 for offenders;

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

17 (c) Identify enhancements to training provided to offenders prior
18 to discharge that may assist an offender in effectively transitioning
19 to the community;

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

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

25 (8) The department shall produce an annual transitional housing
26 operating and rent program report that must be included in the
27 department's homeless housing strategic plan as described in RCW
28 43.185C.040. The report must include performance measures to be
29 determined by the department that address, at a minimum, the following
30 issue areas:

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

34 (b) The financial performance of the program related to efficient
35 program administration by the department and program operation by
36 selected eligible organizations, including an analysis of the costs per
37 program participant served;

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

4 (d) The satisfaction of housing assistance recipients in the
5 assistance provided through the program.

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

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

14 The offender reentry transitional housing assistance account is
15 created in the custody of the state treasurer. All receipts from
16 sources directed to the offender reentry transitional housing
17 assistance program must be deposited into the account. Expenditures
18 from the account may be used solely for the purpose of the offender
19 reentry transitional housing assistance program as described in section
20 704 of this act. Only the director of the department of community,
21 trade and economic development or the director's designee may authorize
22 expenditures from the account. The account is subject to allotment
23 procedures under chapter 43.88 RCW, but an appropriation is not
24 required for expenditures.

25 **PART VIII - RESTORATION OF CIVIL RIGHTS**

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

28 An "infamous crime" is a crime punishable by death in the state
29 penitentiary or imprisonment in a state correctional facility. The
30 definition of "infamous crime" does not include juvenile adjudications
31 pursuant to chapter 13.40 RCW or adult convictions for misdemeanors and
32 gross misdemeanors.

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

1 ~~(1) ((Upon receiving official notice of a person's conviction of a~~
2 ~~felony in either state or federal court, if the convicted person is a~~
3 ~~registered voter in the county, the county auditor shall cancel the~~
4 ~~defendant's voter registration. Additionally, the secretary of state~~
5 ~~in conjunction with the department of corrections, the Washington state~~
6 ~~patrol, the office of the administrator for the courts, and other~~
7 ~~appropriate state agencies shall arrange for a quarterly comparison of~~
8 ~~a list of known felons with the statewide voter registration list.))~~
9 A person who has been convicted of a felony and who is under the
10 authority of the department of corrections as a result of that felony
11 conviction is ineligible to vote. Following conviction of a felony,
12 the right to vote is provisionally restored as long as the person is
13 not under the authority of the department of corrections.

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

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

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

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

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

36 (5) At least twice a year, the secretary of state shall compare the
37 list of registered voters to a list of felons who are not eligible to
38 vote as provided in subsections (1) and (3) of this section. If a

1 (~~person is found on a felon list and the statewide voter registration~~
2 ~~list~~) registered voter is not eligible to vote as provided in this
3 section, the secretary of state or county auditor shall confirm the
4 match through a date of birth comparison and suspend the voter
5 registration from the official state voter registration list. The
6 canceling authority shall send to the person at his or her last known
7 voter registration address a notice of the proposed cancellation and an
8 explanation of the requirements for provisionally and permanently
9 restoring the right to vote (~~once all terms of sentencing have been~~
10 ~~completed~~) and reregistering. If the person does not respond within
11 thirty days, the registration must be canceled. To the extent
12 possible, the secretary of state shall time the comparison required by
13 this subsection to allow notice and cancellation of voting rights for
14 ineligible voters prior to a primary or general election.

15 ((+2)) (6) The right to vote may be permanently restored by(~~, for~~
16 ~~each felony conviction,~~) one of the following for each felony
17 conviction:

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

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

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

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

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

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

34 (2)(a) Upon termination of a suspended sentence under RCW 9.92.060
35 or 9.95.210, the person may apply to the sentencing court for a
36 vacation of the person's record of conviction under RCW 9.94A.640. The
37 court may, in its discretion, clear the record of conviction if it

1 finds the person has met the equivalent of the tests in RCW
2 9.94A.640(2) as those tests would be applied to a person convicted of
3 a crime committed before July 1, 1984.

4 (b) The clerk of the court in which the vacation order is entered
5 shall immediately transmit the order vacating the conviction to the
6 Washington state patrol identification section and to the local police
7 agency, if any, which holds criminal history information for the person
8 who is the subject of the conviction. The Washington state patrol and
9 any such local police agency shall immediately update their records to
10 reflect the vacation of the conviction, and shall transmit the order
11 vacating the conviction to the federal bureau of investigation. A
12 conviction that has been vacated under this section may not be
13 disseminated or disclosed by the state patrol or local law enforcement
14 agency to any person, except other criminal justice enforcement
15 agencies.

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

18 (1)(a) When an offender has completed all requirements of the
19 sentence, including any and all legal financial obligations, and while
20 under the custody and supervision of the department, the secretary or
21 the secretary's designee shall notify the sentencing court, which shall
22 discharge the offender and provide the offender with a certificate of
23 discharge by issuing the certificate to the offender in person or by
24 mailing the certificate to the offender's last known address.

25 (b)(i) When an offender has reached the end of his or her
26 supervision with the department and has completed all the requirements
27 of the sentence except his or her legal financial obligations, the
28 secretary's designee shall provide the county clerk with a notice that
29 the offender has completed all nonfinancial requirements of the
30 sentence.

31 (ii) When the department has provided the county clerk with notice
32 that an offender has completed all the requirements of the sentence and
33 the offender subsequently satisfies all legal financial obligations
34 under the sentence, the county clerk shall notify the sentencing court,
35 including the notice from the department, which shall discharge the
36 offender and provide the offender with a certificate of discharge by

1 issuing the certificate to the offender in person or by mailing the
2 certificate to the offender's last known address.

3 (c) When an offender who is subject to requirements of the sentence
4 in addition to the payment of legal financial obligations either is not
5 subject to supervision by the department or does not complete the
6 requirements while under supervision of the department, it is the
7 offender's responsibility to provide the court with verification of the
8 completion of the sentence conditions other than the payment of legal
9 financial obligations. When the offender satisfies all legal financial
10 obligations under the sentence, the county clerk shall notify the
11 sentencing court that the legal financial obligations have been
12 satisfied. When the court has received both notification from the
13 clerk and adequate verification from the offender that the sentence
14 requirements have been completed, the court shall discharge the
15 offender and provide the offender with a certificate of discharge by
16 issuing the certificate to the offender in person or by mailing the
17 certificate to the offender's last known address.

18 (2) The court shall send a copy of every signed certificate of
19 discharge to the auditor for the county in which the court resides and
20 to the department. The department shall create and maintain a database
21 containing the names of all felons who have been issued certificates of
22 discharge, the date of discharge, and the date of conviction and
23 offense.

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

30 (4) Except as provided in subsection (5) of this section, the
31 discharge shall have the effect of restoring all civil rights (~~lost by~~
32 ~~operation of law upon conviction~~) not already restored by RCW
33 29A.08.520, and the certificate of discharge shall so state. Nothing
34 in this section prohibits the use of an offender's prior record for
35 purposes of determining sentences for later offenses as provided in
36 this chapter. Nothing in this section affects or prevents use of the
37 offender's prior conviction in a later criminal prosecution either as

1 an element of an offense or for impeachment purposes. A certificate of
2 discharge is not based on a finding of rehabilitation.

3 (5) Unless otherwise ordered by the sentencing court, a certificate
4 of discharge shall not terminate the offender's obligation to comply
5 with an order issued under chapter 10.99 RCW that excludes or prohibits
6 the offender from having contact with a specified person or coming
7 within a set distance of any specified location that was contained in
8 the judgment and sentence. An offender who violates such an order
9 after a certificate of discharge has been issued shall be subject to
10 prosecution according to the chapter under which the order was
11 originally issued.

12 (6) Upon release from custody, the offender may apply to the
13 department for counseling and help in adjusting to the community. This
14 voluntary help may be provided for up to one year following the release
15 from custody.

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

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

26 The board shall send a copy of every signed certificate of
27 discharge (~~to the auditor for the county in which the offender was~~
28 ~~sentenced and~~) to the department of corrections. The department shall
29 create and maintain a database containing the names of all felons who
30 have been issued certificates of discharge, the date of discharge, and
31 the date of conviction and offense.

32 The board retains the jurisdiction to issue a certificate of
33 discharge after the expiration of the prisoner's or parolee's maximum
34 statutory sentence. If not earlier granted, the board shall make a
35 final order of discharge three years from the date of parole unless the
36 parolee is on suspended or revoked status at the expiration of the
37 three years. Such discharge, regardless of when issued, shall have the

1 effect of restoring all civil rights (~~lost by operation of law upon~~
2 ~~conviction~~) not already restored by RCW 29A.08.520, and the
3 certification of discharge shall so state. This restoration of civil
4 rights shall not restore the right to receive, possess, own, or
5 transport firearms.

6 The discharge provided for in this section shall be considered as
7 a part of the sentence of the convicted person and shall not in any
8 manner be construed as affecting the powers of the governor to pardon
9 any such person.

10 **Sec. 806.** RCW 10.64.140 and 2005 c 246 s 1 are each amended to
11 read as follows:

12 When a person is convicted of a felony, the court shall require the
13 defendant to sign a statement acknowledging that:

14 (1) The defendant's right to vote has been lost due to the felony
15 conviction;

16 (2) (~~If the defendant is registered to vote, the voter~~
17 ~~registration will be canceled~~) The right to vote is provisionally
18 restored as long as the defendant is not under the authority of the
19 department of corrections;

20 (3) The provisional right to vote may be revoked if the defendant
21 fails to comply with all the terms of his or her legal financial
22 obligations or an agreement for the payment of legal financial
23 obligations;

24 (~~(+3)~~) (4) The right to vote may be permanently restored by one of
25 the following for each felony conviction:

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

28 (b) A court order issued by the sentencing court restoring the
29 right, as provided in RCW 9.92.066;

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

32 (d) A certificate of restoration issued by the governor, as
33 provided in RCW 9.96.020; and

34 (~~(+4)~~) (5) Voting before the right is restored is a class C felony
35 under RCW 29A.84.660.

1 the department or ombudsman, except as prohibited by law; and (ii) make
2 recommendations to all branches of government;

3 (g) Request legislation;

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

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

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

10 (5) The members of the committee shall serve without additional
11 compensation, but will be reimbursed for their travel expenses, in
12 accordance with RCW 44.04.120, incurred while attending sessions of the
13 committee or meetings of a subcommittee of the committee, while engaged
14 on other committee business authorized by the committee, and while
15 going to and coming from committee sessions or committee meetings.

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

17 **PART X - MISCELLANEOUS**

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

20 NEW SECTION. **Sec. 1002.** If any provision of this act or its
21 application to any person or circumstance is held invalid, the
22 remainder of the act or the application of the provision to other
23 persons or circumstances is not affected.

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

--- END ---