
SUBSTITUTE HOUSE BILL 1232

State of Washington

63rd Legislature

2013 Regular Session

By House Public Safety (originally sponsored by Representatives Sells, Zeiger, Morrell, Hayes, McCoy, Klippert, Fey, Holy, Jenkins, and Smith)

READ FIRST TIME 02/22/13.

1 AN ACT Relating to conditions under which the department of
2 corrections provides rental vouchers to a registered sex offender;
3 amending RCW 9.94A.729; and adding a new section to chapter 72.09 RCW.

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

5 **Sec. 1.** RCW 9.94A.729 and 2011 1st sp.s. c 40 s 4 are each amended
6 to read as follows:

7 (1)(a) The term of the sentence of an offender committed to a
8 correctional facility operated by the department may be reduced by
9 earned release time in accordance with procedures that shall be
10 developed and adopted by the correctional agency having jurisdiction in
11 which the offender is confined. The earned release time shall be for
12 good behavior and good performance, as determined by the correctional
13 agency having jurisdiction. The correctional agency shall not credit
14 the offender with earned release credits in advance of the offender
15 actually earning the credits.

16 (b) Any program established pursuant to this section shall allow an
17 offender to earn early release credits for presentence incarceration.
18 If an offender is transferred from a county jail to the department, the
19 administrator of a county jail facility shall certify to the department

1 the amount of time spent in custody at the facility and the amount of
2 earned release time. The department may approve a jail certification
3 from a correctional agency that calculates earned release time based on
4 the actual amount of confinement time served by the offender before
5 sentencing when an erroneous calculation of confinement time served by
6 the offender before sentencing appears on the judgment and sentence.

7 (2) An offender who has been convicted of a felony committed after
8 July 23, 1995, that involves any applicable deadly weapon enhancements
9 under RCW 9.94A.533 (3) or (4), or both, shall not receive any good
10 time credits or earned release time for that portion of his or her
11 sentence that results from any deadly weapon enhancements.

12 (3) An offender may earn early release time as follows:

13 (a) In the case of an offender convicted of a serious violent
14 offense, or a sex offense that is a class A felony, committed on or
15 after July 1, 1990, and before July 1, 2003, the aggregate earned
16 release time may not exceed fifteen percent of the sentence.

17 (b) In the case of an offender convicted of a serious violent
18 offense, or a sex offense that is a class A felony, committed on or
19 after July 1, 2003, the aggregate earned release time may not exceed
20 ten percent of the sentence.

21 (c) An offender is qualified to earn up to fifty percent of
22 aggregate earned release time if he or she:

23 (i) Is not classified as an offender who is at a high risk to
24 reoffend as provided in subsection (4) of this section;

25 (ii) Is not confined pursuant to a sentence for:

26 (A) A sex offense;

27 (B) A violent offense;

28 (C) A crime against persons as defined in RCW 9.94A.411;

29 (D) A felony that is domestic violence as defined in RCW 10.99.020;

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

31 (F) A violation of, or an attempt, solicitation, or conspiracy to
32 violate, RCW 69.50.401 by manufacture or delivery or possession with
33 intent to deliver methamphetamine; or

34 (G) A violation of, or an attempt, solicitation, or conspiracy to
35 violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

36 (iii) Has no prior conviction for the offenses listed in (c)(ii) of
37 this subsection;

1 (iv) Participates in programming or activities as directed by the
2 offender's individual reentry plan as provided under RCW 72.09.270 to
3 the extent that such programming or activities are made available by
4 the department; and

5 (v) Has not committed a new felony after July 22, 2007, while under
6 community custody.

7 (d) In no other case shall the aggregate earned release time exceed
8 one-third of the total sentence.

9 (4) The department shall perform a risk assessment of each offender
10 who may qualify for earned early release under subsection (3)(c) of
11 this section utilizing the risk assessment tool recommended by the
12 Washington state institute for public policy. Subsection (3)(c) of
13 this section does not apply to offenders convicted after July 1, 2010.

14 (5)(a) A person who is eligible for earned early release as
15 provided in this section and who will be supervised by the department
16 pursuant to RCW 9.94A.501 or 9.94A.5011, shall be transferred to
17 community custody in lieu of earned release time;

18 (b) The department shall, as a part of its program for release to
19 the community in lieu of earned release, require the offender to
20 propose a release plan that includes an approved residence and living
21 arrangement. All offenders with community custody terms eligible for
22 release to community custody in lieu of earned release shall provide an
23 approved residence and living arrangement prior to release to the
24 community;

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

34 (d) If the department is unable to approve the offender's release
35 plan, the department may do one or more of the following:

36 (i) Transfer an offender to partial confinement in lieu of earned
37 early release for a period not to exceed three months. The three

1 months in partial confinement is in addition to that portion of the
2 offender's term of confinement that may be served in partial
3 confinement as provided in RCW 9.94A.728(5);

4 (ii) Provide rental vouchers to the offender for a period not to
5 exceed three months if rental assistance will result in an approved
6 release plan. ~~((The))~~ A voucher ~~((must))~~ may only be provided in
7 conjunction with additional transition support programming or services
8 that enable an offender to participate in services including, but not
9 limited to, substance abuse treatment, mental health treatment, sex
10 offender treatment, educational programming, or employment programming;

11 (e) The department shall maintain a list of housing providers that
12 meets the requirements of section 2 of this act. A rental voucher for
13 a person required to register under RCW 9A.44.130 may only be paid to
14 a housing provider on the department's list;

15 (f) For each offender who is the recipient of a rental voucher, the
16 department shall ~~((include, concurrent with the data that the~~
17 ~~department otherwise obtains and records, the housing status of the~~
18 ~~offender for the duration of the offender's supervision))~~ gather data
19 as recommended by the Washington state institute for public policy in
20 order to best demonstrate whether rental vouchers are effective in
21 reducing recidivism.

22 (6) An offender serving a term of confinement imposed under RCW
23 9.94A.670(5)(a) is not eligible for earned release credits under this
24 section.

25 NEW SECTION. Sec. 2. A new section is added to chapter 72.09 RCW
26 to read as follows:

27 (1) A housing provider may be placed on a list with the department
28 to receive rental vouchers, as described in RCW 9.94A.729(5)(e), in
29 accordance with the provisions of this section.

30 (2) The department shall give preference to housing providers that
31 provide a small, family oriented, living environment. For a dwelling
32 unit, as defined in RCW 59.18.030, that houses between four and eight
33 individuals, or a greater number if permitted by local code, the
34 department shall provide transition support that verifies an offender
35 is participating in programming or services including, but not limited
36 to, substance abuse treatment, mental health treatment, sex offender
37 treatment, educational programming, development of positive living

1 skills, or employment programming. In addition, when selecting housing
2 providers, the department shall consider the compatibility of the
3 proposed offender housing with the surrounding neighborhood and
4 underlying zoning.

5 (3) The department shall provide the local law and justice council,
6 as described in RCW 72.09.300, or other designated county authority,
7 and a city's chief law enforcement officer if such housing is located
8 within a city, with notice any time a housing provider or new housing
9 location is added to the list within that county.

10 (4) If a certificate of inspection, as provided in RCW 59.18.125,
11 is required by local regulation and the local government does not have
12 a current certificate of inspection on file, the local government shall
13 have ten business days from the later of (a) receipt of notice from the
14 department as provided in subsection (3) of this section; or (b) from
15 the date the local government is given access to the dwelling unit to
16 conduct an inspection or reinspection to issue a certificate. If the
17 local government does not issue a certificate of inspection or deny a
18 certificate of inspection for failure to fulfill a substantial
19 obligation, as described in RCW 59.18.030(1), within the specified time
20 frame, the local regulation is deemed satisfied.

21 (5)(a) If, within ten business days of receipt of a notice from the
22 department of a new location or new housing provider, the relevant
23 county authority or city determines that the housing is in a
24 neighborhood with an existing concentration of special needs housing,
25 including retirement homes, assisted living, emergency or transitional
26 housing, or adult family homes, the county authority or city may
27 request the new location or new housing provider be removed from the
28 list.

29 (b) This subsection does not apply to housing providers approved by
30 the department to receive rental vouchers on the effective date of this
31 section.

32 (6) The county authority or city may at any time request a housing
33 provider be removed from the list if the county authority or city
34 provides information to the department that:

35 (a) It has determined that the housing does not comply with state
36 and local fire and building codes or applicable zoning and development
37 regulations in effect at the time the housing provider first began
38 receiving housing vouchers; or

1 (b) The housing provider is not complying with the provisions of
2 this section.

3 (7) After receiving a request to remove a housing provider from the
4 local law and justice council or city, the department shall immediately
5 notify the provider of the concerns and request that the provider
6 demonstrate that it is in compliance with the provisions of this
7 section. If, after ten days' written notice, the housing provider
8 cannot demonstrate to the department that it is in compliance with the
9 reasons for the county authority's or city's request for removal, the
10 department shall remove the housing provider from the list.

11 (8) This section does not create any civil liability on the part of
12 the state or an appointed or elected public official, public employee,
13 or public agency as defined in RCW 4.24.470, or a unit of local
14 government or any of its employees.

15 (9) A housing provider who provides housing pursuant to this
16 section is not liable for civil damages arising from the criminal
17 conduct of an offender to any greater extent than a regular tenant, and
18 no special duties are created under this section.

19 (10) This section only applies to the granting of vouchers to
20 offenders required to register under RCW 9A.44.130.

--- END ---