

FINAL BILL REPORT

ESSB 5118

C 265 L 21
Synopsis as Enacted

Brief Description: Supporting successful reentry.

Sponsors: Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Senators Darneille, Das, Hasegawa, Liias, Mullet, Nguyen, Saldaña and Wilson, C.).

Senate Committee on Human Services, Reentry & Rehabilitation
Senate Committee on Ways & Means
House Committee on Children, Youth & Families
House Committee on Appropriations

Background: Juvenile Rehabilitation Institutions. On July 1, 2019, the Juvenile Rehabilitation (JR) Division transferred to the Department of Children, Youth and Families (DCYF). JR operates three juvenile institutions for juveniles who are convicted of crimes and serving more than 30 days of confinement, and eight community facilities.

Disposition of Untried Complaint Against an Incarcerated Individual. Whenever there is a untried indictment, information, or complaint against an incarcerated individual, the individual must be brought to trial within 120 days after the individual delivers to the prosecutor and the superior court of the county where the indictment, information, or complaint is pending written notice of the individual's place of imprisonment and a request for a final disposition.

This request must be accompanied by a certificate of the superintendent having custody of the incarcerated individual, which has the following information:

- individual's term of commitment;
- the time already served;
- the time remaining to be served;
- the amount of good time earned;
- the time of parole eligibility; and
- any of the indeterminate sentence review board's decisions related to the individual.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

The court may grant a continuance in open court for good cause shown, and the individual has a right to be present during that hearing.

Growth Management Act. The Growth Management Act (GMA) is the comprehensive land-use planning framework for cities and counties in Washington State. Since its enactment in 1990 and 1991, the GMA establishes land use designations and environmental protection requirements for all Washington cities and counties.

The GMA directs planning jurisdictions to adopt internally consistent comprehensive land use plans that are generalized, coordinated land use policy statements of the governing body. Comprehensive plans must address specified planning elements, each of which is a subset of a comprehensive plan.

Essential Public Facilities. Comprehensive plans must include a process for identifying and siting essential public facilities. Under the GMA, essential public facilities include those that are typically difficult to site, such as airports, state education facilities, state or regional transportation facilities, regional transit authority facilities, state and local correctional facilities, solid waste facilities, and certain inpatient facilities, such as substance abuse facilities or group homes. Comprehensive plans and development regulations may not preclude the siting of essential public facilities.

Medicaid Suspension. In 2016, the Legislature directed the Washington State Health Care Authority (HCA) to suspend, rather than terminate, medical assistance benefits for individuals who are incarcerated. The State Medicaid Plan, consistent with federal law, does not allow expenditures and Medicaid funding for a person while they are incarcerated in a prison or jail, or detained for civil commitment in a large psychiatric institution.

Summary: Disposition of Untried Complaint Against an Incarcerated Individual. Individuals serving a term of imprisonment in JR are included in the requirement to bring an untried indictment, information, or complaint against the individual to trial within 120 days after the individual delivers to the prosecutor and the court written notice of the individual's place of imprisonment and a request for final disposition. Incarcerated individuals may also request to resolve an untried indictment, information, or complaint in district and municipal court.

The following time periods must be excluded from the 120-day period calculation:

- arraignment, pretrial proceedings, trial, and sentencing on an unrelated charge in a different county than the court where the charge is pending;
- proceedings related to competency to stand trial on the pending charge; and
- time during which the individual is detained in a federal jail or prison and subject to conditions of release not imposed by Washington State.

When the superintendent receives a request to transport an individual to resolve an untried

warrant, they must inform the prosecuting attorney or court of the individual's current location and availability for trial. If the individual is unavailable for transportation due to court proceedings in another county, the superintendent must provide an updated certificate and inform the prosecuting attorney or court when the individual becomes available for transport.

Essential Public Facilities. DCYF's community facilities operated for JR are designated essential public facilities. DCYF cannot site new community facilities in eastern Washington or east of the crest of the Cascade mountain range until there is an equal amount of sited community facilities in western Washington.

Healthcare Notification. A written notification of a committed individual's planned release must be sent to the individual's health care insurance provider at least 30 days before the final release. The notice must include the following:

- current location;
- contact information;
- expected location; and
- contact information upon release.

If the committed individual is not enrolled in a health insurance program, DCYF and HCA must assist the individual in obtaining coverage that they are eligible for at least 30 days before release.

Votes on Final Passage:

Senate	32	14	
House	67	31	(House amended)
Senate	33	16	(Senate concurred)

Effective: July 25, 2021