
HOUSE BILL 1874

State of Washington

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By Representatives Roberts, Dickerson, Green, Pettigrew, O'Brien, Kagi, Dunshee, Hunt, Goodman, Jarrett, Darneille, Hasegawa, McCoy, Appleton, Upthegrove, Kessler, Kenney, Moeller, Lantz, Sells, Hurst, Simpson, McIntire and Ormsby

Read first time 01/30/2007. Referred to Committee on Human Services.

1 AN ACT Relating to transition and reentry of offenders into the
2 community; amending RCW 9.94A.728, 72.09.460, 9.94A.737, 9.96.050, and
3 9.94A.637; adding a new section to chapter 72.09 RCW; adding a new
4 section to chapter 43.63A RCW; adding a new chapter to Title 72 RCW;
5 creating new sections; making appropriations; and providing expiration
6 dates.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that approximately
9 eight thousand five hundred offenders are returned to the community
10 from Washington prisons each year. Research from the Washington state
11 institute for public policy indicates that approximately fifty percent
12 of these offenders will commit another crime and return to prison or
13 jail within three years.

14 Washington's incarceration rate is expected to increase twenty-
15 three percent by the year 2019 and current long-term forecasts predict
16 that Washington will need to build two new prisons by 2020 and possibly
17 a third prison by 2030.

18 The Washington institute for public policy research finds that if
19 Washington successfully implements a moderate to aggressive portfolio

1 of evidence-based options, a significant level of future prison
2 construction can be avoided, taxpayers can save about two billion
3 dollars, and crime rates can be reduced.

4 It is the intent of the legislature to support evidence-based
5 programing for offenders and focus on facilitating the successful
6 reentry of offenders into the community. The goals of the offender
7 reentry programs are to increase public safety, maximize rehabilitation
8 of offenders, and lower recidivism.

9 NEW SECTION. **Sec. 2.** The definition in this section applies
10 throughout this chapter unless the context clearly requires otherwise.

11 An "individual reentry plan" means the plan to prepare the inmate
12 for release into the community. It is developed collaboratively
13 between the department and the inmate. The plan is based on an
14 assessment of the inmate using a standardized and comprehensive tool.
15 The individual reentry plan describes actions that must occur to
16 prepare individual offenders for release from the custody of the
17 department, specifies the supervision and services they will experience
18 in the community, and describes an offender's eventual discharge to
19 aftercare upon successful completion of supervision. An individual
20 reentry plan is updated throughout the period of an offender's
21 incarceration and supervision is to be relevant to the offender's
22 current needs and risks.

23 NEW SECTION. **Sec. 3.** (1) The department of corrections shall
24 develop an individual reentry plan as defined in section 2 of this act
25 for every offender who is committed to a correctional facility operated
26 by the department except:

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

29 (b) Offenders who are found by the United States attorney general
30 to be subject to a deportation detainer or order or becomes subject to
31 a deportation order.

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

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

4 (3)(a) The initial assessment shall be conducted within the first
5 thirty days after entry into the correctional system and shall be
6 periodically reviewed and updated as appropriate.

7 (b) The offender's individual reentry plan shall be developed as
8 soon as possible after the initial assessment is conducted, but no
9 later than sixty days after entry into the correctional system.

10 (4) The individual reentry plan shall, at a minimum, include:

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

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

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

24 (5)(a) The individual reentry plan shall be updated as appropriate
25 during the period of incarceration to maintain relevancy to the
26 inmate's current risks and needs.

27 (b) The individual reentry plan shall be updated six months prior
28 to the inmate's release to reassess the inmate's specific needs upon
29 reentry. The individual reentry plan updated prior to release shall
30 address the following:

31 (i) The individual reentry plan should consider public safety
32 concerns and be consistent with the offender assigned risk management
33 level assigned by the department;

34 (ii) The plan for the offender to access housing immediately upon
35 release, including details of contact information for an individual to
36 assist with housing;

37 (iii) The plan for the offender to become connected with a

1 community justice center in the area in which the offender will be
2 residing once released from the correctional system.

3 (6) Nothing in this act creates a vested right in programming,
4 education, or other services.

5 (7) An individual reentry plan may not be used as evidence of
6 liability against the department, the state of Washington, or its
7 employees.

8 NEW SECTION. **Sec. 4.** (1) The department of corrections shall
9 continue to establish community justice centers within the state for
10 the purpose of providing assistance to inmates who are reentering the
11 community.

12 (a) A minimum of six community justice centers shall be operational
13 by December 1, 2009. The six community justice centers include those
14 in operation at the time of the effective date of this act. The
15 community justice centers shall be located in the six counties with the
16 largest population of offenders who were released from department of
17 corrections custody. At least one center shall be located in a rural
18 geographic region of the state.

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

22 (2) In addition to any other programs or services offered, the
23 community justice centers shall designate a community transition
24 coordinator who shall act to facilitate connections between the former
25 inmate and the community. The community transition coordinator shall
26 provide information to former inmates regarding services available to
27 them in the community regardless of the length of time since the
28 offender's release from the correctional facility. The community
29 transition coordinator shall, at a minimum, be responsible for the
30 following:

31 (a) Gathering information regarding services currently existing
32 within the community that are available to offenders including, but not
33 limited to, programs offered through the department of social and
34 health services, the department of health, the department of licensing,
35 housing authorities, and nonprofit entities. The information shall
36 relate to services including but not limited to housing, employment,
37 education, vocational training, parent education, financial literacy

1 treatment for substance abuse, mental health, anger management, and any
2 other service or program that will assist the former inmate to
3 successfully transition into the community.

4 (b) Coordinate access to the existing services with the community
5 providers and provide offenders with information regarding how to
6 access the various type of services and resources that are identified
7 in (a) of this subsection.

8 **Sec. 5.** RCW 9.94A.728 and 2004 c 176 s 6 are each amended to read
9 as follows:

10 No person serving a sentence imposed pursuant to this chapter and
11 committed to the custody of the department shall leave the confines of
12 the correctional facility or be released prior to the expiration of the
13 sentence except as follows:

14 (1) Except as otherwise provided for in subsection (2) of this
15 section, the term of the sentence of an offender committed to a
16 correctional facility operated by the department may be reduced by
17 earned release time in accordance with procedures that shall be
18 developed and promulgated by the correctional agency having
19 jurisdiction in which the offender is confined. The earned release
20 time shall be for good behavior and good performance, as determined by
21 the correctional agency having jurisdiction. The correctional agency
22 shall not credit the offender with earned release credits in advance of
23 the offender actually earning the credits. Any program established
24 pursuant to this section shall allow an offender to earn early release
25 credits for presentence incarceration. If an offender is transferred
26 from a county jail to the department, the administrator of a county
27 jail facility shall certify to the department the amount of time spent
28 in custody at the facility and the amount of earned release time. An
29 offender who has been convicted of a felony committed after July 23,
30 1995, that involves any applicable deadly weapon enhancements under RCW
31 9.94A.533 (3) or (4), or both, shall not receive any good time credits
32 or earned release time for that portion of his or her sentence that
33 results from any deadly weapon enhancements.

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

1 case of an offender convicted of a serious violent offense, or a sex
2 offense that is a class A felony, committed on or after July 1, 2003,
3 the aggregate earned release time may not exceed ten percent of the
4 sentence.

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

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

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

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

14 (I) A sex offense;

15 (II) A violent offense;

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

17 (IV) A felony that is domestic violence as defined in RCW
18 10.99.020;

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

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

23 (VII) A violation of, or an attempt, solicitation, or conspiracy to
24 violate, RCW 69.50.406 (delivery of a controlled substance to a minor);
25 (~~and~~)

26 (C) Has no prior conviction for:

27 (I) A sex offense;

28 (II) A violent offense;

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

30 (IV) A felony that is domestic violence as defined in RCW
31 10.99.020;

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

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

36 (VII) A violation of, or an attempt, solicitation, or conspiracy to
37 violate, RCW 69.50.406 (delivery of a controlled substance to a minor);
38 and

1 (D) Actively participates in programming or activities as directed
2 by the offender's individual reentry plan as provided under section 2
3 of this act to the extent that such programming or activities are made
4 available by the department.

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

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

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

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

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

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

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

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

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

25 (e) An offender serving a term of confinement imposed under RCW
26 9.94A.670(4)(a) is not eligible for earned release credits under this
27 section;

28 (3) An offender may leave a correctional facility pursuant to an
29 authorized furlough or leave of absence. In addition, offenders may
30 leave a correctional facility when in the custody of a corrections
31 officer or officers;

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

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

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

38 and

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

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

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

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

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

19 (6) No more than the final (~~six~~) twelve months or one-half of the
20 sentence, whichever is less, may be served in partial confinement
21 designed to aid the offender in finding work and reestablishing himself
22 or herself in the community;

23 (7) The governor may pardon any offender;

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

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

30 Notwithstanding any other provisions of this section, an offender
31 sentenced for a felony crime listed in RCW 9.94A.540 as subject to a
32 mandatory minimum sentence of total confinement shall not be released
33 from total confinement before the completion of the listed mandatory
34 minimum sentence for that felony crime of conviction unless allowed
35 under RCW 9.94A.540, however persistent offenders are not eligible for
36 extraordinary medical placement.

1 **Sec. 6.** RCW 72.09.460 and 2004 c 167 s 5 are each amended to read
2 as follows:

3 (1) The legislature intends that all inmates be required to
4 participate in department-approved education programs, work programs,
5 or both, unless exempted under subsection (4) or (6) of this section.
6 Eligible inmates who refuse to participate in available education or
7 work programs available at no charge to the inmates shall lose
8 privileges according to the system established under RCW 72.09.130.
9 Eligible inmates who are required to contribute financially to an
10 education or work program and refuse to contribute shall be placed in
11 another work program. Refusal to contribute shall not result in a loss
12 of privileges. The legislature recognizes more inmates may agree to
13 participate in education and work programs than are available. The
14 department must make every effort to achieve maximum public benefit by
15 placing inmates in available and appropriate education and work
16 programs.

17 (2) The department shall provide access to a program of education
18 to all offenders who are under the age of eighteen and who have not met
19 high school graduation or general equivalency diploma requirements in
20 accordance with chapter 28A.193 RCW. The program of education
21 established by the department and education provider under RCW
22 28A.193.020 for offenders under the age of eighteen must provide each
23 offender a choice of curriculum that will assist the inmate in
24 achieving a high school diploma or general equivalency diploma. The
25 program of education may include but not be limited to basic education,
26 prevocational training, work ethic skills, conflict resolution
27 counseling, substance abuse intervention, and anger management
28 counseling. The curriculum may balance these and other rehabilitation,
29 work, and training components.

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

33 (a) Achievement of basic academic skills through obtaining a high
34 school diploma or its equivalent and achievement of vocational skills
35 necessary for purposes of work programs and for an inmate to qualify
36 for work upon release;

37 (b) Additional work and education programs based on (~~assessments~~
38 ~~and placements under subsection (5) of this section~~) the offender's

1 individual reentry plan under section 2 of this act, including
2 parenting education or other programs designed to facilitate
3 reunification with the inmate's children and family; and

4 (c) Other work and education programs as appropriate.

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

19 ~~((The department shall establish, by rule, standards for~~
20 ~~participation in department approved education and work programs. The~~
21 ~~standards shall address the following areas:~~

22 ~~(a) Assessment. The department shall assess all inmates for their~~
23 ~~basic academic skill levels using a professionally accepted method of~~
24 ~~scoring reading, math, and language skills as grade level equivalents.~~
25 ~~The department shall determine an inmate's education history, work~~
26 ~~history, and vocational or work skills. The initial assessment shall~~
27 ~~be conducted, whenever possible, within the first thirty days of an~~
28 ~~inmate's entry into the correctional system, except that initial~~
29 ~~assessments are not required for inmates who are sentenced to life~~
30 ~~without the possibility of release, assigned to an intensive management~~
31 ~~unit within the first thirty days after entry into the correctional~~
32 ~~system, are returning to the correctional system within one year of a~~
33 ~~prior release, or whose physical or mental condition renders them~~
34 ~~unable to complete the assessment process. The department shall track~~
35 ~~and record changes in the basic academic skill levels of all inmates~~
36 ~~reflected in any testing or assessment performed as part of their~~
37 ~~education programming;~~

1 ~~(b) Placement.—The department shall follow the policies set forth~~
2 ~~in subsection (1) of this section in establishing criteria for placing~~
3 ~~inmates in education and work programs.—The department shall, to the~~
4 ~~extent possible, place all inmates whose composite grade level score~~
5 ~~for basic academic skills is below the eighth grade level in a combined~~
6 ~~education and work program.—The placement criteria shall include at~~
7 ~~least the following factors:~~

8 ~~(i) An inmate's release date and custody level.))~~ In addition to
9 the policies set forth in this section, the department shall consider
10 the following factors in establishing criteria for placing inmates in
11 education and work programs.

12 (a) An inmate shall not be precluded from participating in an
13 education or work program solely on the basis of his or her release
14 date(~~, except that inmates with a release date of more than one~~
15 ~~hundred twenty months in the future shall not comprise more than ten~~
16 ~~percent of inmates participating in a new class I correctional industry~~
17 ~~not in existence on June 10, 2004));~~

18 ~~((+ii))~~ (b) An inmate's education history and basic academic
19 skills;

20 ~~((+iii))~~ (c) An inmate's work history and vocational or work
21 skills;

22 ~~((+iv))~~ (d) An inmate's economic circumstances, including but not
23 limited to an inmate's family support obligations; and

24 ~~((+v))~~ (e) Where applicable, an inmate's prior performance in
25 department-approved education or work programs;

26 ~~((+c) Performance and goals.))~~ (i) The department shall establish,
27 and periodically review, inmate behavior standards and program goals
28 for all education and work programs. Inmates shall be notified of
29 applicable behavior standards and program goals prior to placement in
30 an education or work program and shall be removed from the education or
31 work program if they consistently fail to meet the standards or goals;

32 ~~((+d) Financial responsibility.—(i))~~ (ii) Except as provided in
33 (e)(iii) of this subsection, so long as the educational or vocational
34 program meets the offender's needs as identified in the offender's
35 individual reentry plan, the department shall pay for educational
36 programs, vocational training, and associate of arts degree programs,
37 including but not limited to books, materials, supplies, and postage
38 costs related to correspondence courses, to the extent possible; and

1 ~~(iii)~~ The department shall establish ~~((a formula by which inmates,~~
2 ~~based on their ability to pay, shall))~~ policies requiring an offender
3 to pay all or a portion of the costs ~~((or))~~ and tuition ~~((of certain~~
4 ~~programs. Inmates shall, based on the formula, pay a portion of the~~
5 ~~costs or tuition of))~~ for participation in:

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

8 ~~(B) An associate of arts or))~~ A baccalaureate degree program ~~((when~~
9 ~~placement in a degree program is the result of a placement made under~~
10 ~~this subsection))~~ if the program is not included in the offender's
11 individual reentry plan;

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

14 ~~(A))~~ (B) Any postsecondary academic degree program ~~((which is~~
15 ~~entered independently of a placement decision made under this~~
16 ~~subsection))~~ if the program is not included in the offender's
17 individual reentry plan; and

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

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

25 ~~(e))~~ (C) Any educational program or vocational training if the
26 offender has previously abandoned course work related to education or
27 vocational training without a satisfactory explanation, and which is
28 not required under the offender's individual reentry plan.

29 (6) Notwithstanding any other provision in this section, an inmate
30 sentenced to life without the possibility of release, or offenders who
31 are found by the United States attorney general to be subject to a
32 deportation detainer or order or becomes subject to a deportation
33 order:

34 ~~((i))~~ (a) Shall not be required to participate in education
35 programming; ~~((and~~

36 ~~(ii))~~ (b) May receive not more than one postsecondary academic
37 degree in a program offered by the department or its contracted
38 providers(

1 ~~If an inmate sentenced to life without the possibility of release~~
2 ~~requires)), unless the offender pays all costs and tuition associated~~
3 ~~with the program; and~~

4 (c) May participate in prevocational or vocational training for a
5 work program(~~, he or she may participate in the training subject to~~
6 ~~this section)).~~

7 ~~((6) The department shall coordinate education and work programs~~
8 ~~among its institutions, to the greatest extent possible, to facilitate~~
9 ~~continuity of programming among inmates transferred between~~
10 ~~institutions.))~~

11 (7) Before transferring an inmate enrolled in a program, the
12 department shall consider the effect the transfer will have on the
13 inmate's ability to continue or complete a program. This subsection
14 shall not be used to delay or prohibit a transfer necessary for
15 legitimate safety or security concerns.

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

24 ~~(8) The department shall adopt a plan to reduce the per pupil cost~~
25 ~~of instruction by, among other methods, increasing the use of volunteer~~
26 ~~instructors and implementing technological efficiencies. The plan~~
27 ~~shall be adopted by December 1996 and shall be transmitted to the~~
28 ~~legislature upon adoption. The department shall, in adoption of the~~
29 ~~plan, consider distance learning, satellite instruction, video tape~~
30 ~~usage, computer aided instruction, and flexible scheduling of offender~~
31 ~~instruction.~~

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

1 NEW SECTION. **Sec. 7.** (1) The department of corrections and the
2 state board for community and technical colleges shall investigate and
3 review methods to optimize educational and vocational programming
4 opportunities to meet the needs of each offender as identified in his
5 or her individual reentry plan both while an offender is incarcerated
6 and postrelease.

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

9 (a) Technological advances which could serve to expand educational
10 programs and vocational training including, but not limited to,
11 distance learning, satellite instruction, videotape usage, computer
12 aided instruction, and flexible scheduling;

13 (b) Methods to ensure educational programs and vocational training
14 are relevant to work programs and skills necessary to enhance the
15 employability of offenders upon release;

16 (c) Long-term methods for maintaining channels of communication
17 between the department, state board administration, educators, and
18 students; and

19 (d) Methods for ensuring that security measures remain intact
20 regarding an offender's use of the internet.

21 (3) The department and state board shall report to the governor and
22 the legislature on the investigation and recommendations required in
23 subsections (1) and (2) of this section no later than November 15,
24 2007.

25 **Sec. 8.** RCW 9.94A.737 and 2005 c 435 s 3 are each amended to read
26 as follows:

27 (1) If an offender violates any condition or requirement of
28 community custody, the department may transfer the offender to a more
29 restrictive confinement status to serve up to the remaining portion of
30 the sentence, less credit for any period actually spent in community
31 custody or in detention awaiting disposition of an alleged violation
32 and subject to the limitations of subsection (2) of this section.

33 (2)(a) For a sex offender sentenced to a term of community custody
34 under RCW 9.94A.670 who violates any condition of community custody,
35 the department may impose a sanction of up to sixty days' confinement
36 in a local correctional facility for each violation. If the department

1 imposes a sanction, the department shall submit within seventy-two
2 hours a report to the court and the prosecuting attorney outlining the
3 violation or violations and the sanctions imposed.

4 (b) For a sex offender sentenced to a term of community custody
5 under RCW 9.94A.710 who violates any condition of community custody
6 after having completed his or her maximum term of total confinement,
7 including time served on community custody in lieu of earned release,
8 the department may impose a sanction of up to sixty days in a local
9 correctional facility for each violation.

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

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

33 (3) If an offender is accused of violating any condition or
34 requirement of community custody, he or she is entitled to a hearing
35 before the department prior to the imposition of sanctions. The
36 hearing shall be considered as offender disciplinary proceedings and
37 shall not be subject to chapter 34.05 RCW. The department shall
38 develop hearing procedures and a structure of graduated sanctions.

1 (4) The hearing procedures required under subsection (3) of this
2 section shall be developed by rule and include the following:

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

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

11 (c) The hearing shall be held unless waived by the offender, and
12 shall be electronically recorded. For offenders not in total
13 confinement, the hearing shall be held within fifteen working days, but
14 not less than twenty-four hours, after notice of the violation. For
15 offenders in total confinement, the hearing shall be held within five
16 working days, but not less than twenty-four hours, after notice of the
17 violation;

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

24 (e) The sanction shall take effect if affirmed by the hearing
25 officer. Within seven days after the hearing officer's decision, the
26 offender may appeal the decision to a panel of three reviewing officers
27 designated by the secretary or by the secretary's designee. The
28 sanction shall be reversed or modified if a majority of the panel finds
29 that the sanction was not reasonably related to any of the following:
30 (i) The crime of conviction; (ii) the violation committed; (iii) the
31 offender's risk of reoffending; or (iv) the safety of the community.

32 (5) For purposes of this section, no finding of a violation of
33 conditions may be based on unconfirmed or unconfirmable allegations.

34 (6)(a) Notwithstanding the provisions of this section, if an
35 offender commits more than one violation of any crime-related
36 prohibition as defined in RCW 9.94A.030 or any affirmative condition
37 imposed by the court or the department, the department shall:

1 (i) Upon the second violation, apply sanctions in accordance with
2 RCW 9.94A.634 and submit a report to the court and the prosecuting
3 attorney as provided in that section; and

4 (ii) Upon the third violation:

5 (A) If the offender has not completed the maximum term of total
6 confinement, immediately transfer the offender to total confinement
7 status for completion of up to twelve months of his or her remaining
8 sentence and notify the offender of his or her right to a hearing
9 before the court;

10 (B) If the offender has completed the maximum term of total
11 confinement, refer the violation to the court.

12 (b) Any violation hearing conducted pursuant to this subsection
13 shall be conducted in the same manner as provided in RCW 9.94A.634.
14 Jurisdiction shall be with the court of the county in which the
15 offender was sentenced. However, the court may order a change of venue
16 to the offender's county of residence or where the violation occurred,
17 for the purpose of holding a violation hearing.

18 (7) The department shall work with the Washington association of
19 sheriffs and police chiefs to establish and operate an electronic
20 monitoring program for low-risk offenders who violate the terms of
21 their community custody. Between January 1, 2006, and December 31,
22 2006, the department shall endeavor to place at least one hundred low-
23 risk community custody violators on the electronic monitoring program
24 per day if there are at least that many low-risk offenders who qualify
25 for the electronic monitoring program.

26 ~~((7))~~ (8) Local governments, their subdivisions and employees,
27 the department and its employees, and the Washington association of
28 sheriffs and police chiefs and its employees shall be immune from civil
29 liability for damages arising from incidents involving low-risk
30 offenders who are placed on electronic monitoring unless it is shown
31 that an employee acted with gross negligence or bad faith.

32 NEW SECTION. Sec. 9. On or before October 1, 2007, the department
33 of corrections and the department of licensing shall enter into an
34 agreement establishing expedited procedures to assist offenders in
35 obtaining a driver's license or identification card upon their release
36 from a department of corrections' institution.

1 NEW SECTION. **Sec. 10.** (1) A joint legislative task force on
2 reentry barriers for previously incarcerated individuals is established
3 for the purpose of providing oversight into the implementation of this
4 act and develop recommendations to assist the reentry of inmates into
5 the community. Membership of the task force shall be as provided in
6 this subsection.

7 (a) The president of the senate shall appoint one member from each
8 of the two largest caucuses of the senate, with at least one member
9 being a member of the senate human services and corrections committee;

10 (b) The speaker of the house of representatives shall appoint one
11 member from each of the two largest caucuses of the house of
12 representatives, with at least one member being a member of the house
13 public safety and emergency preparedness committee;

14 (c) The governor shall appoint the following members:

15 (i) The attorney general or the attorney general's designee;

16 (ii) The secretary of the department of corrections or the
17 secretary's designee;

18 (iii) The commissioner of the employment security department or the
19 commissioner's designee;

20 (iv) The director of the department of licensing or the director's
21 designee;

22 (d) In addition, the joint legislative task force, where feasible,
23 may consult with individuals representing the following:

24 (i) State agencies that issue occupational licenses;

25 (ii) Counties;

26 (iii) Cities;

27 (iv) Crime victims;

28 (v) Faculty members who educate incarcerated offenders;

29 (vi) Faculty members who educate released offenders;

30 (vii) Community corrections officers;

31 (viii) Labor organizations representing correctional officers who
32 work in adult correctional facilities;

33 (ix) City local law enforcement;

34 (x) County law enforcement;

35 (xi) Ex-offenders;

36 (xii) Faith-based organizations that provide outreach or services
37 to offenders;

38 (xiii) Washington businesses;

1 (xiv) Organizations providing legal representation to offenders;

2 and

3 (xv) Nonprofit organizations providing workforce training to
4 released offenders.

5 (2) The joint legislative task force shall be cochaired by a
6 legislative member from the senate and a legislative member from the
7 house of representatives, as chosen by the task force.

8 (3) The joint legislative task force shall review and make
9 recommendations to the legislature regarding:

10 (a) The use of the individual reentry plans by the department of
11 corrections;

12 (b) Access to educational opportunities for inmates in the custody
13 of the department of corrections;

14 (c) The creation and utilization of community justice centers as
15 resource centers for persons released from the custody of the
16 department of corrections;

17 (d) Changes to occupational licensing laws and policies to
18 encourage employment of individuals with criminal histories while
19 ensuring the safety of the public;

20 (e) Federal and state statutory barriers that prevent individuals
21 with criminal histories from obtaining employment in public or
22 government contracting jobs;

23 (f) Other barriers that may prevent individuals with criminal
24 histories from obtaining viable employment; and

25 (g) Other barriers to successful reintegration into the community.

26 (4) The joint legislative task force may, where feasible, consult
27 with individuals from the public and private sector in carrying out its
28 duties under this section.

29 (5) The joint legislative task force shall develop criteria to
30 recommend to the department of corrections for eligibility of inmates
31 into the program under section 11 of this act.

32 (6) The joint legislative task force shall develop criteria to
33 recommend to the department of community, trade, and economic
34 development for eligibility of inmates into the program under section
35 12 of this act.

36 (7)(a) The joint legislative task force shall use legislative
37 facilities, and staff support shall be provided by senate committee
38 services, the house of representatives office of program research, and

1 the Washington state institute for public policy. The department of
2 corrections, department of licensing, and employment security
3 department shall cooperate with the joint legislative task force, and
4 shall provide information as the task force reasonably requests.

5 (b) Nonlegislative members of the joint legislative task force
6 shall serve without compensation, but shall be reimbursed for travel
7 expenses as provided in RCW 43.03.050 and 43.03.060.

8 (c) Legislative members of the joint legislative task force shall
9 be reimbursed for travel expenses in accordance with RCW 44.04.120.

10 (d) The expenses of the joint legislative task force shall be paid
11 jointly by the senate and the house of representatives.

12 (8) The joint legislative task force shall present a report of its
13 findings and recommendations to the governor and the appropriate
14 committees of the legislature, including any proposed legislation, by
15 November 15, 2008.

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

17 NEW SECTION. **Sec. 11.** A new section is added to chapter 72.09 RCW
18 to read as follows:

19 (1) The department of corrections shall enter into agreements to
20 provide short-term housing assistance to offenders classified as high
21 risk or high needs who are reentering the community and are in need of
22 transitional housing.

23 (2) The department may develop further criteria in rule to
24 determine who will qualify for housing assistance and shall utilize the
25 recommendations provided by the joint legislative task force under
26 section 10(5) of this act in the development of the criteria.

27 (3) Housing assistance shall not be provided in excess of one
28 hundred twenty days for each offender.

29 (4) The state, department, and its employees are not liable for
30 civil damages arising from the conduct of an offender solely due to the
31 placement of an offender in short-term housing or the provision of
32 housing assistance.

33 (5) This section expires July 1, 2009.

34 NEW SECTION. **Sec. 12.** A new section is added to chapter 43.63A
35 RCW to read as follows:

36 (1) The department of community, trade, and economic development

1 may enter into agreements to provide short-term housing assistance to
2 offenders who are reentering the community and are in need of
3 transitional housing.

4 (2) The department may develop further criteria in rule to
5 determine who will qualify for housing assistance and shall utilize the
6 recommendations provided by the joint legislative task force under
7 section 10(6) of this act in the development of the criteria.

8 (3) Housing assistance shall not be provided in excess of one
9 hundred twenty days for each offender.

10 (4) The state, department, and its employees are not liable for
11 civil damages arising from the conduct of an offender solely due to the
12 placement of an offender in short-term housing or the provision of
13 housing assistance.

14 (5) This section expires July 1, 2009.

15 **Sec. 13.** RCW 9.96.050 and 2002 c 16 s 3 are each amended to read
16 as follows:

17 When a prisoner on parole has performed all obligations of his or
18 her release, (~~including any and all~~) except those legal financial
19 obligations not owed to the victim, for such time as shall satisfy the
20 indeterminate sentence review board that his or her final release is
21 not incompatible with the best interests of society and the welfare of
22 the paroled individual, the board may make a final order of discharge
23 and issue a certificate of discharge to the prisoner. The certificate
24 of discharge shall be issued to the offender in person or by mail to
25 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 data base 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, and the certification of discharge shall so state. This
3 restoration of civil rights shall not restore the right to receive,
4 possess, own, or transport firearms.

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

9 **Sec. 14.** RCW 9.94A.637 and 2004 c 121 s 2 are each amended to read
10 as follows:

11 (1)(a) When an offender has completed all requirements of the
12 sentence, (~~including any and all~~) except those legal financial
13 obligations not owed to the victim, and while under the custody and
14 supervision of the department, the secretary or the secretary's
15 designee shall notify the sentencing court, which shall discharge the
16 offender and provide the offender with a certificate of discharge by
17 issuing the certificate to the offender in person or by mailing the
18 certificate to the offender's last known address.

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

25 (ii) When the department has provided the county clerk with notice
26 that an offender has completed all the requirements of the sentence
27 (~~and the offender subsequently satisfies all~~) except those legal
28 financial obligations not owed to the victim under the sentence, the
29 county clerk shall notify the sentencing court, including the notice
30 from the department, which shall discharge the offender and provide the
31 offender with a certificate of discharge by issuing the certificate to
32 the offender in person or by mailing the certificate to the offender's
33 last known address.

34 (c) When an offender who is subject to requirements of the sentence
35 in addition to the payment of legal financial obligations either is not
36 subject to supervision by the department or does not complete the
37 requirements while under supervision of the department, it is the

1 offender's responsibility to provide the court with verification of the
2 completion of the sentence conditions other than the payment of legal
3 financial obligations. When the offender satisfies all legal financial
4 obligations under the sentence, the county clerk shall notify the
5 sentencing court that the legal financial obligations have been
6 satisfied. When the court has received both notification from the
7 clerk and adequate verification from the offender that the sentence
8 requirements have been completed, the court shall discharge the
9 offender and provide the offender with a certificate of discharge by
10 issuing the certificate to the offender in person or by mailing the
11 certificate to the offender's last known address.

12 (2) The court shall send a copy of every signed certificate of
13 discharge to the auditor for the county in which the court resides and
14 to the department. The department shall create and maintain a data
15 base containing the names of all felons who have been issued
16 certificates of discharge, the date of discharge, and the date of
17 conviction and offense.

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

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

34 (5) Unless otherwise ordered by the sentencing court, a certificate
35 of discharge shall not terminate the offender's obligation to comply
36 with an order issued under chapter 10.99 RCW that excludes or prohibits
37 the offender from having contact with a specified person or coming
38 within a set distance of any specified location that was contained in

1 the judgment and sentence. An offender who violates such an order
2 after a certificate of discharge has been issued shall be subject to
3 prosecution according to the chapter under which the order was
4 originally issued.

5 (6) The certificate of discharge shall not terminate the offender's
6 obligation to satisfy the repayment of his or her legal financial
7 obligations.

8 (7) Upon release from custody, the offender may apply to the
9 department for counseling and help in adjusting to the community. This
10 voluntary help may be provided for up to one year following the release
11 from custody.

12 NEW SECTION. Sec. 15. The sum of three million eight hundred
13 fifty thousand dollars, or as much thereof as may be necessary, is
14 appropriated from the general fund for the fiscal year ending June 30,
15 2008, and the sum of three million eight hundred fifty thousand
16 dollars, or as much thereof as may be necessary, is appropriated from
17 the general fund for the fiscal year ending June 30, 2009, to the
18 department of corrections for the purposes of section 11 of this act.

19 NEW SECTION. Sec. 16. The sum of three million eight hundred
20 fifty thousand dollars, or as much thereof as may be necessary, is
21 appropriated from the general fund for the fiscal year ending June 30,
22 2008, and the sum of three million eight hundred fifty thousand
23 dollars, or as much thereof as may be necessary, is appropriated from
24 the general fund for the fiscal year ending June 30, 2009, to the
25 department of community, trade, and economic development for the
26 purposes of section 12 of this act.

27 NEW SECTION. Sec. 17. Sections 1 through 3 of this act constitute
28 a new chapter in Title 72 RCW.

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