

# HOUSE BILL REPORT

## HB 2638

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### As Reported by House Committee On:

Public Safety  
Appropriations

**Title:** An act relating to creating a graduated reentry program of partial confinement for certain offenders.

**Brief Description:** Creating a graduated reentry program of partial confinement for certain offenders.

**Sponsors:** Representatives Goodman, Pettigrew, Appleton and Ortiz-Self; by request of Department of Corrections.

### Brief History:

#### Committee Activity:

Public Safety: 1/23/18, 1/30/18, 2/1/18 [DPS];  
Appropriations: 2/26/18 [DPS(PS)].

#### Brief Summary of Substitute Bill

- Increases the allowable period for work release from the final six to the final 12 months of an offender's term of confinement.
- Creates the Graduated Reentry Program for certain offenders to serve up to six months of the end of their term of confinement in home detention under electronic home monitoring.

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### HOUSE COMMITTEE ON PUBLIC SAFETY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Chapman, Griffey, Holy, Orwall, Pettigrew and Van Werven.

**Minority Report:** Do not pass. Signed by 1 member: Representative Appleton.

**Staff:** Kelly Leonard (786-7147).

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

**Background:**

*Release from Full Confinement Prior to the Expiration of Sentences.* When a person is convicted of a felony and sentenced to a term longer than one year, he or she is committed to the Department of Corrections (DOC). An offender sentenced to DOC custody is not authorized to leave a correctional facility or be released prior to the expiration date of his or her sentence, unless a specific statutory exception applies. This includes, for example: partial confinement in a work release program for up to six months; partial confinement as part of the parenting program for up to 12 months; or partial confinement as part of an authorized sentencing alternative for a specified term. Partial confinement refers to work release, home detention, work crew, electronic home monitoring, or a combination of those programs.

*Work Release.* An offender with six months left to serve on his or her sentence may be eligible to spend those last months in a work release facility. According to administrative rules, only offenders with minimum security status may be transferred to a work release program. Work release may be authorized for any of the following:

- to participate in full-time employment or part-time employment at specialized programs;
- to participate in a vocational training program, including attendance at an accredited college;
- to secure services to support transition back to the community; or
- as a sanction for violating community supervision conditions.

An offender's compliance with the conditions of the program is monitored by the DOC.

*Eligibility for Partial Confinement.* Certain offenders may not qualify for transfer to work release or other partial confinement programs. For example, offenders serving sentences for offenses with mandatory minimums cannot be released to partial confinement prior to serving the minimum prescribed sentence. Offenders serving indeterminate sentences may not be released to partial confinement until a qualifying period before a release date established by the Indeterminate Sentence Review Board. There may be additional eligibility criteria which must be met in order to qualify for a particular partial confinement program.

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**Summary of Substitute Bill:**

*Work Release.* The allowable term for work release is increased to the final 12 months of an offender's term of confinement.

*Graduated Reentry Program.* An offender may serve up to six months of the end of his or her sentence in home detention under the graduated reentry program (program), so long as he or she has served at least 12 months in total confinement at a state correctional facility. To qualify, the DOC must find that the program is an appropriate placement and must assist the offender's transition from confinement to the community. The offender must have an approved residence and living arrangement. While participating in the program, the DOC must:

- require the offender to be placed on electronic home monitoring;
- require the offender to participate in programming and treatment; and
- assign a community corrections officer who will monitor the offender's compliance with conditions of partial confinement and programming requirements.

The DOC may issue rental vouchers for a period not to exceed six months for an offender participating in the program if an approved address cannot be obtained without the assistance of a voucher.

An offender may be returned to total confinement by the DOC for any reason, including, but not limited to, the offender's noncompliance with any sentence requirement.

In administering the program, the DOC is performing a quasi-judicial function. The DOC is not liable for the acts of offenders participating in the program unless the DOC acted with willful and wanton disregard.

**Substitute Bill Compared to Original Bill:**

The substitute bill adds a provision prohibiting an offender from participating in the program unless he or she has served at least 12 months in total confinement in a state correctional facility.

The DOC is required to assign programming and treatment for an offender participating in the program based on his or her assessed need (rather than requiring programming and treatment when the DOC determines it is needed).

Sentence structure is reorganized.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) This bill is designed to facilitate a successful transition from prison to the community. Offenders are currently eligible for six months of work release at the end of their sentence. This will push work release back and allow for six months of home detention to follow work release. This bill is not about saving money or creating space at the prison. This is about successful reentry.

Over 96 percent of offenders are released from prison. As a result, reentry programs and services are essential to prevent future crime and promote public safety. The proposed legislation creates a reentry program, and it extends work release for up to 12 months. This

will allow an offender to complete six months of work release and then six months on home detention, during the last year of his or her sentence. This is similar to a parenting program. Offenders are still considered incarcerated.

Prison life is traumatizing and it is hard. People can serve as little as nine months, and they can experience significant challenges with transitioning home. Released persons need a gradual transition with support from the state and the community.

This program is designed to break the cycle of incarceration. There would be more assistance to help someone find a job, housing, and treatment, which will make them successful members of the community.

The state needs to reduce the prison population. There needs to be an examination of sentence lengths, as well as other programs affecting release. This includes graduated reentry, earned release time, and other programs. If the state does not start relieving the population, then it will be necessary to build a new prison or start sending people to private prisons.

(Opposed) Reentry is important, but the state should be cautious and deliberate when developing new reentry protocols. This bill could incentivize a person to pursue a felony prison sentence because he or she may get less incarceration time than for a felony or misdemeanor jail sentence.

**Persons Testifying:** (In support) Representative Goodman, prime sponsor; Danielle Armbruster, Department of Corrections; Melody Simle, Department of Corrections-Statewide Family Council; and Christopher Poulos, Washington Statewide Reentry Council.

(Opposed) James McMahan, Washington Association of Sheriffs and Police Chiefs.

**Persons Signed In To Testify But Not Testifying:** None.

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The substitute bill by Committee on Public Safety be substituted therefor and the substitute bill do pass. Signed by 24 members: Representatives Ormsby, Chair; Robinson, Vice Chair; MacEwen, Assistant Ranking Minority Member; Bergquist, Caldier, Cody, Fitzgibbon, Graves, Haler, Hansen, Harris, Hudgins, Jinkins, Kagi, Lytton, Pettigrew, Pollet, Sawyer, Senn, Springer, Stanford, Sullivan, Tharinger and Wilcox.

**Minority Report:** Do not pass. Signed by 9 members: Representatives Chandler, Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys, Condotta, Manweller, Schmick, Taylor, Vick and Volz.

**Staff:** Rachele Harris (786-7137).

**Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Public Safety:**

No new changes were recommended.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) This bill is agency request legislation from the Department of Corrections (DOC). Ninety-six percent of people in prisons will ultimately be released back into the community. Reentry programs are essential to help teach skills to avoid future criminal behavior. The bill allows for additional structured reentry opportunities for individuals who have been in confinement for at least 12 months and are classified as work-release eligible. This is a partial confinement opportunity; these individuals are still considered incarcerated and can be returned to DOC custody for violations of supervision conditions. The structured transition opportunities provided for in the bill can improve public safety, maintain accountability, and provide rehabilitative services. Participants would be required to engage in programming and treatment. One-third of the offenders eligible for this program are not currently subject to supervision. This bill would help ease the transition back into the community by adding supervision and other services for those individuals. People being released from prison as homeless have additional challenges, and an estimated 8 percent of those who release from prison are released as homeless. This bill would help this population by providing limited housing assistance. This bill will also help reduce overcrowding in the prisons.

(Opposed) None.

(Other) Most people in DOC facilities will eventually get out, and we should do everything we can to reintegrate them into the community. Successful reintegration helps the community by reducing victimizations when these individuals get in the community. The Washington Association of Sheriffs and Police Chiefs appreciates the limiting of eligibility to offenders who have served at least 12 months, the electronic home monitoring, and the supervision requirements in addition to risk-assessed programming provided for in the bill. It would be a good idea to reinvest savings from the out-years into evidence-based programming.

**Persons Testifying:** (In support) Alex MacBain, Department of Corrections.

(Other) James McMahan, Washington Association of Sheriffs and Police Chiefs.

**Persons Signed In To Testify But Not Testifying:** None.