
SENATE BILL 5388

State of Washington 69th Legislature 2025 Regular Session

By Senators Dhingra, Nobles, Saldaña, Trudeau, and C. Wilson

Read first time 01/21/25. Referred to Committee on Human Services.

1 AN ACT Relating to department of corrections behavioral health
2 certification; amending RCW 9.94A.662; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that in 2020, the
5 governor signed Second Substitute Senate Bill No. 6211 into law,
6 which made various changes to the drug offender sentencing
7 alternative statutes. As part of that legislation, revisions were
8 made to RCW 9.94A.662 to state that treatment services provided in
9 prisons be licensed by the department of health.

10 The legislature finds that prior to this time, the department of
11 social and health services conducted oversight of the department of
12 corrections behavioral health certification services, and that the
13 department of health has interpreted Second Substitute Senate Bill
14 No. 6211 to require licensure to standards above and beyond those
15 previously required. The legislature finds that accomplishing this
16 would require significant new resources.

17 The legislature further finds that national standards could be
18 implemented in lieu of the department of health licensing for
19 significant fiscal savings without compromising the quality of
20 services provided. The legislature therefore resolves to direct the

1 department of corrections to adopt certification standards from the
2 national commission on correctional health care.

3 **Sec. 2.** RCW 9.94A.662 and 2021 c 215 s 103 are each amended to
4 read as follows:

5 (1) The court may only order a prison-based special drug offender
6 sentencing alternative if the high end of the standard sentence range
7 for the current offense is greater than one year.

8 (2) A sentence for a prison-based special drug offender
9 sentencing alternative shall include:

10 (a) A period of total confinement in a state facility for one-
11 half the midpoint of the standard sentence range or ~~((twelve))~~ 12
12 months, whichever is greater;

13 (b) One-half the midpoint of the standard sentence range as a
14 term of community custody, which must include appropriate substance
15 use disorder treatment in a program that has been approved by the
16 department of health, and for co-occurring drug and domestic violence
17 cases, must also include an appropriate domestic violence treatment
18 program by a state-certified domestic violence treatment provider
19 pursuant to RCW 43.20A.735;

20 (c) Crime-related prohibitions, including a condition not to use
21 illegal controlled substances;

22 (d) A requirement to submit to urinalysis or other testing to
23 monitor that status; and

24 (e) A term of community custody pursuant to RCW 9.94A.701 to be
25 imposed upon the failure to complete or administrative termination
26 from the special drug offender sentencing alternative program.

27 (3)(a) During incarceration in the state facility, ~~((offenders))~~
28 individuals sentenced under this section shall undergo a
29 comprehensive substance use disorder assessment and receive, within
30 available resources, treatment services appropriate for the
31 ~~((offender))~~ individual. The substance use disorder treatment
32 services shall be ~~((licensed by the department of health))~~ provided
33 by individuals licensed by the state of Washington. Subject to
34 appropriations, the department of corrections shall seek
35 accreditation through the national commission of correctional health
36 care standards by July 1, 2028.

37 (b) When applicable for cases involving domestic violence,
38 domestic violence treatment must be provided by a state-certified

1 domestic violence treatment provider pursuant to RCW 43.20A.735
2 during the term of community custody.

3 (4) If the department finds that conditions of community custody
4 have been willfully violated, the ((~~offender~~)) individual may be
5 reclassified to serve the remaining balance of the original sentence.
6 An ((~~offender~~)) individual who fails to complete the program or who
7 is administratively terminated from the program shall be reclassified
8 to serve the unexpired term of his or her sentence as ordered by the
9 sentencing court.

10 (5) If an ((~~offender~~)) individual sentenced to the prison-based
11 alternative under this section is found by the United States attorney
12 general to be subject to a deportation order, a hearing shall be held
13 by the department unless waived by the ((~~offender~~)) individual, and,
14 if the department finds that the ((~~offender~~)) individual is subject
15 to a valid deportation order, the department may administratively
16 terminate the ((~~offender~~)) individual from the program and reclassify
17 the ((~~offender~~)) individual to serve the remaining balance of the
18 original sentence.

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