

SSB 6157 - S AMD 591

By Senators Hargrove, Carrell, Regala, Brown

ADOPTED AS AMENDED 04/20/2007

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The people of the state of Washington  
4 expect to live in safe communities in which the threat of crime is  
5 minimized. Attempting to keep communities safe by building more  
6 prisons and paying the costs of incarceration has proven to be  
7 expensive to taxpayers. Incarceration is a necessary consequence for  
8 some offenders, however, the vast majority of those offenders will  
9 eventually return to their communities. Many of these former offenders  
10 will not have had the opportunity to address the deficiencies that may  
11 have contributed to their criminal behavior. Persons who do not have  
12 basic literacy and job skills, or who are ill-equipped to make the  
13 behavioral changes necessary to successfully function in the community,  
14 have a high risk of reoffense. Recidivism represents serious costs to  
15 victims, both financial and nonmonetary in nature, and also burdens  
16 state and local governments with those offenders who recycle through  
17 the criminal justice system.

18 The legislature believes that recidivism can be reduced and a  
19 substantial cost savings can be realized by utilizing evidence-based,  
20 research-based, and promising programs to address offender deficits,  
21 developing and better coordinating the reentry efforts of state and  
22 local governments and local communities. Research shows that if  
23 quality assurances are adhered to, implementing an optimal portfolio of  
24 evidence-based programming options for offenders who are willing to  
25 take advantage of such programs can have a notable impact on  
26 recidivism.

27 While the legislature recognizes that recidivism cannot be  
28 eliminated and that a significant number of offenders are unwilling or  
29 unable to work to develop the tools necessary to successfully  
30 reintegrate into society, the interests of the public overall are

1 better served by better preparing offenders while incarcerated, and  
2 continuing those efforts for those recently released from prison or  
3 jail, for successful, productive, and healthy transitions to their  
4 communities. Educational, employment, and treatment opportunities  
5 should be designed to address individual deficits and ideally give  
6 offenders the ability to function in society. In order to foster  
7 reintegration, this act recognizes the importance of a strong  
8 partnership between the department of corrections, local governments,  
9 law enforcement, social service providers, and interested members of  
10 communities across our state.

11 **PART I - COMMUNITY TRANSITION COORDINATION NETWORKS**

12 NEW SECTION. **Sec. 101.** The definitions in this section apply  
13 throughout this chapter unless the context clearly requires otherwise.

14 (1) A "community transition coordination network" is a system of  
15 coordination that facilitates partnerships between supervision and  
16 service providers. It is anticipated that an offender who is released  
17 to the community will be able to utilize a community transition  
18 coordination network to be connected directly to the supervision and/or  
19 services needed for successful reentry.

20 (2) "Evidence-based" means a program or practice that has had  
21 multiple-site random controlled trials across heterogeneous populations  
22 demonstrating that the program or practice is effective in reducing  
23 recidivism for the population.

24 (3) An "individual reentry plan" means the plan to prepare an  
25 offender for release into the community. A reentry plan is developed  
26 collaboratively between the supervising authority and the offender and  
27 based on an assessment of the offender using a standardized and  
28 comprehensive tool to identify the offenders' risks and needs. An  
29 individual reentry plan describes actions that should occur to prepare  
30 individual offenders for release from jail or prison and specifies the  
31 supervision and/or services he or she will experience in the community,  
32 taking into account no contact provisions of the judgment and sentence.  
33 An individual reentry plan should be updated throughout the period of  
34 an offender's incarceration and supervision to be relevant to the  
35 offender's current needs and risks.

1 (4) "Local community policing and supervision programs" include  
2 probation, work release, jails, and other programs operated by local  
3 police, courts, or local correctional agencies.

4 (5) "Promising practice" means a practice that presents, based on  
5 preliminary information, potential for becoming a research-based or  
6 consensus-based practice.

7 (6) "Research-based" means a program or practice that has some  
8 research demonstrating effectiveness, but that does not yet meet the  
9 standard of evidence-based practices.

10 (7) "Supervising authority" means the agency or entity that has the  
11 responsibility for supervising an offender.

12 NEW SECTION. Sec. 102. (1) Each county or group of counties shall  
13 conduct an inventory of the services and resources available in the  
14 county or group of counties to assist offenders in reentering the  
15 community.

16 (2) In conducting its inventory, the county or group of counties  
17 should consult with the following:

18 (a) The department of corrections, including community corrections  
19 officers;

20 (b) The department of social and health services in applicable  
21 program areas;

22 (c) Representatives from county human services departments and,  
23 where applicable, multicounty regional support networks;

24 (d) Local public health jurisdictions;

25 (e) City and county law enforcement;

26 (f) Local probation/supervision programs;

27 (g) Local community and technical colleges;

28 (h) The local worksource center operated under the statewide  
29 workforce investment system;

30 (i) Faith-based and nonprofit organizations providing assistance to  
31 offenders;

32 (j) Housing providers;

33 (k) Crime victims service providers; and

34 (l) Other community stakeholders interested in reentry efforts.

35 (3) The inventory must include, but is not limited to:

36 (a) A list of programs available through the entities listed in  
37 subsection (2) of this section and services currently available in the

1 community for offenders including, but not limited to, housing  
2 assistance, employment assistance, education, vocational training,  
3 parenting education, financial literacy, treatment for substance abuse,  
4 mental health, anger management, life skills training, specialized  
5 treatment programs such as batterers treatment and sex offender  
6 treatment, and any other service or program that will assist the former  
7 offender to successfully transition into the community; and

8 (b) An indication of the availability of community representatives  
9 or volunteers to assist the offender with his or her transition.

10 (4) No later than January 1, 2008, each county or group of counties  
11 shall present its inventory to the policy advisory committee convened  
12 in section 103(8) of this act.

13 NEW SECTION. **Sec. 103.** (1) The department of community, trade,  
14 and economic development shall establish a community transition  
15 coordination network pilot program for the purpose of awarding grants  
16 to counties or groups of counties for implementing coordinated reentry  
17 efforts for offenders returning to the community. Grant awards are  
18 subject to the availability of amounts appropriated for this specific  
19 purpose.

20 (2) By September 1, 2007, the Washington state institute for public  
21 policy shall, in consultation with the department of community, trade,  
22 and economic development, develop criteria for the counties in  
23 conducting its evaluation as directed by subsection (6)(c) of this  
24 section.

25 (3) Effective February 1, 2008, any county or group of counties may  
26 apply for participation in the community transition coordination  
27 network pilot program by submitting a proposal for a community  
28 transition coordination network.

29 (4) A proposal for a community transition coordination network  
30 initiated under this section must be collaborative in nature and must  
31 seek locally appropriate evidence-based or research-based solutions and  
32 promising practices utilizing the participation of public and private  
33 entities or programs to support successful, community-based offender  
34 reentry.

35 (5) In developing a proposal for a community transition  
36 coordination network, counties or groups of counties and the department  
37 of corrections shall collaborate in addressing:

1 (a) Efficiencies that may be gained by sharing space or resources  
2 in the provision of reentry services to offenders;

3 (b) Mechanisms for communication of information about offenders,  
4 including the feasibility of shared access to databases;

5 (c) Partnerships to establish neighborhood corrections initiatives  
6 as defined in section 302 of this act.

7 (6) A proposal for a community transition coordination network must  
8 include:

9 (a) Descriptions of collaboration and coordination between local  
10 community policing and supervision programs and those agencies and  
11 entities identified in the inventory conducted pursuant to section 102  
12 of this act to address the risks and needs of offenders under a  
13 participating county or city misdemeanor probation or other  
14 supervision program including:

15 (i) A proposed method of assessing offenders to identify the  
16 offenders' risks and needs. Counties and cities are encouraged, where  
17 possible, to make use of assessment tools developed by the department  
18 of corrections in this regard;

19 (ii) A proposal for developing and/or maintaining an individual  
20 reentry plan for offenders;

21 (iii) Connecting offenders to services and resources that meet the  
22 offender's needs as identified in his or her individual reentry plan  
23 including the identification of community representatives or volunteers  
24 that may assist the offender with his or her transition; and

25 (iv) The communication of assessment information, individual  
26 reentry plans, and service information between parties involved with  
27 offender's reentry;

28 (b) Mechanisms to provide information to former offenders regarding  
29 services available to them in the community regardless of the length of  
30 time since the offender's release and regardless of whether the  
31 offender was released from prison or jail. Mechanisms shall, at a  
32 minimum, provide for:

33 (i) Maintenance of the information gathered in section 102 of this  
34 act regarding services currently existing within the community that are  
35 available to offenders; and

36 (ii) Coordination of access to existing services with community  
37 providers and provision of information to offenders regarding how to

1 access the various type of services and resources that are available in  
2 the community; and

3 (c) An evaluation of the county's or group of counties' readiness  
4 to implement a community transition coordination network including the  
5 social service needs of offenders in general, capacity of local  
6 facilities and resources to meet offenders' needs, and the cost to  
7 implement and maintain a community transition coordination network for  
8 the duration of the pilot project.

9 (7) The department of community, trade, and economic development  
10 shall review county applications for funding through the community  
11 transition coordination network pilot program and, no later than April  
12 1, 2008, shall select up to four counties or groups of counties. In  
13 selecting pilot counties or regions, the department shall consider the  
14 extent to which the proposal:

15 (a) Addresses the requirements set out in subsection (6) of this  
16 section;

17 (b) Proposes effective partnerships and coordination between local  
18 community policing and supervision programs, social service and  
19 treatment providers, and the department of corrections' community  
20 justice center, if a center is located in the county or region;

21 (c) Focuses on measurable outcomes such as increased employment and  
22 income, treatment objectives, maintenance of stable housing, and  
23 reduced recidivism;

24 (d) Contributes to the diversity of pilot programs, considering  
25 factors such as geographic location, size of county or region, and  
26 reentry services currently available. The department shall ensure that  
27 a grant is awarded to at least one rural county or group of counties  
28 and at least one county or group of counties where a community justice  
29 center operated by the department of corrections is located; and

30 (e) Is feasible, given the evaluation of the social service needs  
31 of offenders, the existing capacity of local facilities and resources  
32 to meet offenders' needs, and the cost to implement a community  
33 transition coordination network in the county or group of counties.

34 (8) The department of community, trade, and economic development  
35 shall convene a policy advisory committee composed of representatives  
36 from the senate, the house of representatives, the governor's office of  
37 financial management, the department of corrections, to include one  
38 representative who is a community corrections officer, the office of

1 crime victims' advocacy, the Washington state association of counties,  
2 association of Washington cities, a nonprofit provider of reentry  
3 services, and an ex-offender who has discharged the terms of his or her  
4 sentence. The advisory committee shall meet no less than annually to  
5 receive status reports on the implementation of community transition  
6 coordination networks, review annual reports and the pilot project  
7 evaluations submitted pursuant to section 105 of this act, and identify  
8 evidence-based, research-based, and promising practices for other  
9 counties seeking to establish community transition coordination  
10 networks.

11 (9) Pilot networks established under this section shall extend for  
12 a period of four fiscal years, beginning July 1, 2008, and ending June  
13 30, 2012.

14 (10) This section expires June 30, 2013.

15 NEW SECTION. **Sec. 104.** (1) Nothing in section 103 of this act is  
16 intended to shift the supervising responsibility or sanctioning  
17 authority from one government entity to another or give a community  
18 transition coordination network oversight responsibility for those  
19 activities or allow imposition of civil liability where none existed  
20 previously.

21 (2) An individual reentry plan may not be used as the basis of  
22 liability against local government entities, or its officers or  
23 employees.

24 NEW SECTION. **Sec. 105.** (1) It is the intent of the legislature to  
25 provide funding for this project.

26 (2) Counties receiving state funds must:

27 (a) Demonstrate the funds allocated pursuant to this section will  
28 be used only for those purposes in establishing and maintaining a  
29 community transition coordination network;

30 (b) Consult with the Washington state institute for public policy  
31 at the inception of the pilot project to refine appropriate outcome  
32 measures and data tracking systems;

33 (c) Submit to the advisory committee established in section 103(8)  
34 of this act an annual progress report by June 30th of each year of the  
35 pilot project to report on identified outcome measures and identify  
36 evidence-based, research-based, or promising practices;

1 (d) Cooperate with the Washington state institute for public policy  
2 at the completion of the pilot project to conduct an evaluation of the  
3 project.

4 (3) The Washington state institute for public policy shall provide  
5 direction to counties in refining appropriate outcome measures for the  
6 pilot projects and establishing data tracking systems. At the  
7 completion of the pilot project, the institute shall conduct an  
8 evaluation of the projects including the benefit-cost ratio of service  
9 delivery through a community transition coordination network,  
10 associated reductions in recidivism, and identification of evidence-  
11 based, research-based, or promising practices. The institute shall  
12 report to the governor and the legislature with the results of its  
13 evaluation no later than December 31, 2012.

14 (4) This section expires June 30, 2013.

15 NEW SECTION. **Sec. 106.** (1) The community transition coordination  
16 network account is created in the state treasury. The account may  
17 receive legislative appropriations, gifts, and grants. Moneys in the  
18 account may be spent only after appropriation. Expenditures from the  
19 account may be used only for the purposes of section 103 of this act.

20 (2) This section expires June 30, 2013.

21 NEW SECTION. **Sec. 107.** Nothing in this act creates an entitlement  
22 for a county or group of counties to receive funding under the program  
23 created in section 103 of this act, nor an obligation for a county or  
24 group of counties to maintain a community transition coordination  
25 network established pursuant to section 103 of this act upon expiration  
26 of state funding.

27 **Sec. 108.** RCW 72.09.300 and 1996 c 232 s 7 are each amended to  
28 read as follows:

29 (1) Every county legislative authority shall by resolution or  
30 ordinance establish a local law and justice council. The county  
31 legislative authority shall determine the size and composition of the  
32 council, which shall include the county sheriff and a representative of  
33 the municipal police departments within the county, the county  
34 prosecutor and a representative of the municipal prosecutors within the  
35 county, a representative of the city legislative authorities within the



1 county, a representative of the county's superior, juvenile, district,  
2 and municipal courts, the county jail administrator, the county clerk,  
3 the county risk manager, and the secretary of corrections and his or  
4 her designees. Officials designated may appoint representatives.

5 (2) A combination of counties may establish a local law and justice  
6 council by intergovernmental agreement. The agreement shall comply  
7 with the requirements of this section.

8 (3) The local law and justice council (~~((shall develop a local law~~  
9 ~~and justice plan for the county. The council shall design the elements~~  
10 ~~and scope of the plan, subject to final approval by the county~~  
11 ~~legislative authority. The general intent of the plan shall include~~  
12 ~~seeking means to maximize)) may address issues related to:~~

13 (a) Maximizing local resources including personnel and facilities,  
14 (~~((reduce))~~) reducing duplication of services, and (~~((share))~~) sharing  
15 resources between local and state government in order to accomplish  
16 local efficiencies without diminishing effectiveness(~~(. The plan shall~~  
17 ~~also include a section on jail management. This section may include~~  
18 ~~the following elements:~~

19 ~~(a) A description of current jail conditions, including whether the~~  
20 ~~jail is overcrowded;~~

21 ~~(b) A description of potential alternatives to incarceration;~~

22 ~~(c) A description of current jail resources;~~

23 ~~(d) A description of the jail population as it presently exists and~~  
24 ~~how it is projected to change in the future;~~

25 ~~(e) A description of projected future resource requirements;~~

26 ~~(f) A proposed action plan, which shall include recommendations to~~  
27 ~~maximize resources, maximize the use of intermediate sanctions,~~  
28 ~~minimize overcrowding, avoid duplication of services, and effectively~~  
29 ~~manage the jail and the offender population;~~

30 ~~(g) A list of proposed advisory jail standards and methods to~~  
31 ~~effect periodic quality assurance inspections of the jail;~~

32 ~~(h) A proposed plan to collect, synthesize, and disseminate~~  
33 ~~technical information concerning local criminal justice activities,~~  
34 ~~facilities, and procedures;~~

35 ~~(i) A description of existing and potential services for offenders~~  
36 ~~including employment services, substance abuse treatment, mental health~~  
37 ~~services, and housing referral services.~~

1       ~~(4) The council may propose other elements of the plan, which shall~~  
2 ~~be subject to review and approval by the county legislative authority,~~  
3 ~~prior to their inclusion into the plan.~~

4       ~~(5))~~;

5       (b) Jail management;

6       (c) Mechanisms for communication of information about offenders,  
7 including the feasibility of shared access to databases; and

8       (d) Partnerships between the department and local community  
9 policing and supervision programs to facilitate supervision of  
10 offenders under the respective jurisdictions of each and timely  
11 response to an offender's failure to comply with the terms of  
12 supervision.

13       (4) The county legislative authority may request technical  
14 assistance in ~~((developing or implementing the plan from))~~ coordinating  
15 services with other units or agencies of state or local government,  
16 which shall include the department, the office of financial management,  
17 and the Washington association of sheriffs and police chiefs.

18       ~~((6))~~ (5) Upon receiving a request for assistance from a county,  
19 the department may provide the requested assistance.

20       ~~((7))~~ (6) The secretary may adopt rules for the submittal,  
21 review, and approval of all requests for assistance made to the  
22 department. ~~((The secretary may also appoint an advisory committee of~~  
23 ~~local and state government officials to recommend policies and~~  
24 ~~procedures relating to the state and local correctional systems and to~~  
25 ~~assist the department in providing technical assistance to local~~  
26 ~~governments. The committee shall include representatives of the county~~  
27 ~~sheriffs, the police chiefs, the county prosecuting attorneys, the~~  
28 ~~county and city legislative authorities, and the jail administrators.~~  
29 ~~The secretary may contract with other state and local agencies and~~  
30 ~~provide funding in order to provide the assistance requested by~~  
31 ~~counties.~~

32       ~~(8) The department shall establish a base level of state~~  
33 ~~correctional services, which shall be determined and distributed in a~~  
34 ~~consistent manner statewide. The department's contributions to any~~  
35 ~~local government, approved pursuant to this section, shall not operate~~  
36 ~~to reduce this base level of services.~~

37       ~~(9) The council shall establish an advisory committee on juvenile~~  
38 ~~justice proportionality. The council shall appoint the county juvenile~~

1 court administrator and at least five citizens as advisory committee  
2 members. The citizen advisory committee members shall be  
3 representative of the county's ethnic and geographic diversity. The  
4 advisory committee members shall serve two year terms and may be  
5 reappointed. The duties of the advisory committee include:

6 (a) Monitoring and reporting to the sentencing guidelines  
7 commission on the proportionality, effectiveness, and cultural  
8 relevance of:

9 (i) The rehabilitative services offered by county and state  
10 institutions to juvenile offenders; and

11 (ii) The rehabilitative services offered in conjunction with  
12 diversions, deferred dispositions, community supervision, and parole;

13 (b) Reviewing citizen complaints regarding bias or  
14 disproportionality in that county's juvenile justice system;

15 (c) By September 1 of each year, beginning with 1995, submit to the  
16 sentencing guidelines commission a report summarizing the advisory  
17 committee's findings under (a) and (b) of this subsection.)

18 NEW SECTION. **Sec. 109.** Sections 101 through 107 of this act  
19 constitute a new chapter in Title 72 RCW.

20 **PART II - INDIVIDUAL REENTRY PLAN**

21 NEW SECTION. **Sec. 201.** Individual reentry plans are intended to  
22 be a tool for the department of corrections to identify the needs of an  
23 offender. Individual reentry plans are meant to assist the department  
24 in targeting programming and services to offenders with the greatest  
25 need and to the extent that those services are funded and available.  
26 The state cannot meet every need that may have contributed to every  
27 offender's criminal proclivities. Further, an individual reentry plan,  
28 and the programming resulting from that plan, are not a guarantee that  
29 an offender will not recidivate. Rather, the legislature intends that  
30 by identifying offender needs and offering programs that have been  
31 proven to reduce the likelihood of reoffense, the state will benefit by  
32 an overall reduction in recidivism.

33 **Sec. 202.** RCW 72.09.015 and 2004 c 167 s 6 are each amended to  
34 read as follows:

1 The definitions in this section apply throughout this chapter.

2 (1) "Adult basic education" means education or instruction designed  
3 to achieve general competence of skills in reading, writing, and oral  
4 communication, including English as a second language and preparation  
5 and testing services for obtaining a high school diploma or a general  
6 equivalency diploma.

7 (2) "Base level of correctional services" means the minimum level  
8 of field services the department of corrections is required by statute  
9 to provide for the supervision and monitoring of offenders.

10 ((+2)) (3) "Contraband" means any object or communication the  
11 secretary determines shall not be allowed to be: (a) Brought into; (b)  
12 possessed while on the grounds of; or (c) sent from any institution  
13 under the control of the secretary.

14 ((+3)) (4) "County" means a county or combination of counties.

15 ((+4)) (5) "Department" means the department of corrections.

16 ((+5)) (6) "Earned early release" means earned release as  
17 authorized by RCW 9.94A.728.

18 ((+6)) (7) "Evidence-based" means a program or practice that has  
19 had multiple-site random controlled trials across heterogeneous  
20 populations demonstrating that the program or practice is effective in  
21 reducing recidivism for the population.

22 (8) "Extended family visit" means an authorized visit between an  
23 inmate and a member of his or her immediate family that occurs in a  
24 private visiting unit located at the correctional facility where the  
25 inmate is confined.

26 ((+7)) (9) "Good conduct" means compliance with department rules  
27 and policies.

28 ((+8)) (10) "Good performance" means successful completion of a  
29 program required by the department, including an education, work, or  
30 other program.

31 ((+9)) (11) "Immediate family" means the inmate's children,  
32 stepchildren, grandchildren, great grandchildren, parents, stepparents,  
33 grandparents, great grandparents, siblings, and a person legally  
34 married to an inmate. "Immediate family" does not include an inmate  
35 adopted by another inmate or the immediate family of the adopted or  
36 adopting inmate.

37 ((+10)) (12) "Indigent inmate," "indigent," and "indigency" mean

1 an inmate who has less than a ten-dollar balance of disposable income  
2 in his or her institutional account on the day a request is made to  
3 utilize funds and during the thirty days previous to the request.

4 ~~((+11+))~~ (13) "Individual reentry plan" means the plan to prepare  
5 an offender for release into the community. It should be developed  
6 collaboratively between the department and the offender and based on an  
7 assessment of the offender using a standardized and comprehensive tool  
8 to identify the offenders' risks and needs. The individual reentry  
9 plan describes actions that should occur to prepare individual  
10 offenders for release from prison or jail, specifies the supervision  
11 and services they will experience in the community, and describes an  
12 offender's eventual discharge to aftercare upon successful completion  
13 of supervision. An individual reentry plan is updated throughout the  
14 period of an offender's incarceration and supervision to be relevant to  
15 the offender's current needs and risks.

16 (14) "Inmate" means a person committed to the custody of the  
17 department, including but not limited to persons residing in a  
18 correctional institution or facility and persons released on furlough,  
19 work release, or community custody, and persons received from another  
20 state, state agency, county, or federal jurisdiction.

21 ~~((+12+))~~ (15) "Privilege" means any goods or services, education or  
22 work programs, or earned early release days, the receipt of which are  
23 directly linked to an inmate's (a) good conduct; and (b) good  
24 performance. Privileges do not include any goods or services the  
25 department is required to provide under the state or federal  
26 Constitution or under state or federal law.

27 ~~((+13+))~~ (16) "Promising practice" means a practice that presents,  
28 based on preliminary information, potential for becoming a  
29 research-based or consensus-based practice.

30 (17) "Research-based" means a program or practice that has some  
31 research demonstrating effectiveness, but that does not yet meet the  
32 standard of evidence-based practices.

33 (18) "Secretary" means the secretary of corrections or his or her  
34 designee.

35 ~~((+14+))~~ (19) "Significant expansion" includes any expansion into  
36 a new product line or service to the class I business that results from  
37 an increase in benefits provided by the department, including a

1 decrease in labor costs, rent, or utility rates (for water, sewer,  
2 electricity, and disposal), an increase in work program space, tax  
3 advantages, or other overhead costs.

4 ~~((+15+))~~ (20) "Superintendent" means the superintendent of a  
5 correctional facility under the jurisdiction of the Washington state  
6 department of corrections, or his or her designee.

7 ~~((+16+))~~ (21) "Unfair competition" means any net competitive  
8 advantage that a business may acquire as a result of a correctional  
9 industries contract, including labor costs, rent, tax advantages,  
10 utility rates (water, sewer, electricity, and disposal), and other  
11 overhead costs. To determine net competitive advantage, the  
12 correctional industries board shall review and quantify any expenses  
13 unique to operating a for-profit business inside a prison.

14 ~~((+17+))~~ (22) "Vocational training" or "vocational education" means  
15 "vocational education" as defined in RCW 72.62.020.

16 (23) "Washington business" means an in-state manufacturer or  
17 service provider subject to chapter 82.04 RCW existing on June 10,  
18 2004.

19 ~~((+18+))~~ (24) "Work programs" means all classes of correctional  
20 industries jobs authorized under RCW 72.09.100.

21 NEW SECTION. Sec. 203. A new section is added to chapter 72.09  
22 RCW to read as follows:

23 (1) The department of corrections shall develop an individual  
24 reentry plan as defined in RCW 72.09.015 for every offender who is  
25 committed to the jurisdiction of the department except:

26 (a) Offenders who are sentenced to life without the possibility of  
27 release or sentenced to death under chapter 10.95 RCW; and

28 (b) Offenders who are subject to the provisions of 8 U.S.C. Sec.  
29 1227.

30 (2) The individual reentry plan may be one document, or may be a  
31 series of individual plans that combine to meet the requirements of  
32 this section.

33 (3) In developing individual reentry plans, the department shall  
34 assess all offenders using standardized and comprehensive tools to  
35 identify the criminogenic risks, programmatic needs, and educational  
36 and vocational skill levels for each offender. The assessment tool  
37 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 (4)(a) The initial assessment shall be conducted as early as  
5 sentencing, but, whenever possible, no later than forty-five days of  
6 being sentenced to the jurisdiction of the department of corrections.

7 (b) The offender's individual reentry plan shall be developed as  
8 soon as possible after the initial assessment is conducted, but,  
9 whenever possible, no later than sixty days after completion of the  
10 assessment, and shall be periodically reviewed and updated as  
11 appropriate.

12 (5) The individual reentry plan shall, at a minimum, include:

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

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

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

26 (6)(a) Prior to discharge of any offender, the department shall:

27 (i) Evaluate the offender's needs and, to the extent possible,  
28 connect the offender with existing services and resources that meet  
29 those needs; and

30 (ii) Connect the offender with a community justice center and/or  
31 community transition coordination network in the area in which the  
32 offender will be residing once released from the correctional system if  
33 one exists.

34 (b) If the department recommends partial confinement in an  
35 offender's individual reentry plan, the department shall maximize the  
36 period of partial confinement for the offender as allowed pursuant to  
37 RCW 9.94A.728 to facilitate the offender's transition to the community.

1 (7) The department shall establish mechanisms for sharing  
2 information from individual reentry plans to those persons involved  
3 with the offender's treatment, programming, and reentry, when deemed  
4 appropriate. When feasible, this information shall be shared  
5 electronically.

6 (8)(a) In determining the county of discharge for an offender  
7 released to community custody or community placement, the department  
8 may not approve a residence location that is not in the offender's  
9 county of origin unless it is determined by the department that the  
10 offender's return to his or her county of origin would be inappropriate  
11 considering any court-ordered condition of the offender's sentence,  
12 victim safety concerns, negative influences on the offender in the  
13 community, or the location of family or other sponsoring persons or  
14 organizations that will support the offender.

15 (b) If the offender is not returned to his or her county of origin,  
16 the department shall provide the law and justice council of the county  
17 in which the offender is placed with a written explanation.

18 (c) For purposes of this section, the offender's county of origin  
19 means the county of the offender's first felony conviction in  
20 Washington.

21 (9) Nothing in this section creates a vested right in programming,  
22 education, or other services.

23 **PART III - PARTIAL CONFINEMENT AND SUPERVISION**

24 NEW SECTION. **Sec. 301.** (1) The legislature intends that  
25 Washington's work release centers be transformed into residential  
26 reentry centers with the capacity to provide or connect offenders with  
27 the full range of reentry services to achieve measurable outcomes. The  
28 Washington state institute for public policy shall conduct a  
29 comprehensive analysis and evaluation of residential reentry centers  
30 and work release facilities to identify evidence-based, research-based,  
31 and promising practices or programs for the state of Washington and the  
32 necessary performance measures that show the greatest quality,  
33 effectiveness, and efficiency of the program on key outcomes. The  
34 research should include an examination of reentry and work release  
35 practices in both urban and rural areas and both inside and outside of  
36 the state of Washington. The institute should identify what services



1 or combination of services should be provided to participants of  
2 residential reentry centers and the length of time services should be  
3 provided to optimize the successful transition of an offender back into  
4 society.

5 (2) By May 1, 2008, the secretary of the department of corrections,  
6 or the secretary's designee, shall convene and chair a work group to  
7 review current laws and policy regarding work release.

8 (3) In addition to the secretary of the department of corrections,  
9 the following shall be members of the work group: A representative  
10 appointed by the governor, a community corrections officer, a  
11 representative of the Washington association of prosecuting attorneys,  
12 a representative of the superior court judges association, a member  
13 selected by the Washington association of sheriffs and police chiefs,  
14 a representative from the Washington state association of counties, a  
15 representative from the association of Washington cities, a  
16 representative from contract work release facilities in the state, a  
17 representative from state-run work release facilities in the state, a  
18 representative from a nonprofit organization that works with former  
19 offenders who have completed a work release program, a crime victims'  
20 advocate, and a representative from the department of community, trade,  
21 and economic development. The secretary may designate a person to  
22 serve in his or her place. Members of the work group shall serve  
23 without compensation.

24 (4) In conducting its review, the work group must review and make  
25 recommendations for changes to corrections law and policies to ensure  
26 that:

27 (a) Work release facilities are transformed into residential  
28 reentry centers so that participants are provided with a combination of  
29 reentry services that conform to evidence-based, research-based, or  
30 promising practices as identified by the institute;

31 (b) Residential reentry centers lead to meaningful employment for  
32 offenders participating in the program;

33 (c) A plan is identified to ensure that residential reentry centers  
34 are distributed throughout the state;

35 (d) Residential reentry centers are of a size consistent with  
36 evidence-based, research-based, or promising practices and appropriate  
37 to the community in which they are located;

1 (e) Communities are given meaningful avenues for ongoing  
2 consultation regarding the establishment and operation of residential  
3 reentry centers in their area;

4 (f) Victim and community safety concerns are given priority when  
5 determining appropriate placement in residential reentry centers for  
6 individual offenders;

7 (g) Eligibility time to participate in residential reentry centers  
8 is sufficient to make it a meaningful experience for offenders; and

9 (h) Programs have the necessary performance measures needed to  
10 effectively monitor the quality, effectiveness, and efficiency of the  
11 programs.

12 (5) To the extent practicable, the institute shall cooperate with  
13 the work group.

14 (6)(a) The institute shall report its results and recommendations  
15 to the governor and the legislature no later than November 15, 2007.

16 (b) The department of corrections shall report the results and  
17 recommendations of the work group to the governor and the legislature  
18 no later than November 15, 2008.

19 NEW SECTION. **Sec. 302.** A new section is added to chapter 72.09  
20 RCW to read as follows:

21 (1) The department shall continue to establish community justice  
22 centers throughout the state for the purpose of providing comprehensive  
23 services and monitoring for offenders who are reentering the community.

24 (2) For the purposes of this chapter, "community justice center" is  
25 defined as a nonresidential facility staffed primarily by the  
26 department in which recently released offenders may access services  
27 necessary to improve their successful reentry into the community. Such  
28 services may include but are not limited to, those listed in the  
29 individual reentry plan, mental health, chemical dependency, sex  
30 offender treatment, anger management, parenting education, financial  
31 literacy, housing assistance, and employment assistance.

32 (3) At a minimum, the community justice center shall include:

33 (a) A violator program to allow the department to utilize a range  
34 of available sanctions for offenders who violate conditions of their  
35 supervision;

36 (b) An employment opportunity program to assist an offender in  
37 finding employment; and

1 (c) Resources for connecting offenders with services such as  
2 treatment, transportation, training, family reunification, and  
3 community services.

4 (4) In addition to any other programs or services offered by a  
5 community justice center, the department shall designate a transition  
6 coordinator to facilitate connections between the former offender and  
7 the community. The department may designate transition coordination  
8 services to be provided by a community transition coordination network  
9 pursuant to section 103 of this act if one has been established in the  
10 community where the community justice center is located and the  
11 department has entered into a memorandum of understanding with the  
12 county to share resources.

13 (5) The transition coordinator shall provide information to former  
14 offenders regarding services available to them in the community  
15 regardless of the length of time since the offender's release from the  
16 correctional facility. The transition coordinator shall, at a minimum,  
17 be responsible for the following:

18 (a) Gathering and maintaining information regarding services  
19 currently existing within the community that are available to offenders  
20 including, but not limited to:

21 (i) Programs offered through the department of social and health  
22 services, the department of health, the department of licensing,  
23 housing authorities, local community and technical colleges, other  
24 state or federal entities which provide public benefits, and nonprofit  
25 entities;

26 (ii) Services such as housing assistance, employment assistance,  
27 education, vocational training, parent education, financial literacy,  
28 treatment for substance abuse, mental health, anger management, and any  
29 other service or program that will assist the former offender to  
30 successfully transition into the community;

31 (b) Coordinating access to the existing services with the community  
32 providers and provide offenders with information regarding how to  
33 access the various type of services and resources that are available in  
34 the community.

35 (6)(a) A minimum of six community justice centers shall be  
36 operational by December 1, 2009. The six community justice centers  
37 include those in operation on the effective date of this section.

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

3 (7) In locating new centers, the department shall:

4 (a) Give priority to the counties with the largest population of  
5 offenders who were under the jurisdiction of the department of  
6 corrections and that do not already have a community justice center;

7 (b) Ensure that at least two centers are operational in eastern  
8 Washington; and

9 (c) Comply with section 303 of this act and all applicable zoning  
10 laws and regulations.

11 (8) Before beginning the siting or opening of the new community  
12 justice center, the department shall:

13 (a) Notify the city, if applicable, and the county within which the  
14 community justice center is proposed. Such notice shall occur at least  
15 sixty days prior to selecting a specific location to provide the  
16 services listed in this section;

17 (b) Consult with the community providers listed in subsection (5)  
18 of this section to determine if they have the capacity to provide  
19 services to offenders through the community justice center; and

20 (c) Give due consideration to all comments received in response to  
21 the notice of the start of site selection and consultation with  
22 community providers.

23 (9) The department shall make efforts to enter into memoranda of  
24 understanding or agreements with the local community policing and  
25 supervision programs as defined in section 101 of this act in which the  
26 community justice center is located to address:

27 (a) Efficiencies that may be gained by sharing space or resources  
28 in the provision of reentry services to offenders, including services  
29 provided through a community transition coordination network  
30 established pursuant to section 103 of this act if a network has been  
31 established in the county;

32 (b) Mechanisms for communication of information about offenders,  
33 including the feasibility of shared access to databases;

34 (c) Partnerships to establish neighborhood corrections initiatives  
35 between the department of corrections and local police to supervise  
36 offenders.

37 (i) A neighborhood corrections initiative includes shared  
38 mechanisms to facilitate supervision of offenders which may include

1 activities such as joint emphasis patrols to monitor high-risk  
2 offenders, service of bench and secretary warrants and detainers, joint  
3 field visits, connecting offenders with services, and, where  
4 appropriate, directing offenders into sanction alternatives in lieu of  
5 incarceration.

6 (ii) The agreement must address:

7 (A) The roles and responsibilities of police officers and  
8 corrections staff participating in the partnership; and

9 (B) The amount of corrections staff and police officer time that  
10 will be dedicated to partnership efforts.

11 NEW SECTION. **Sec. 303.** A new section is added to chapter 72.09  
12 RCW to read as follows:

13 (1) No later than July 1, 2007, and every biennium thereafter  
14 starting with the biennium beginning July 1, 2009, the department shall  
15 prepare a list of counties and rural multicounty geographic areas in  
16 which work release facilities, community justice centers and other  
17 community-based correctional facilities are anticipated to be sited  
18 during the next three fiscal years and transmit the list to the office  
19 of financial management and the counties on the list. The list may be  
20 updated as needed.

21 (2) In preparing the list, the department shall make substantial  
22 efforts to provide for the equitable distribution of work release,  
23 community justice centers, or other community-based correctional  
24 facilities among counties. The department shall give great weight to  
25 the following factors in determining equitable distribution:

26 (a) The locations of existing residential facilities owned or  
27 operated by, or operated under contract with, the department in each  
28 county;

29 (b) The number and proportion of adult offenders sentenced to the  
30 custody or supervision of the department by the courts of the county or  
31 rural multicounty geographic area; and

32 (c) The number of adult registered sex offenders classified as  
33 level II or III and adult sex offenders registered per thousand persons  
34 residing in the county.

35 (3) For purposes of this section, "equitable distribution" means  
36 siting or locating work release, community justice centers, or other  
37 community-based correctional facilities in a manner that reasonably

1 reflects the proportion of offenders sentenced to the custody or  
2 supervision of the department by the courts of each county or rural  
3 multicounty geographic area designated by the department, and, to the  
4 extent practicable, the proportion of offenders residing in particular  
5 jurisdictions or communities within such counties or rural multicounty  
6 geographic areas. Equitable distribution is a policy goal, not a basis  
7 for any legal challenge to the siting, construction, occupancy, or  
8 operation of any facility anywhere in the state.

9       **Sec. 304.** RCW 9.94A.728 and 2004 c 176 s 6 are each amended to  
10 read as follows:

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

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

35       (a) In the case of an offender convicted of a serious violent  
36 offense, or a sex offense that is a class A felony, committed on or  
37 after July 1, 1990, and before July 1, 2003, the aggregate earned

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

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

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

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

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

15 (I) A sex offense;

16 (II) A violent offense;

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

18 (IV) A felony that is domestic violence as defined in RCW  
19 10.99.020;

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

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

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

27 (C) Has no prior conviction for:

28 (I) A sex offense;

29 (II) A violent offense;

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

31 (IV) A felony that is domestic violence as defined in RCW  
32 10.99.020;

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

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

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

1       (D) Participates in programming or activities as directed by the  
2 offender's individual reentry plan as provided under section 203 of  
3 this act to the extent that such programming or activities are made  
4 available by the department; and

5       (E) Has not committed a new felony after the effective date of this  
6 section while under community supervision, community placement, or  
7 community custody.

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

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

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

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

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

32       (2)(a) A person convicted of a sex offense or an offense  
33 categorized as a serious violent offense, assault in the second degree,  
34 vehicular homicide, vehicular assault, assault of a child in the second  
35 degree, any crime against persons where it is determined in accordance  
36 with RCW 9.94A.602 that the offender or an accomplice was armed with a  
37 deadly weapon at the time of commission, or any felony offense under  
38 chapter 69.50 or 69.52 RCW, committed before July 1, 2000, may become



1 eligible, in accordance with a program developed by the department, for  
2 transfer to community custody status in lieu of earned release time  
3 pursuant to subsection (1) of this section;

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

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

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

28 (e) If the department denies transfer to community custody status  
29 in lieu of earned early release pursuant to (d) of this subsection, the  
30 department may transfer an offender to partial confinement in lieu of  
31 earned early release up to three months. The three months in partial  
32 confinement is in addition to that portion of the offender's term of  
33 confinement that may be served in partial confinement as provided in  
34 this section;

35 (f) An offender serving a term of confinement imposed under RCW  
36 9.94A.670(4)(a) is not eligible for earned release credits under this  
37 section;

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

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

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

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

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

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

17 (c) The secretary shall require electronic monitoring for all  
18 offenders in extraordinary medical placement unless the electronic  
19 monitoring equipment interferes with the function of the offender's  
20 medical equipment or results in the loss of funding for the offender's  
21 medical care. The secretary shall specify who shall provide the  
22 monitoring services and the terms under which the monitoring shall be  
23 performed.

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

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

30 (6) No more than the final six months of the ~~((sentence))~~  
31 offender's term of confinement may be served in partial confinement  
32 designed to aid the offender in finding work and reestablishing himself  
33 or herself in the community. This is in addition to that period of  
34 earned early release time that may be exchanged for partial confinement  
35 pursuant to subsection (2)(e) of this section;

36 (7) The governor may pardon any offender;

37 (8) The department may release an offender from confinement any

1 time within ten days before a release date calculated under this  
2 section; and

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

6 Notwithstanding any other provisions of this section, an offender  
7 sentenced for a felony crime listed in RCW 9.94A.540 as subject to a  
8 mandatory minimum sentence of total confinement shall not be released  
9 from total confinement before the completion of the listed mandatory  
10 minimum sentence for that felony crime of conviction unless allowed  
11 under RCW 9.94A.540, however persistent offenders are not eligible for  
12 extraordinary medical placement.

13 **Sec. 305.** RCW 9.94A.737 and 2005 c 435 s 3 are each amended to  
14 read as follows:

15 (1) If an offender violates any condition or requirement of  
16 community custody, the department may transfer the offender to a more  
17 restrictive confinement status to serve up to the remaining portion of  
18 the sentence, less credit for any period actually spent in community  
19 custody or in detention awaiting disposition of an alleged violation  
20 and subject to the limitations of subsection ~~((+2))~~ (3) of this  
21 section.

22 (2) If an offender has not completed his or her maximum term of  
23 total confinement and is subject to a third violation hearing for any  
24 violation of community custody and is found to have committed the  
25 violation, the department shall return the offender to total  
26 confinement in a state correctional facility to serve up to the  
27 remaining portion of his or her sentence, unless it is determined that  
28 returning the offender to a state correctional facility would  
29 substantially interfere with the offender's ability to maintain  
30 necessary community supports or to participate in necessary treatment  
31 or programming and would substantially increase the offender's  
32 likelihood of reoffending.

33 (3)(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+))~~ (4) If an offender has been arrested for a new felony  
34 offense while under community supervision, community custody, or  
35 community placement, the department shall hold the offender in total  
36 confinement until a hearing before the department as provided in this  
37 section or until the offender has been formally charged for the new  
38 felony offense, whichever is earlier. Nothing in this subsection

1 shall be construed as to permit the department to hold an offender past  
2 his or her maximum term of total confinement if the offender has not  
3 completed the maximum term of total confinement or to permit the  
4 department to hold an offender past the offender's term of community  
5 supervision, community custody, or community placement.

6 (5) The department shall be financially responsible for any portion  
7 of the sanctions authorized by this section that are served in a local  
8 correctional facility as the result of action by the department.

9 (6) If an offender is accused of violating any condition or  
10 requirement of community custody, he or she is entitled to a hearing  
11 before the department prior to the imposition of sanctions. The  
12 hearing shall be considered as offender disciplinary proceedings and  
13 shall not be subject to chapter 34.05 RCW. The department shall  
14 develop hearing procedures and a structure of graduated sanctions.

15 ~~((4))~~ (7) The hearing procedures required under subsection  
16 ~~((3))~~ (6) of this section shall be developed by rule and include the  
17 following:

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

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

26 (c) The hearing shall be held unless waived by the offender, and  
27 shall be electronically recorded. For offenders not in total  
28 confinement, the hearing shall be held within fifteen working days, but  
29 not less than twenty-four hours, after notice of the violation. For  
30 offenders in total confinement, the hearing shall be held within five  
31 working days, but not less than twenty-four hours, after notice of the  
32 violation;

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

1 (e) The sanction shall take effect if affirmed by the hearing  
2 officer. Within seven days after the hearing officer's decision, the  
3 offender may appeal the decision to a panel of three reviewing officers  
4 designated by the secretary or by the secretary's designee. The  
5 sanction shall be reversed or modified if a majority of the panel finds  
6 that the sanction was not reasonably related to any of the following:  
7 (i) The crime of conviction; (ii) the violation committed; (iii) the  
8 offender's risk of reoffending; or (iv) the safety of the community.

9 ~~((+5))~~ (8) For purposes of this section, no finding of a violation  
10 of conditions may be based on unconfirmed or unconfirmable allegations.

11 ~~((+6))~~ (9) The department shall work with the Washington  
12 association of sheriffs and police chiefs to establish and operate an  
13 electronic monitoring program for low-risk offenders who violate the  
14 terms of their community custody. Between January 1, 2006, and  
15 December 31, 2006, the department shall endeavor to place at least one  
16 hundred low-risk community custody violators on the electronic  
17 monitoring program per day if there are at least that many low-risk  
18 offenders who qualify for the electronic monitoring program.

19 ~~((+7))~~ (10) Local governments, their subdivisions and employees,  
20 the department and its employees, and the Washington association of  
21 sheriffs and police chiefs and its employees shall be immune from civil  
22 liability for damages arising from incidents involving low-risk  
23 offenders who are placed on electronic monitoring unless it is shown  
24 that an employee acted with gross negligence or bad faith.

25 NEW SECTION. **Sec. 306.** (1) A legislative task force on laws  
26 related to community custody and community supervision is established.

27 (2) The task force shall be composed of fifteen members appointed  
28 in the following manner:

29 (a) The president of the senate shall appoint one member from each  
30 of the two largest caucuses of the senate;

31 (b) The speaker of the house of representatives shall appoint one  
32 member from each of the two largest caucuses of the house of  
33 representatives;

34 (c) The governor shall appoint the chair of the task force and the  
35 following members:

36 (i) A superior court judge;

37 (ii) A representative of a prosecutor's association;

1 (iii) A defense attorney or representative of an organization of  
2 defense attorneys;

3 (iv) A representative of local elected officials;

4 (v) A sheriff or representative of an organization of sheriffs;

5 (vi) A police chief or representative of an organization of police  
6 chiefs;

7 (vii) A community corrections officer;

8 (viii) A crime victim or advocate;

9 (d) The following agencies shall also be represented on the task  
10 force:

11 (i) The attorney general, or the attorney general's designee; and  
12 (ii) The secretary of the department of corrections, or the  
13 secretary's designee.

14 (3) The task force shall:

15 (a) Convene at the call of the chair by August 1, 2007;

16 (b) Review and analyze all statutes of the Revised Code of  
17 Washington related to community custody and community supervision of  
18 offenders;

19 (c) Make specific recommendations, if any, related to sentencing  
20 laws that would allow the department of corrections and its community  
21 corrections officers to more easily identify statutory requirements  
22 associated with an offender's sentence;

23 (d) Make specific recommendations, if any, related to community  
24 custody and community supervision laws that would allow the department  
25 of corrections and its community corrections officers to more easily  
26 identify statutory requirements associated with an offender's term of  
27 community custody or supervision;

28 (e) Make specific recommendations, if any, related to the statutory  
29 requirements of the violation hearing process that would enable the  
30 department of corrections and its community corrections officers to  
31 respond to an offender's behavior by imposing appropriate and timely  
32 sanctions when necessary;

33 (f) Make specific recommendations related to definitions and  
34 language used in the statutes, which would make the statutes easily  
35 readable and unambiguous;

36 (g) Receive input from the public and interested stakeholders to  
37 assist in making suggested changes; and

1 (h) Report its findings to the governor and legislature in the form  
2 of a final report to be submitted by November 1, 2007.

3 (i) The report shall propose specific amendatory language wherever  
4 possible, when making recommendations;

5 (ii) Each recommendation in the report shall, whenever possible,  
6 site to specific evidence-based programs or promising programs which  
7 support the recommended change;

8 (iii) Each recommendation in the report shall, whenever possible,  
9 site to a specific study from the Washington institute for public  
10 policy, national institute for justice, bureau of justice assistance,  
11 or other academic study supporting the suggested change;

12 (iv) The report shall contain a summary of public comment.

13 (4) The task force shall use legislative facilities, and staff  
14 support shall be provided by the office of financial management, senate  
15 committee services, and house of representatives office of program  
16 research.

17 (5) The Washington institute for public policy, the department of  
18 corrections, and the sentencing guidelines commission shall cooperate  
19 with the task force and provide all information and support reasonably  
20 requested by the task force.

21 (6) Nonlegislative members of the task force shall serve without  
22 compensation, but shall be reimbursed for travel expenses as provided  
23 in RCW 43.03.050 and 43.03.060.

24 (7) Legislative members of the task force shall be reimbursed for  
25 travel expenses in accordance with RCW 44.04.120.

26 (8) This section expires December 31, 2007.

27 NEW SECTION. **Sec. 307.** The department of corrections shall  
28 conduct an updated community corrections workload study and report the  
29 results of that study to the governor and the legislature on or before  
30 November 1, 2007.

31 **PART IV - EDUCATION**

32 NEW SECTION. **Sec. 401.** Research and practice show that long-term  
33 success in helping offenders prepare for economic self-sufficiency  
34 requires strategies that address their education and employment needs.  
35 Recent research suggests that a solid academic foundation and



1 employment- and career-focused programs can be cost-effective in  
2 reducing the likelihood of reoffense. To this end, the legislature  
3 intends that the state strive to provide every inmate with basic  
4 academic skills as well as educational and vocational training designed  
5 to meet the assessed needs of the offender.

6 Nonetheless, it is vital that offenders engaged in educational or  
7 vocational training contribute to their own success. An offender  
8 should financially contribute to his or her education, particularly  
9 postsecondary educational pursuits. The legislature intends to provide  
10 more flexibility for offenders in obtaining postsecondary education by  
11 allowing third parties to make contributions to the offender's  
12 education without mandatory deductions and by creating a loan program.  
13 In developing the loan program, the department is encouraged to adopt  
14 rules and standards similar to those that apply to students in  
15 noninstitutional settings for issues such as applying for a loan,  
16 maintaining accountability, and accruing interest on the loan  
17 obligation.

18 **Sec. 402.** RCW 72.09.460 and 2004 c 167 s 5 are each amended to  
19 read as follows:

20 (1) The legislature intends that all inmates be required to  
21 participate in department-approved education programs, work programs,  
22 or both, unless exempted (~~((under subsection (4) of))~~) as specifically  
23 provided in this section. Eligible inmates who refuse to participate  
24 in available education or work programs available at no charge to the  
25 inmates shall lose privileges according to the system established under  
26 RCW 72.09.130. Eligible inmates who are required to contribute  
27 financially to an education or work program and refuse to contribute  
28 shall be placed in another work program. Refusal to contribute shall  
29 not result in a loss of privileges.

30 (2) The legislature recognizes more inmates may agree to  
31 participate in education and work programs than are available. The  
32 department must make every effort to achieve maximum public benefit by  
33 placing inmates in available and appropriate education and work  
34 programs.

35 ~~((2) The department shall provide access to a program of education~~  
36 ~~to all offenders who are under the age of eighteen and who have not met~~  
37 ~~high school graduation or general equivalency diploma requirements in~~

1 accordance with chapter 28A.193 RCW. The program of education  
2 established by the department and education provider under RCW  
3 28A.193.020 for offenders under the age of eighteen must provide each  
4 offender a choice of curriculum that will assist the inmate in  
5 achieving a high school diploma or general equivalency diploma. The  
6 program of education may include but not be limited to basic education,  
7 prevocational training, work ethic skills, conflict resolution  
8 counseling, substance abuse intervention, and anger management  
9 counseling. The curriculum may balance these and other rehabilitation,  
10 work, and training components.))

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

14 ((+a)) (i) Achievement of basic academic skills through obtaining  
15 a high school diploma or its equivalent ((and));

16 (ii) Achievement of vocational skills necessary for purposes of  
17 work programs and for an inmate to qualify for work upon release;

18 ((b) Additional work and education programs based on assessments  
19 and placements under subsection (5) of this section; and

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

21 (4) The department shall establish, by rule, objective medical  
22 standards to determine when an inmate is physically or mentally unable  
23 to participate in available education or work programs. When the  
24 department determines an inmate is permanently unable to participate in  
25 any available education or work program due to a medical condition, the  
26 inmate is exempt from the requirement under subsection (1) of this  
27 section. When the department determines an inmate is temporarily  
28 unable to participate in an education or work program due to a medical  
29 condition, the inmate is exempt from the requirement of subsection (1)  
30 of this section for the period of time he or she is temporarily  
31 disabled. The department shall periodically review the medical  
32 condition of all temporarily disabled inmates to ensure the earliest  
33 possible entry or reentry by inmates into available programming.

34 (5) The department shall establish, by rule, standards for  
35 participation in department approved education and work programs. The  
36 standards shall address the following areas:

37 (a) Assessment. The department shall assess all inmates for their  
38 basic academic skill levels using a professionally accepted method of

1 scoring reading, math, and language skills as grade level equivalents.  
2 The department shall determine an inmate's education history, work  
3 history, and vocational or work skills. The initial assessment shall  
4 be conducted, whenever possible, within the first thirty days of an  
5 inmate's entry into the correctional system, except that initial  
6 assessments are not required for inmates who are sentenced to life  
7 without the possibility of release, assigned to an intensive management  
8 unit within the first thirty days after entry into the correctional  
9 system, are returning to the correctional system within one year of a  
10 prior release, or whose physical or mental condition renders them  
11 unable to complete the assessment process. The department shall track  
12 and record changes in the basic academic skill levels of all inmates  
13 reflected in any testing or assessment performed as part of their  
14 education programming;

15 (b) Placement. The department shall follow the policies set forth  
16 in subsection (1) of this section in establishing criteria for placing  
17 inmates in education and work programs. The department shall, to the  
18 extent possible, place all inmates whose composite grade level score  
19 for basic academic skills is below the eighth grade level in a combined  
20 education and work program. The placement criteria shall include at  
21 least the following factors)) (iii) Additional work and education  
22 programs necessary for compliance with an offender's individual reentry  
23 plan under section 203 of this act with the exception of postsecondary  
24 education degree programs as provided in section 403 of this act; and

25 (iv) Other appropriate vocational, work, or education programs that  
26 are not necessary for compliance with an offender's individual reentry  
27 plan under section 203 of this act with the exception of postsecondary  
28 education degree programs as provided in section 403 of this act.

29 (b) If programming is provided pursuant to (a)(i) through (iii) of  
30 this subsection, the department shall pay the cost of such programming,  
31 including but not limited to books, materials, supplies, and postage  
32 costs related to correspondence courses.

33 (c) If programming is provided pursuant to (a)(iv) of this  
34 subsection, inmates shall be required to pay all or a portion of the  
35 costs, including books, fees, and tuition, for participation in any  
36 vocational, work, or education program as provided in department  
37 policies. Department policies shall include a formula for determining  
38 how much an offender shall be required to pay. The formula shall

1 include steps which correlate to an offender average monthly income or  
2 average available balance in a personal inmate savings account and  
3 which are correlated to a prorated portion or percent of the per credit  
4 fee for tuition, books, or other ancillary costs. The formula shall be  
5 reviewed every two years. A third party may pay directly to the  
6 department all or a portion of costs and tuition for any programming  
7 provided pursuant to (a)(iv) of this subsection on behalf of an inmate.  
8 Such payments shall not be subject to any of the deductions as provided  
9 in this chapter.

10 (d) The department may accept any and all donations and grants of  
11 money, equipment, supplies, materials, and services from any third  
12 party, including but not limited to nonprofit entities, and may  
13 receive, utilize, and dispose of same to complete the purposes of this  
14 section.

15 (e) Any funds collected by the department under (c) and (d) of this  
16 subsection and subsections (8) and (9) of this section shall be used  
17 solely for the creation, maintenance, or expansion of inmate  
18 educational and vocational programs.

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

32 (5)(a) In addition to the policies set forth in this section, the  
33 department shall consider the following factors in establishing  
34 criteria for assessing the inclusion of education and work programs in  
35 an inmate's individual reentry plan and in placing inmates in education  
36 and work programs:

37 (i) An inmate's release date and custody level. An inmate shall  
38 not be precluded from participating in an education or work program

1 solely on the basis of his or her release date, except that inmates  
2 with a release date of more than one hundred twenty months in the  
3 future shall not comprise more than ten percent of inmates  
4 participating in a new class I correctional industry not in existence  
5 on June 10, 2004;

6 (ii) An inmate's education history and basic academic skills;

7 (iii) An inmate's work history and vocational or work skills;

8 (iv) An inmate's economic circumstances, including but not limited  
9 to an inmate's family support obligations; and

10 (v) Where applicable, an inmate's prior performance in department-  
11 approved education or work programs;

12 ~~((c) Performance and goals.))~~ (b) The department shall establish,  
13 and periodically review, inmate behavior standards and program goals  
14 for all education and work programs. Inmates shall be notified of  
15 applicable behavior standards and program goals prior to placement in  
16 an education or work program and shall be removed from the education or  
17 work program if they consistently fail to meet the standards or  
18 goals( (÷

19 ~~(d) Financial responsibility. (i) The department shall establish~~  
20 ~~a formula by which inmates, based on their ability to pay, shall pay~~  
21 ~~all or a portion of the costs or tuition of certain programs. Inmates~~  
22 ~~shall, based on the formula, pay a portion of the costs or tuition of~~  
23 ~~participation in:~~

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

26 ~~(B) An associate of arts or baccalaureate degree program when~~  
27 ~~placement in a degree program is the result of a placement made under~~  
28 ~~this subsection;~~

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

30 ~~(A) Any postsecondary academic degree program which is entered~~  
31 ~~independently of a placement decision made under this subsection; and~~

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

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

1 ~~(e) Notwithstanding any other provision in this section, an inmate~~  
2 ~~sentenced to life without the possibility of release:~~

3 ~~(i) Shall not be required to participate in education programming;~~  
4 ~~and~~

5 ~~(ii) May receive not more than one postsecondary academic degree in~~  
6 ~~a program offered by the department or its contracted providers.~~

7 ~~If an inmate sentenced to life without the possibility of release~~  
8 ~~requires prevocational or vocational training for a work program, he or~~  
9 ~~she may participate in the training subject to this section.~~

10 ~~(6) The department shall coordinate education and work programs~~  
11 ~~among its institutions, to the greatest extent possible, to facilitate~~  
12 ~~continuity of programming among inmates transferred between~~  
13 ~~institutions. Before transferring an inmate enrolled in a program, the~~  
14 ~~department shall consider the effect the transfer will have on the~~  
15 ~~inmate's ability to continue or complete a program. This subsection~~  
16 ~~shall not be used to delay or prohibit a transfer necessary for~~  
17 ~~legitimate safety or security concerns.~~

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

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

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

1       (6) Eligible inmates who refuse to participate in available  
2 education or work programs available at no charge to the inmates shall  
3 lose privileges according to the system established under RCW  
4 72.09.130. Eligible inmates who are required to contribute financially  
5 to an education or work program and refuse to contribute shall be  
6 placed in another work program. Refusal to contribute shall not result  
7 in a loss of privileges.

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

22       (8) The department shall establish policies requiring an offender  
23 to pay all or a portion of the costs and tuition for any vocational  
24 training or postsecondary education program if the offender previously  
25 abandoned coursework related to education or vocational training  
26 without excuse as defined in rule by the department. Department  
27 policies shall include a formula for determining how much an offender  
28 shall be required to pay. The formula shall include steps which  
29 correlate to an offender average monthly income or average available  
30 balance in a personal inmate savings account and which are correlated  
31 to a prorated portion or percent of the per credit fee for tuition,  
32 books, or other ancillary costs. The formula shall be reviewed every  
33 two years. A third party may pay directly to the department all or a  
34 portion of costs and tuition for any program on behalf of an inmate  
35 under this subsection. Such payments shall not be subject to any of  
36 the deductions as provided in this chapter.

37       (9) Notwithstanding any other provision in this section, an inmate

1 sentenced to life without the possibility of release, sentenced to  
2 death under chapter 10.95 RCW, or subject to the provisions of 8 U.S.C.  
3 Sec. 1227:

4 (a) Shall not be required to participate in education programming  
5 except as may be necessary for the maintenance of discipline and  
6 security;

7 (b) May receive not more than one postsecondary academic degree in  
8 a program offered by the department or its contracted providers;

9 (c) May participate in prevocational or vocational training that  
10 may be necessary to participate in a work program;

11 (d) Shall be subject to the applicable provisions of this chapter  
12 relating to inmate financial responsibility for programming except the  
13 postsecondary education degree loan program as provided in section  
14 403(3) of this act.

15 NEW SECTION. Sec. 403. A new section is added to chapter 72.09  
16 RCW to read as follows:

17 (1) The department shall, if funds are appropriated for the  
18 specific purpose, implement postsecondary education degree programs  
19 within state correctional institutions, including the state  
20 correctional institution with the largest population of female inmates.  
21 The department shall consider for inclusion in any postsecondary  
22 education degree program, any postsecondary education degree program  
23 from an accredited community college, college, or university that is  
24 part of an associate of arts, baccalaureate, masters of arts, or other  
25 graduate degree program.

26 (2) Except as provided in subsection (4) of this section, inmates  
27 shall be required to pay the costs for participation in any  
28 postsecondary education degree programs established under this  
29 subsection, including books, fees, tuition, or any other appropriate  
30 ancillary costs, by one or more of the following means:

31 (a) The inmate who is participating in the postsecondary education  
32 degree program shall, during confinement, provide the required payment  
33 or payments to the department;

34 (b) A third party shall provide the required payment or payments  
35 directly to the department on behalf of an inmate, and such payments  
36 shall not be subject to any of the deductions as provided in this  
37 chapter; or



1 (c) The inmate who is participating in the postsecondary education  
2 degree program shall provide the required payment or payments to the  
3 department using loan funds obtained from the department's  
4 postsecondary education degree loan program created pursuant to  
5 subsection (3) of this section.

6 (3) The department shall, if funds are appropriated for the  
7 specific purpose, establish by rule a postsecondary education degree  
8 loan program for inmates seeking to participate in available associate  
9 or two-year postsecondary education degree programs to prepare the  
10 inmate for employment. The department shall establish a process for  
11 awarding loans to inmates, including an application process and  
12 criteria for awarding loans. The department shall collect repayment as  
13 provided in RCW 72.09.450(4). A third party may pay directly to the  
14 department all or a portion of any loan on behalf of an inmate. Such  
15 payments shall not be subject to any of the deductions as provided in  
16 this chapter. Inmates under RCW 72.09.460(9) are not eligible to  
17 participate in the postsecondary education degree loan program.

18 (4) The department may accept any and all donations and grants of  
19 money, equipment, supplies, materials, and services from any third  
20 party, including but not limited to nonprofit entities, and may  
21 receive, utilize, and dispose of same to provide postsecondary  
22 education to inmates.

23 (5) Any funds collected by the department under this section and  
24 RCW 72.09.450(4) shall be used solely for the creation, maintenance, or  
25 expansion of inmate postsecondary education degree programs.

26 **Sec. 404.** RCW 72.09.480 and 2003 c 271 s 3 are each amended to  
27 read as follows:

28 (1) Unless the context clearly requires otherwise, the definitions  
29 in this section apply to this section.

30 (a) "Cost of incarceration" means the cost of providing an inmate  
31 with shelter, food, clothing, transportation, supervision, and other  
32 services and supplies as may be necessary for the maintenance and  
33 support of the inmate while in the custody of the department, based on  
34 the average per inmate costs established by the department and the  
35 office of financial management.

36 (b) "Minimum term of confinement" means the minimum amount of time

1 an inmate will be confined in the custody of the department,  
2 considering the sentence imposed and adjusted for the total potential  
3 earned early release time available to the inmate.

4 (c) "Program" means any series of courses or classes necessary to  
5 achieve a proficiency standard, certificate, or postsecondary degree.

6 (2) When an inmate, except as provided in subsection (7) of this  
7 section, receives any funds in addition to his or her wages or  
8 gratuities, except settlements or awards resulting from legal action,  
9 the additional funds shall be subject to the following deductions and  
10 the priorities established in chapter 72.11 RCW:

11 (a) Five percent to the public safety and education account for the  
12 purpose of crime victims' compensation;

13 (b) Ten percent to a department personal inmate savings account;

14 (c) Twenty percent to the department to contribute to the cost of  
15 incarceration;

16 (d) Twenty percent for payment of legal financial obligations for  
17 all inmates who have legal financial obligations owing in any  
18 Washington state superior court; and

19 (e) Fifteen percent for any child support owed under a support  
20 order.

21 (3) When an inmate, except as provided in subsection (7) of this  
22 section, receives any funds from a settlement or award resulting from  
23 a legal action, the additional funds shall be subject to the deductions  
24 in RCW 72.09.111(1)(a) and the priorities established in chapter 72.11  
25 RCW.

26 (4) The amount deducted from an inmate's funds under subsection (2)  
27 of this section shall not exceed the department's total cost of  
28 incarceration for the inmate incurred during the inmate's minimum or  
29 actual term of confinement, whichever is longer.

30 (5)(a) The deductions required under subsection (2) of this section  
31 shall not apply to funds received by the department from an offender or  
32 from a third party on behalf of an offender for payment of ~~((one fee-~~  
33 ~~based))~~ education or vocational programs ~~((that is associated with an~~  
34 ~~inmate's work program or a placement decision made by the department~~  
35 ~~under RCW 72.09.460 to prepare an inmate for work upon release.~~

36 ~~An inmate may, prior to the completion of the fee based education~~  
37 ~~or vocational program authorized under this subsection, apply to a~~  
38 ~~person designated by the secretary for permission to make a change in~~

1 ~~his or her program. The secretary, or his or her designee, may approve~~  
2 ~~the application based solely on the following criteria: (a) The inmate~~  
3 ~~has been transferred to another institution by the department for~~  
4 ~~reasons unrelated to education or a change to a higher security~~  
5 ~~classification and the offender's current program is unavailable in the~~  
6 ~~offender's new placement; (b) the inmate entered an academic program as~~  
7 ~~an undeclared major and wishes to declare a major. No inmate may apply~~  
8 ~~for more than one change to his or her major and receive the exemption~~  
9 ~~from deductions specified in this subsection; (c) the educational or~~  
10 ~~vocational institution is terminating the inmate's current program; or~~  
11 ~~(d) the offender's training or education has demonstrated that the~~  
12 ~~current program is not the appropriate program to assist the offender~~  
13 ~~to achieve a placement decision made by the department under RCW~~  
14 ~~72.09.460 to prepare the inmate for work upon release)) or~~  
15 ~~postsecondary education degree programs as provided in RCW 72.09.460~~  
16 ~~and section 403 of this act.~~

17 (b) The deductions required under subsection (2) of this section  
18 shall not apply to funds received by the department from a third party,  
19 including but not limited to a nonprofit entity on behalf of the  
20 department's education, vocation, or postsecondary education degree  
21 programs.

22 (6) The deductions required under subsection (2) of this section  
23 shall not apply to any money received by the department, on behalf of  
24 an inmate, from family or other outside sources for the payment of  
25 postage expenses. Money received under this subsection may only be  
26 used for the payment of postage expenses and may not be transferred to  
27 any other account or purpose. Money that remains unused in the  
28 inmate's postage fund at the time of release shall be subject to the  
29 deductions outlined in subsection (2) of this section.

30 (7) When an inmate sentenced to life imprisonment without  
31 possibility of release or parole, or to death under chapter 10.95 RCW,  
32 receives any funds in addition to his or her gratuities, except  
33 settlements or awards resulting from legal action, the additional funds  
34 shall be subject to: Deductions of five percent to the public safety  
35 and education account for the purpose of crime victims' compensation,  
36 twenty percent to the department to contribute to the cost of  
37 incarceration, and fifteen percent to child support payments.

1 (8) When an inmate sentenced to life imprisonment without  
2 possibility of release or parole, or to death under chapter 10.95 RCW,  
3 receives any funds from a settlement or award resulting from a legal  
4 action in addition to his or her gratuities, the additional funds shall  
5 be subject to: Deductions of five percent to the public safety and  
6 education account for the purpose of crime victims' compensation and  
7 twenty percent to the department to contribute to the cost of  
8 incarceration.

9 (9) The interest earned on an inmate savings account created as a  
10 result of the plan in section 4, chapter 325, Laws of 1999 shall be  
11 exempt from the mandatory deductions under this section and RCW  
12 72.09.111.

13 (10) Nothing in this section shall limit the authority of the  
14 department of social and health services division of child support from  
15 taking collection action against an inmate's moneys, assets, or  
16 property pursuant to chapter 26.23, 74.20, or 74.20A RCW including, but  
17 not limited to, the collection of moneys received by the inmate from  
18 settlements or awards resulting from legal action.

19 **Sec. 405.** RCW 72.09.450 and 1996 c 277 s 1 are each amended to  
20 read as follows:

21 (1) An inmate shall not be denied access to services or supplies  
22 required by state or federal law solely on the basis of his or her  
23 inability to pay for them.

24 (2) The department shall record all lawfully authorized assessments  
25 for services or supplies as a debt to the department. The department  
26 shall recoup the assessments when the inmate's institutional account  
27 exceeds the indigency standard, and may pursue other remedies to recoup  
28 the assessments after the period of incarceration.

29 (3) The department shall record as a debt any costs assessed by a  
30 court against an inmate plaintiff where the state is providing defense  
31 pursuant to chapter 4.92 RCW. The department shall recoup the debt  
32 when the inmate's institutional account exceeds the indigency standard  
33 and may pursue other remedies to recoup the debt after the period of  
34 incarceration.

35 (4) The department shall record as a debt any loan recorded against  
36 an inmate participating in the postsecondary education degree loan  
37 program as provided under section 403 of this act. The department

1 shall attempt to recoup the debt not sooner than two years from an  
2 inmate's date of release from total or partial confinement. The loan  
3 shall accrue interest from the time of collection at a rate set by the  
4 department in rule. The department may pursue collection of the debt  
5 as provided in subsection (5) of this section.

6 (5) In order to maximize the cost-efficient collection of unpaid  
7 offender debt existing after the period of an offender's incarceration,  
8 the department is authorized to use the following nonexclusive options:

9 (a) Use the collection services available through the department of  
10 general administration, or (b) notwithstanding any provision of chapter  
11 41.06 RCW, contract with collection agencies for collection of the  
12 debts. The costs for general administration or collection agency  
13 services shall be paid by the debtor. Any contract with a collection  
14 agency shall only be awarded after competitive bidding. Factors the  
15 department shall consider in awarding a collection contract include but  
16 are not limited to a collection agency's history and reputation in the  
17 community; and the agency's access to a local database that may  
18 increase the efficiency of its collections. The servicing of an unpaid  
19 obligation to the department does not constitute assignment of a debt,  
20 and no contract with a collection agency may remove the department's  
21 control over unpaid obligations owed to the department.

22 NEW SECTION. Sec. 406. (1) The department of corrections and the  
23 state board for community and technical colleges, in cooperation with  
24 the unions representing academic employees in corrections education  
25 programs, shall investigate and review methods to optimize educational  
26 and vocational programming opportunities to meet the needs of each  
27 offender as identified in his or her individual reentry plan while an  
28 offender is under the jurisdiction of the department.

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

31 (a) Technological advances which could serve to expand educational  
32 programs and vocational training including, but not limited to,  
33 distance learning, satellite instruction, videotape usage, computer  
34 aided instruction, and flexible scheduling and also considering the  
35 infrastructure, resources, and security that would be needed to  
36 implement the program or training. These advances shall be assessed

1 for their ability to provide the most cost-efficient and effective  
2 programming for offenders;

3 (b) Methods to ensure that educational programs and vocational  
4 training are relevant to enhance the employability of offenders upon  
5 release; and

6 (c) Long-term methods for maintaining channels of communication  
7 between the department, state board administration, academic employees,  
8 and students.

9 (3) The department and state board shall report to the governor and  
10 the legislature no later than July 1, 2008.

11 NEW SECTION. **Sec. 407.** (1) The Washington state institute for  
12 public policy shall conduct a comprehensive analysis and evaluation of  
13 evidence-based, research-based, and promising correctional education  
14 programs and the extent to which Washington's programs are in accord  
15 with these practices. In gathering data regarding correctional  
16 education programs, the institute may consult with academic employees  
17 from correctional education programs.

18 (2) The institute shall report to the governor and the legislature  
19 no later than November 15, 2007.

20 **PART V - EMPLOYMENT BARRIERS**

21 NEW SECTION. **Sec. 501.** On or before October 1, 2007, the  
22 department of corrections and the department of licensing shall enter  
23 into an agreement establishing expedited procedures to assist offenders  
24 in obtaining a driver's license or identification card upon their  
25 release from a department of corrections' institution.

26 NEW SECTION. **Sec. 502.** (1) The director of the department of  
27 licensing, or the director's designee, shall, within existing  
28 resources, convene and chair a work group to review and recommend  
29 changes to occupational licensing laws and policies to encourage the  
30 employment of individuals with criminal convictions while ensuring the  
31 safety of the public.

32 (2) In addition to the director of the department of licensing, the  
33 following shall be members of the work group: A representative from  
34 the employment security department, a representative from the

1 department of corrections, a representative from the Washington state  
2 association of prosecuting attorneys, and up to five members appointed  
3 by the governor from state agencies that issue occupational licenses.  
4 The department shall also invite participation from victim service  
5 agencies, the state board for community and technical colleges,  
6 association of Washington business, nonprofit organizations providing  
7 workforce training to released offenders, and legislative staff who  
8 provide support to the human services and human services and  
9 corrections committees. Members of the work group shall serve without  
10 compensation.

11 (3) In conducting its review, the work group must:

12 (a) Review approaches used by other states and jurisdictions for  
13 awarding occupational licenses to those with criminal convictions;

14 (b) Develop a process and standards by which the department of  
15 licensing and licensing agencies will determine whether a criminal  
16 conviction renders an applicant an unsuitable candidate for a license  
17 or whether a conviction warrants revocation or suspension of a license  
18 previously granted;

19 (c) Develop guidelines for potential applicants that reflect the  
20 most common or well-known categories of crimes and their relation to  
21 specific license types;

22 (d) Establish mechanisms for making information regarding the  
23 process and guidelines easily accessible to potential applicants with  
24 criminal histories.

25 (4) The department of licensing shall present a report of its  
26 findings and recommendations to the governor and the appropriate  
27 committees of the legislature, including any proposed legislation, by  
28 November 15, 2008.

29 (5) This section expires December 15, 2008.

30 **PART VI - HOUSING**

31 NEW SECTION. **Sec. 601.** The legislature finds that, in order to  
32 improve the safety of our communities, more housing needs to be made  
33 available to offenders returning to the community. The legislature  
34 intends to increase the housing available to offenders by providing  
35 that landlords who rent to offenders shall be immune from civil

1 liability for damages that may result from the criminal conduct of the  
2 tenant.

3 NEW SECTION. **Sec. 602.** A new section is added to chapter 59.18  
4 RCW to read as follows:

5 A landlord who rents to an offender is not liable for civil damages  
6 arising from the criminal conduct of the tenant. In order for a  
7 landlord to be protected from liability as provided under this section,  
8 a landlord must:

9 (1) Disclose to residents of the property that he or she rents or  
10 has a policy of renting to offenders; and

11 (2) Take steps to report or halt criminal activity if the landlord  
12 has actual knowledge of criminal activity on the landlord's premises.

13 NEW SECTION. **Sec. 603.** A new section is added to chapter 35.82  
14 RCW to read as follows:

15 The legislature recognizes that stable, habitable, and supportive  
16 housing is a critical factor that increases a previously incarcerated  
17 individual's access to treatment and services as well as the likelihood  
18 of success in the community. Housing authorities are therefore  
19 encouraged to formulate rental policies that are not unduly burdensome  
20 to previously incarcerated individuals attempting to reenter the  
21 community, particularly when the individual's family may already reside  
22 in government subsidized housing.

23 NEW SECTION. **Sec. 604.** A new section is added to chapter 43.185C  
24 RCW to read as follows:

25 (1) The department of community, trade, and economic development  
26 shall establish a pilot program to provide grants to eligible  
27 organizations, as described in RCW 43.185.060, to provide transitional  
28 housing assistance to offenders who are reentering the community and  
29 are in need of housing.

30 (2) There shall be a minimum of two pilot programs established in  
31 two counties. The pilot programs shall be selected through a request  
32 for proposal process and in consultation with the department of  
33 corrections. The department shall select the pilot sites by January 1,  
34 2008.

35 (3) The pilot program shall:



1 (a) Be operated in collaboration with the community justice center  
2 existing in the location of the pilot site;

3 (b) Offer transitional supportive housing that includes individual  
4 support and mentoring available on an ongoing basis, life skills  
5 training, and close working relationships with community justice  
6 centers and community corrections officers. Supportive housing  
7 services can be provided directly by the housing operator, or in  
8 partnership with community-based organizations;

9 (c) In providing assistance, give priority to offenders who are  
10 designated as high risk or high needs as well as those determined not  
11 to have a viable release plan by the department of corrections;

12 (d) Optimize available funding by utilizing cost-effective  
13 community-based shared housing arrangements or other noninstitutional  
14 living arrangements; and

15 (e) Provide housing assistance for a period of time not to exceed  
16 twelve months for a participating offender.

17 (4) The department may also use up to twenty percent of the funding  
18 appropriated in the operating budget for this section to support the  
19 development of additional supportive housing resources for offenders  
20 who are reentering the community.

21 (5) The department shall:

22 (a) Collaborate with the department of corrections in developing  
23 criteria to determine who will qualify for housing assistance; and

24 (b) Gather data, and report to the legislature by November 1, 2008,  
25 on the number of offenders seeking housing, the number of offenders  
26 eligible for housing, the number of offenders who receive the housing,  
27 and the number of offenders who commit new crimes while residing in the  
28 housing to the extent information is available.

29 (6) The department of corrections shall collaborate with  
30 organizations receiving grant funds to:

31 (a) Help identify appropriate housing solutions in the community  
32 for offenders;

33 (b) Where possible, facilitate an offender's application for  
34 housing prior to discharge;

35 (c) Identify enhancements to training provided to offenders prior  
36 to discharge that may assist an offender in effectively transitioning  
37 to the community;

1 (d) Maintain communication between the organization receiving grant  
2 funds, the housing provider, and corrections staff supervising the  
3 offender; and

4 (e) Assist the offender in accessing resources and services  
5 available through the department of corrections and a community justice  
6 center.

7 (7) The state, department of community, trade, and economic  
8 development, department of corrections, local governments, local  
9 housing authorities, eligible organizations as described in RCW  
10 43.185.060, and their employees are not liable for civil damages  
11 arising from the criminal conduct of an offender solely due to the  
12 placement of an offender in housing provided under this section or the  
13 provision of housing assistance.

14 (8) Nothing in this section allows placement of an offender into  
15 housing without an analysis of the risk the offender may pose to that  
16 particular community or other residents.

17 **Sec. 605.** RCW 72.09.111 and 2004 c 167 s 7 are each amended to  
18 read as follows:

19 (1) The secretary shall deduct taxes and legal financial  
20 obligations from the gross wages, gratuities, or workers' compensation  
21 benefits payable directly to the inmate under chapter 51.32 RCW, of  
22 each inmate working in correctional industries work programs, or  
23 otherwise receiving such wages, gratuities, or benefits. The secretary  
24 shall also deduct child support payments from the gratuities of each  
25 inmate working in class II through class IV correctional industries  
26 work programs. The secretary shall develop a formula for the  
27 distribution of offender wages, gratuities, and benefits. The formula  
28 shall not reduce the inmate account below the indigency level, as  
29 defined in RCW 72.09.015.

30 (a) The formula shall include the following minimum deductions from  
31 class I gross wages and from all others earning at least minimum wage:

32 (i) Five percent to the public safety and education account for the  
33 purpose of crime victims' compensation;

34 (ii) Ten percent to a department personal inmate savings account;

35 (iii) Twenty percent to the department to contribute to the cost of  
36 incarceration; and

1 (iv) Twenty percent for payment of legal financial obligations for  
2 all inmates who have legal financial obligations owing in any  
3 Washington state superior court.

4 (b) The formula shall include the following minimum deductions from  
5 class II gross gratuities:

6 (i) Five percent to the public safety and education account for the  
7 purpose of crime victims' compensation;

8 (ii) Ten percent to a department personal inmate savings account;

9 (iii) Fifteen percent to the department to contribute to the cost  
10 of incarceration;

11 (iv) Twenty percent for payment of legal financial obligations for  
12 all inmates who have legal financial obligations owing in any  
13 Washington state superior court; and

14 (v) Fifteen percent for any child support owed under a support  
15 order.

16 (c) The formula shall include the following minimum deductions from  
17 any workers' compensation benefits paid pursuant to RCW 51.32.080:

18 (i) Five percent to the public safety and education account for the  
19 purpose of crime victims' compensation;

20 (ii) Ten percent to a department personal inmate savings account;

21 (iii) Twenty percent to the department to contribute to the cost of  
22 incarceration; and

23 (iv) An amount equal to any legal financial obligations owed by the  
24 inmate established by an order of any Washington state superior court  
25 up to the total amount of the award.

26 (d) The formula shall include the following minimum deductions from  
27 class III gratuities:

28 (i) Five percent for the purpose of crime victims' compensation;  
29 and

30 (ii) Fifteen percent for any child support owed under a support  
31 order.

32 (e) The formula shall include the following minimum deduction from  
33 class IV gross gratuities:

34 (i) Five percent to the department to contribute to the cost of  
35 incarceration; and

36 (ii) Fifteen percent for any child support owed under a support  
37 order.

1 (2) Any person sentenced to life imprisonment without possibility  
2 of release or parole under chapter 10.95 RCW or sentenced to death  
3 shall be exempt from the requirement under subsection (1)(a)(ii),  
4 (b)(ii), or (c)(ii).

5 (3)(a) The department personal inmate savings account, together  
6 with any accrued interest, shall only be available to an inmate at the  
7 following times:

8 (i) The time of his or her release from confinement(~~(, unless)~~);

9 (ii) Prior to his or her release from confinement in order to  
10 secure approved housing; or

11 (iii) When the secretary determines that an emergency exists for  
12 the inmate(~~(, at which time the funds can be)~~).

13 (b) If funds are made available pursuant to (a)(ii) or (iii) of  
14 this subsection, the funds shall be made available to the inmate in an  
15 amount determined by the secretary.

16 (c) The management of classes I, II, and IV correctional industries  
17 may establish an incentive payment for offender workers based on  
18 productivity criteria. This incentive shall be paid separately from  
19 the hourly wage/gratuity rate and shall not be subject to the specified  
20 deduction for cost of incarceration.

21 (4)(a) Subject to availability of funds for the correctional  
22 industries program, the expansion of inmate employment in class I and  
23 class II correctional industries shall be implemented according to the  
24 following schedule:

25 (i) Not later than June 30, 2005, the secretary shall achieve a net  
26 increase of at least two hundred in the number of inmates employed in  
27 class I or class II correctional industries work programs above the  
28 number so employed on June 30, 2003;

29 (ii) Not later than June 30, 2006, the secretary shall achieve a  
30 net increase of at least four hundred in the number of inmates employed  
31 in class I or class II correctional industries work programs above the  
32 number so employed on June 30, 2003;

33 (iii) Not later than June 30, 2007, the secretary shall achieve a  
34 net increase of at least six hundred in the number of inmates employed  
35 in class I or class II correctional industries work programs above the  
36 number so employed on June 30, 2003;

37 (iv) Not later than June 30, 2008, the secretary shall achieve a

1 net increase of at least nine hundred in the number of inmates employed  
2 in class I or class II correctional industries work programs above the  
3 number so employed on June 30, 2003;

4 (v) Not later than June 30, 2009, the secretary shall achieve a net  
5 increase of at least one thousand two hundred in the number of inmates  
6 employed in class I or class II correctional industries work programs  
7 above the number so employed on June 30, 2003;

8 (vi) Not later than June 30, 2010, the secretary shall achieve a  
9 net increase of at least one thousand five hundred in the number of  
10 inmates employed in class I or class II correctional industries work  
11 programs above the number so employed on June 30, 2003.

12 (b) Failure to comply with the schedule in this subsection does not  
13 create a private right of action.

14 (5) In the event that the offender worker's wages, gratuity, or  
15 workers' compensation benefit is subject to garnishment for support  
16 enforcement, the crime victims' compensation, savings, and cost of  
17 incarceration deductions shall be calculated on the net wages after  
18 taxes, legal financial obligations, and garnishment.

19 (6) The department shall explore other methods of recovering a  
20 portion of the cost of the inmate's incarceration and for encouraging  
21 participation in work programs, including development of incentive  
22 programs that offer inmates benefits and amenities paid for only from  
23 wages earned while working in a correctional industries work program.

24 (7) The department shall develop the necessary administrative  
25 structure to recover inmates' wages and keep records of the amount  
26 inmates pay for the costs of incarceration and amenities. All funds  
27 deducted from inmate wages under subsection (1) of this section for the  
28 purpose of contributions to the cost of incarceration shall be  
29 deposited in a dedicated fund with the department and shall be used  
30 only for the purpose of enhancing and maintaining correctional  
31 industries work programs.

32 (8) It shall be in the discretion of the secretary to apportion the  
33 inmates between class I and class II depending on available contracts  
34 and resources.

35 (9) Nothing in this section shall limit the authority of the  
36 department of social and health services division of child support from  
37 taking collection action against an inmate's moneys, assets, or  
38 property pursuant to chapter 26.23, 74.20, or 74.20A RCW.

PART VII - MISCELLANEOUS

NEW SECTION. **Sec. 701.** Part headings used in this act are not any part of the law.

NEW SECTION. **Sec. 702.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

**SSB 6157** - S AMD

By Senators Hargrove, Carrell, Regala, Brown

**ADOPTED AS AMENDED 04/20/2007**

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "reducing offender recidivism by increasing access and coordination of offender services in communities through inventories of services and community transition coordination network pilot programs; by improving local law and justice councils to focus their efforts on effective use of correctional resources and coordination between state and local law enforcement and corrections agencies; by developing and implementing individual reentry plans that describe actions and services to prepare offenders for release from jail or prison and require an offender to participate in available programming directed in their plan in order to qualify for fifty percent earned early release; by excluding the use of an individual reentry plan as the basis in civil actions against local governments; by requiring an offender released to community supervision to be returned to the county of origin unless it is inappropriate due to matters of victim safety, lack of family or other supports for the offender in other locations, or negative influences on the offender in that community; by requiring the department of corrections to prepare a list of counties and rural multicounty areas for anticipated siting of work release, community justice centers and other community-based correctional facilities while making substantial efforts to provide for

1 the equitable distribution of the facilities; by studying and  
2 identifying evidence-based practices for work release; by increasing  
3 the use of effective practices in residential and nonresidential  
4 transition facilities for offenders under the jurisdiction of the  
5 department of corrections; by permitting partial confinement in lieu of  
6 earned early release up to three months; by requiring, upon a finding  
7 at a third violation hearing that the offender committed a violation,  
8 the return of an offender to total confinement to serve up to the  
9 remaining portion of his or her sentence unless it is determined that  
10 returning the offender would interfere with the offender's ability to  
11 maintain community supports or participate in treatment and would  
12 increase the likelihood of reoffending; by requiring an offender  
13 arrested for a new felony while under community custody, community  
14 placement, or community supervision to be held in confinement until a  
15 hearing before the department or until a formal charge is filed,  
16 whichever is earlier; by prohibiting an offender under community  
17 custody, community placement, or community supervision who is found  
18 guilty of a new felony after the effective date of this act from  
19 qualifying for fifty percent earned early release; by creating a task  
20 force to study and review the current laws and policy regarding  
21 community custody and community supervision; by conducting a community  
22 corrections workload study; by improving educational opportunities; by  
23 providing liability protection for landlords who rent to former  
24 offenders and entities participating in the transitional housing  
25 program under certain conditions; by encouraging housing authorities to  
26 formulate rental policies not overly burdensome to previously  
27 incarcerated individuals; by establishing a transitional housing  
28 program for offenders in need of stable housing; by allowing funds to  
29 be disbursed from a personal inmate savings account in order to assist  
30 an offender to secure appropriate housing; by establishing expedited  
31 procedures for released offenders to obtain a driver's license or  
32 identification card; and by reviewing and recommending changes to  
33 occupational licensing laws; amending RCW 72.09.300, 72.09.015,  
34 9.94A.728, 9.94A.737, 72.09.460, 72.09.480, 72.09.450, and 72.09.111;  
35 adding new sections to chapter 72.09 RCW; adding a new section to  
36 chapter 59.18 RCW; adding a new section to chapter 35.82 RCW; adding a  
37 new section to chapter 43.185C RCW; adding a new chapter to Title 72  
38 RCW; creating new sections; and providing expiration dates."

--- END ---