
SENATE BILL 5674

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By Senators Braun, Dozier, Gildon, Holy, Honeyford, Muzzall, Padden, Rivers, Short, Wagoner, Warnick, J. Wilson, and L. Wilson

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1 AN ACT Relating to the graduated reentry program at the
2 department of corrections; amending RCW 9.94A.733; reenacting and
3 amending RCW 9.94A.728; and repealing 2021 c 266 s 3 (uncodified).

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

5 **Sec. 1.** RCW 9.94A.733 and 2021 c 266 s 1 are each amended to
6 read as follows:

7 ~~(1) ((a) Except as provided in (b) of this subsection, an~~
8 ~~offender may not participate in the graduated reentry program under~~
9 ~~this subsection unless he or she has served at least six months in~~
10 ~~total confinement in a state correctional facility.~~

11 ~~(i) An offender subject to (a) of this subsection may serve no~~
12 ~~more than the final five months of the offender's term of confinement~~
13 ~~in partial confinement as home detention as part of the graduated~~
14 ~~reentry program developed by the department.~~

15 ~~(ii) Home detention under (a) of this subsection may not be~~
16 ~~imposed for individuals subject to a deportation order, civil~~
17 ~~commitment, or the interstate compact for adult offender supervision~~
18 ~~under RCW 9.94A.745.~~

19 ~~(b) For offenders who meet the requirements of (b)(iii) of this~~
20 ~~subsection, an offender may not participate in the graduated reentry~~

1 ~~program unless he or she has served at least four months in total~~
2 ~~confinement in a state correctional facility.~~

3 ~~(i) An offender under this subsection (1)(b) may serve no more~~
4 ~~than the final 18 months of the offender's term of confinement in~~
5 ~~partial confinement as home detention as part of the graduated~~
6 ~~reentry program developed by the department.~~

7 ~~(ii) Home detention under this subsection (1)(b) may not be~~
8 ~~imposed for individuals subject to a deportation order or subject to~~
9 ~~the jurisdiction of the indeterminate sentence review board.~~

10 ~~(iii) Home detention under this subsection (1)(b) may not be~~
11 ~~imposed for offenders currently serving a term of confinement for the~~
12 ~~following offenses:~~

13 ~~(A) Any sex offense;~~

14 ~~(B) Any violent offense; or~~

15 ~~(C) Any crime against a person offense in accordance with the~~
16 ~~categorization of crimes against persons outlined in RCW~~
17 ~~9.94A.411(2).) No more than the final six months of the offender's~~
18 ~~term of confinement may be served in partial confinement as home~~
19 ~~detention as part of the graduated reentry program developed by the~~
20 ~~department. However, an offender may not participate in the graduated~~
21 ~~reentry program under this section unless he or she has served at~~
22 ~~least 12 months in total confinement in a state correctional~~
23 ~~facility.~~

24 (2) The secretary of the department may transfer an offender from
25 a department correctional facility to home detention in the community
26 if it is determined that the graduated reentry program is an
27 appropriate placement and must assist the offender's transition from
28 confinement to the community.

29 (3) The department and its officers, agents, and employees are
30 not liable for the acts of offenders participating in the graduated
31 reentry program unless the department or its officers, agents, and
32 employees acted with willful and wanton disregard.

33 (4) All offenders placed on home detention as part of the
34 graduated reentry program must provide an approved residence and
35 living arrangement prior to transfer to home detention.

36 (5) While in the community on home detention as part of the
37 graduated reentry program, the department must:

38 (a) Require the offender to be placed on electronic home
39 monitoring;

1 (b) Require the offender to participate in programming and
2 treatment that the department shall assign based on an offender's
3 assessed need; and

4 (c) Assign a community corrections officer who will monitor the
5 offender's compliance with conditions of partial confinement and
6 programming requirements.

7 (6) The department retains the authority to return any offender
8 serving partial confinement in the graduated reentry program to total
9 confinement for any reason including, but not limited to, the
10 offender's noncompliance with any sentence requirement.

11 (7) The department may issue rental vouchers for a period not to
12 exceed six months for those transferring to partial confinement under
13 this section if an approved address cannot be obtained without the
14 assistance of a voucher.

15 (8) In the selection of offenders to participate in the graduated
16 reentry program, and in setting, modifying, and enforcing the
17 requirements of the graduated reentry program, the department is
18 deemed to be performing a quasi-judicial function.

19 ~~((9) The department shall publish a monthly report on its
20 website with the number of offenders who were transferred during the
21 month to home detention as part of the graduated reentry program. The
22 department shall submit an annual report by December 1st to the
23 appropriate committees of the legislature with the number of
24 offenders who were transferred to home detention as part of the
25 graduated reentry program during the prior year.))~~

26 **Sec. 2.** RCW 9.94A.728 and 2021 c 311 s 19 and 2021 c 266 s 2 are
27 each reenacted and amended to read as follows:

28 (1) No person serving a sentence imposed pursuant to this chapter
29 and committed to the custody of the department shall leave the
30 confines of the correctional facility or be released prior to the
31 expiration of the sentence except as follows:

32 (a) An offender may earn early release time as authorized by RCW
33 9.94A.729;

34 (b) An offender may leave a correctional facility pursuant to an
35 authorized furlough or leave of absence. In addition, offenders may
36 leave a correctional facility when in the custody of a corrections
37 officer or officers;

38 (c) (i) The secretary may authorize an extraordinary medical
39 placement for an offender when all of the following conditions exist:

1 (A) The offender has a medical condition that is serious and is
2 expected to require costly care or treatment;

3 (B) The offender poses a low risk to the community because he or
4 she is currently physically incapacitated due to age or the medical
5 condition or is expected to be so at the time of release; and

6 (C) It is expected that granting the extraordinary medical
7 placement will result in a cost savings to the state.

8 (ii) An offender sentenced to death or to life imprisonment
9 without the possibility of release or parole is not eligible for an
10 extraordinary medical placement.

11 (iii) The secretary shall require electronic monitoring for all
12 offenders in extraordinary medical placement unless the electronic
13 monitoring equipment interferes with the function of the offender's
14 medical equipment or results in the loss of funding for the
15 offender's medical care, in which case, an alternative type of
16 monitoring shall be utilized. The secretary shall specify who shall
17 provide the monitoring services and the terms under which the
18 monitoring shall be performed.

19 (iv) The secretary may revoke an extraordinary medical placement
20 under this subsection (1)(c) at any time.

21 (v) Persistent offenders are not eligible for extraordinary
22 medical placement;

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

27 (e) No more than the final (~~(twelve)~~) 12 months of the offender's
28 term of confinement may be served in partial confinement for aiding
29 the offender with: Finding work as part of the work release program
30 under chapter 72.65 RCW; or reestablishing himself or herself in the
31 community as part of the parenting program in RCW 9.94A.6551. This is
32 in addition to that period of earned early release time that may be
33 exchanged for partial confinement pursuant to RCW 9.94A.729(5)(d);

34 (f) (~~(+i)~~) No more than the final (~~(five)~~) six months of the
35 offender's term of confinement may be served in partial confinement
36 as home detention as part of the graduated reentry program developed
37 by the department under RCW 9.94A.733(~~(+1)(a)~~);

38 (~~(+ii)~~) ~~For eligible offenders under RCW 9.94A.733(1)(b), after~~
39 ~~serving at least four months in total confinement in a state~~
40 ~~correctional facility, an offender may serve no more than the final~~

1 ~~18 months of the offender's term of confinement in partial~~
2 ~~confinement as home detention as part of the graduated reentry~~
3 ~~program developed by the department;))~~

4 (g) The governor may pardon any offender;

5 (h) The department may release an offender from confinement any
6 time within (~~ten~~) 10 days before a release date calculated under
7 this section;

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

11 (j) Notwithstanding any other provisions of this section, an
12 offender sentenced for a felony crime listed in RCW 9.94A.540 as
13 subject to a mandatory minimum sentence of total confinement shall
14 not be released from total confinement before the completion of the
15 listed mandatory minimum sentence for that felony crime of conviction
16 unless allowed under RCW 9.94A.540; and

17 (k) Any person convicted of one or more crimes committed prior to
18 the person's (~~eighteenth~~) 18th birthday may be released from
19 confinement pursuant to RCW 9.94A.730.

20 (2) Notwithstanding any other provision of this section, an
21 offender entitled to vacation of a conviction or the recalculation of
22 his or her offender score pursuant to *State v. Blake*, No. 96873-0
23 (Feb. 25, 2021), may be released from confinement pursuant to a court
24 order if the offender has already served a period of confinement that
25 exceeds his or her new standard range. This provision does not create
26 an independent right to release from confinement prior to
27 resentencing.

28 (3) Offenders residing in a juvenile correctional facility
29 placement pursuant to RCW 72.01.410(1)(a) are not subject to the
30 limitations in this section.

31 NEW SECTION. **Sec. 3.** 2021 c 266 s 3 (uncodified) is repealed.

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