S-0035.1

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**SENATE BILL 5298**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** Senator Wagoner

AN ACT Relating to improving department of corrections operation and oversight by transferring the office of corrections ombuds to the department of social and health services; amending RCW 43.06C.020 and 43.131.426; adding a new section to chapter 43.06C RCW; creating a new section; and repealing RCW 43.06C.030.

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

**Sec.**  RCW 43.06C.020 and 2018 c 270 s 2 are each amended to read as follows:

Subject to the availability of amounts appropriated for this specific purpose, there is hereby created an office of corrections ombuds within the ((~~office of the governor~~)) department of social and health services for the purpose of providing information to inmates and their families, representatives of inmates, department employees, and others regarding the rights of inmates; providing technical assistance to support inmate self-advocacy; promoting public awareness and understanding of the rights and responsibilities of inmates; identifying system issues and responses for the governor and the legislature to act upon; and ensuring compliance with relevant statutes, rules, and policies pertaining to corrections facilities, services, and treatment of inmates under the jurisdiction of the department.

((~~The ombuds reports directly to the governor and exercises his or her powers and duties independently of the secretary.~~))

NEW SECTION. **Sec.**  A new section is added to chapter 43.06C RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department of social and health services shall designate, by a competitive bidding process, the nonprofit organization that will contract to operate the office. The contract must last for a period of two years and may be renewed at the end of the term. The department of social and health services shall select an organization that possesses, directly or through subcontracts, significant legal expertise, competence with mediation and alternative dispute resolution, and experience working within criminal justice and correctional environments. Other relevant experience may include, but is not limited to, addressing issues relating to chemical dependency treatment, disability and disability-related accommodation, respect for racial, ethnic, and religious diversity, and other civil rights and conditions issues. The selected organization must have experience and the capacity to communicate effectively regarding criminal justice issues with policymakers, stakeholders, and the general public, and must be prepared and able to provide all program and staff support necessary, directly or through subcontracts, to carry out all duties of the office.

(2) The organization and its subcontractors, if any, are not state agencies or departments, but instead are private, independent entities operating under contract with the state.

(3) The organization must be an objective and neutral entity that will impartially investigate complaints.

(4) The organization is subject to financial and other audits by the state auditor's office, and its employees must abide by the provisions of chapter 42.52 RCW.

NEW SECTION. **Sec.**  (1) The office of corrections ombuds is transferred to the department of social and health services.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the office of corrections ombuds shall be delivered to the custody of the department of social and health services. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the department of social and health services.

(b) Any appropriations made to the office of corrections ombuds shall, on the effective date of this section, be transferred and credited to the department of social and health services.

(c) If any question arises as to the transfer of any funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All rules and all pending business before the office of corrections ombuds shall be continued and acted upon by the department of social and health services. All existing contracts and obligations shall remain in full force and shall be performed by the department of social and health services.

(4) The transfer of the powers, duties, and functions of the office of corrections ombuds shall not affect the validity of any act performed before the effective date of this section.

(5) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(6) The transfers to the department of social and health services in this section shall be used by the department to facilitate operation of the office of corrections ombuds by the nonprofit organization selected by the competitive bidding process outlined in section 2 of this act.

**Sec.**  RCW 43.131.426 and 2018 c 270 s 11 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective July 1, 2029:

(1) RCW 43.06C.005 and 2018 c 270 s 1;

(2) RCW 43.06C.020 and 2023 c . . . s 1 (section 1 of this act) & 2018 c 270 s 2;

(3) RCW 43.06C.010 and 2018 c 270 s 3;

(4) RCW ((~~43.06C.030 and 2018 c 270 s 4~~)) 43.06C.--- and 2023 c . . . s 2 (section 2 of this act);

(5) RCW 43.06C.040 and 2018 c 270 s 5;

(6) RCW 43.06C.050 and 2018 c 270 s 6;

(7) RCW 43.06C.060 and 2018 c 270 s 7; and

(8) RCW 43.06C.070 and 2018 c 270 s 8.

NEW SECTION. **Sec.**  RCW 43.06C.030 (Appointment of ombuds—Term—Other employees) and 2018 c 270 s 4 are each repealed.

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