

2SSB 5502 - H COMM AMD

By Committee on Community Safety, Justice, & Reentry

NOT ADOPTED 04/10/2023

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

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

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

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

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

17 (b) For offenders who meet the requirements of (b)(iii) of this
18 subsection, an offender may not participate in the graduated reentry
19 program unless he or she has served at least four months in total
20 confinement in a state correctional facility.

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

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

28 (iii) Home detention under this subsection (1)(b) may not be
29 imposed for offenders currently serving a term of confinement for the
30 following offenses:

- 31 (A) Any sex offense;
32 (B) Any violent offense; or

1 (C) Any crime against a person offense in accordance with the
2 categorization of crimes against persons outlined in RCW
3 9.94A.411(2).

4 (2) The secretary of the department may transfer an offender from
5 a department correctional facility to home detention in the community
6 if it is determined that the graduated reentry program is an
7 appropriate placement and must assist the offender's transition from
8 confinement to the community.

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

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

16 (b) The department may not transfer an offender to participate in
17 the graduated reentry program until the department has conducted a
18 comprehensive assessment for substance use disorder. If the offender
19 is assessed to have a substance use disorder, the department shall
20 assist the offender in enrolling in substance use disorder treatment
21 services at the level deemed appropriate by the assessment. Offenders
22 transferred to participate in the graduated reentry program must
23 begin receiving substance use disorder treatment services as soon as
24 practicable after transfer to avoid any delays in treatment.
25 Substance use disorder treatment services shall include, as deemed
26 necessary by the assessment, access to medication-assisted treatment
27 and counseling programs. Upon transfer to the graduated reentry
28 program, when clinically appropriate, individuals must be provided
29 with access to self-administered fentanyl testing supplies and
30 medications designed to reverse the effects of opioid overdose.

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

33 (a) Require the offender to be placed on electronic home
34 monitoring;

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

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

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

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

9 (8) In the selection of offenders to participate in the graduated
10 reentry program, and in setting, modifying, and enforcing the
11 requirements of the graduated reentry program, the department is
12 deemed to be performing a quasi-judicial function.

13 (9) The department shall publish a monthly report on its website
14 with the number of offenders who were transferred during the month to
15 home detention as part of the graduated reentry program. The
16 department shall submit an annual report by December 1st to the
17 appropriate committees of the legislature with the number of
18 offenders who were transferred to home detention as part of the
19 graduated reentry program during the prior year.

20 (10)(a) Beginning July 1, 2023, the following data must be
21 collected and posted to the department's website on a monthly basis:

22 (i) The number of offenders who were transferred to the graduated
23 reentry program who were assessed to have a substance use disorder
24 during the prior calendar month; and

25 (ii) The number of offenders in the graduated reentry program
26 during the prior calendar month who received:

27 (A) Outpatient substance use disorder treatment;

28 (B) Inpatient substance use disorder treatment; and

29 (C) Both outpatient and inpatient substance use disorder
30 treatment.

31 (b) Beginning July 1, 2023, the health care authority must report
32 monthly to the department on the number of offenders in the graduated
33 reentry program who received substance use disorder outpatient
34 treatment, while in the community, during the prior calendar month."

35 Correct the title.

EFFECT: Requires the department of corrections to provide participants in the graduated reentry program with access to testing supplies and medications, when clinically appropriate, rather than

requiring the department of corrections to monitor the participants and change treatment plans.

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