
SUBSTITUTE SENATE BILL 5502

State of Washington

68th Legislature

2023 Regular Session

By Senate Human Services (originally sponsored by Senators Gildon, Boehnke, Torres, J. Wilson, and L. Wilson)

READ FIRST TIME 02/08/23.

1 AN ACT Relating to ensuring necessary access to substance use
2 disorder treatment for individuals entering the graduated reentry
3 program at the department of corrections; and amending RCW 9.94A.733.

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 offender
8 may not participate in the graduated reentry program under this
9 subsection unless he or she has served at least six months in total
10 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).

18 (2) The secretary of the department may transfer an offender from
19 a department correctional facility to home detention in the community
20 if it is determined that the graduated reentry program is an
21 appropriate placement and must assist the offender's transition from
22 confinement to the community.

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

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

30 (b) The department may not transfer an offender to participate in
31 the graduated reentry program until the department has conducted a
32 comprehensive assessment for substance use disorder. If the offender
33 is assessed to have a substance use disorder, the department shall
34 assist the offender in enrolling in substance use disorder treatment
35 services, if available, as deemed appropriate by the department.
36 Offenders enrolled in appropriate substance use disorder treatment
37 services and transferred to participate in the graduated reentry
38 program must begin receiving substance use disorder treatment
39 services as soon as practicable after transfer to avoid any delays in
40 treatment. Substance use disorder treatment services shall include,

1 as deemed necessary by the department, access to medication-assisted
2 treatment and counseling programs.

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

5 (a) Require the offender to be placed on electronic home
6 monitoring;

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

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

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

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

21 (8) In the selection of offenders to participate in the graduated
22 reentry program, and in setting, modifying, and enforcing the
23 requirements of the graduated reentry program, the department is
24 deemed to be performing a quasi-judicial function.

25 (9) The department shall publish a monthly report on its website
26 with the number of offenders who were transferred during the month to
27 home detention as part of the graduated reentry program. The
28 department shall submit an annual report by December 1st to the
29 appropriate committees of the legislature with the number of
30 offenders who were transferred to home detention as part of the
31 graduated reentry program during the prior year.

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