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**Human Services Committee**

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**HB 1874**

**Brief Description:** Addressing the transition and reentry of offenders into the community.

**Sponsors:** Representatives Roberts, Dickerson, Green, Pettigrew, O'Brien, Kagi, Dunshee, Hunt, Goodman, Jarrett, Darneille, Hasegawa, McCoy, Appleton, Upthegrove, Kessler, Kenney, Moeller, Lantz, Sells, Hurst, Simpson, McIntire and Ormsby.

**Brief Summary of Bill**

- Changes several areas of law to assist offenders who are released from Department of Corrections facilities to successfully transition into the community while maintaining public safety.

**Hearing Date:** 2/7/07

**Staff:** Sonja Hallum (786-7092).

**Background:**

**Offender Reentry Issues**

Each year, thousands of offenders return to the community from Washington prisons after completing their sentences. Research from the Washington State Institute of Public Policy (WSIPP) shows that approximately 54 percent of these offenders will commit a new felony within 13 years. Further, the Washington Caseload Forecast Council estimates that under existing policies, Washington's incarceration rate will increase 23 percent by the year 2019.

In 2005, the Legislature directed the WSIPP to report, by October 2006, whether evidence-based and cost-beneficial policy options exist to alleviate the need to build more prisons. The WSIPP concluded that several programs directed to adult offenders can have a positive impact on recidivism and produce significant cost savings for the state of Washington.

**Earned Release**

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The Department of Corrections (DOC) may reduce an offender's term of confinement through earned release time. Earned release time may be granted for good behavior and good performance and can be taken away for disciplinary reasons.

An offender convicted of a serious violent offense or a class A felony sex offense, on or after July 1, 2003, may obtain earned release time. Such an offender may not have his or her term reduced by more than 10 percent via earned release time.

Certain other offenders can have their confinement reduced by up to 50 percent. The DOC must perform a risk assessment of eligible offenders and classify them into four risk groups. An offender may have his or her term of confinement reduced by up to 50 percent through earned early release time if he or she is among the lowest risk offenders and does not have criminal history that would preclude the offender from being eligible for the earned release.

### **Education**

In 1995 the Legislature adopted a law requiring the DOC to prioritize its available resources to meet the following educational goals, specified in order of priority:

- achievement of basic academic skills through obtaining a high school diploma or its equivalent, and achievement of vocational skills necessary for purposes of work programs and for an inmate to qualify for work upon release;
- additional work and education programs that are compatible with an offender's case management plan; and
- other work and education programs as appropriate.

The 1995 legislation required the DOC to develop a formula by which inmates would contribute to the cost of certain educational and vocational programs based on their ability to pay. The formula requires offenders to pay a portion of the costs or tuition for any second or subsequent vocational program associated with their work programs and any Associate of Arts or Baccalaureate degree programs that are part of their case management plans. The formula also requires offenders to pay all costs and tuition of any post-secondary academic program and any second or subsequent vocational program that is not part of their case management plan.

As a result of these statutory priorities, which were implemented in the context of a 5 percent reduction in the department's education budget, many post-secondary academic programs and vocational programs were eliminated from state correctional institutions.

### **Community Custody**

"Community custody" means that portion of an offender's sentence of confinement served in the community subject to controls placed on the offender's movement and activities by the DOC.

If the offender violates the conditions of community custody, the offender may be required to serve up to the remaining portion of the sentence, less credit of any period actually spent in community custody or in detention awaiting disposition on the alleged violation. If a sex offender violates any condition of community custody the DOC may impose a sanction of up to 60 days confinement in a local correctional facility for each violation. If the offender has served his maximum term of confinement, the DOC may impose sanctions available in the community.

An offender accused of violating a condition of community custody is entitled to a hearing before the DOC before sanctions are imposed. The hearing is considered a disciplinary hearing and is not subject to the requirements of the Administrative Procedure Act.

### **Order of Discharge**

When an offender has completed all requirements of the sentence, including any and all legal financial obligations, the offender is issued a certificate of discharge. The certificate of the discharge has the effect of restoring all civil rights lost upon conviction.

Legal financial obligations are court-imposed obligations to pay any of the following: restitution to the victim; statutorily imposed crime victims' compensation fees; court costs; county or inter-local drug fund assessments; court-appointed attorneys' fees and costs of defense; fines; reimbursement for emergency response expenses in cases of a driving while intoxicated (DWI)-related vehicular assault or vehicular homicide convictions; and any other financial obligation assessed to the offender as a result of a felony conviction.

### **Summary of Bill:**

#### **Individual Reentry Plan**

The DOC is required to develop an Individual Reentry Plan (IRP) for all inmates in the DOC custody. The IRP establishes a plan for the offender during the period of incarceration through release into the community. The plan is created with input from the offender and addresses programming for the offender while incarcerated and a plan for the offender to follow upon release. The plan includes public safety concerns upon release, connection to a community justice center, housing, employment, education, treatment needs, family reunification, and other areas needed to facilitate successful reintegration into the community.

The initial IRP is created following the initial assessment the offender receives within thirty days of entering the DOC facility. The plan is updated during the period the offender is incarcerated, including a required update six months prior to release.

#### **Community Justice Centers**

The DOC is required to continue establishing Community Justice Centers within the state for the purpose of providing assistance to inmates who are reentering the community. The DOC is required to have a minimum of six Community Justice Centers operational by December 1, 2009, including those in operation on the effective date of the act. An additional three sites are required to be operational by December 1, 2011.

The DOC is required to designate a Community Transition Coordinator within each of the Community Justice Centers. The Community Transition Coordinator will act to facilitate connections between the former inmate and the community. The Coordinator will provide information to the inmate regarding services available to the former inmate.

#### **Earned Release**

Inmates who are eligible to earn up to 50 percent earned release must actively participate in the programming or activities that are included in the offender's IRP in order to obtain the early release, unless the programming or activities are not available to the inmate.

An offender may serve up to the final twelve months or one-half of his or her sentence, whichever is less, in partial confinement.

## **Education**

### **Access to Educational Programs:**

Priority for educational funding for work and education programs is based on the IRP rather than the initial assessments of the inmate that are given within 30 days of the offender entering the DOC facility. Programming is to be based on the IRP. The requirement that offenders with a grade level score for basic academic skills below an eighth grade level be automatically placed in a combined education and work program is removed.

Restrictions on inmates who may be precluded from the Class I correctional industries program is removed to allow all inmates to have the opportunity to enter this program regardless of their release date.

### **Costs of Educational Programs:**

The offender is required to pay for the following if they are not included in his or her IRP:

- a Baccalaureate degree program;
- any postsecondary academic program; and
- any educational or vocational program if the offender previously abandoned educational or vocational course work without a satisfactory explanation.

The following programs are removed from the list of programs for which the offender must pay all, or a portion, of the costs so long as they are included in the offender's IRP:

- a second or subsequent vocational program associated with the inmate's work program; and
- an Associate of Arts degree.

An offender sentenced to life without the possibility of release may receive more than one post secondary academic degree so long as he or she pays the cost of the program.

### **Other Requirements**

The following requirements are removed:

- the DOC to reduce the per pupil cost of education through the use of volunteer instructors and electronic learning methods;
- the DOC shall adopt a plan to demonstrate how cable, closed circuit, and satellite television will be used for educational and training purposes; and
- that all vocational and educational programs be relevant to work programs to enable the inmate to become employed upon release.

The DOC and the State Board for Community and Technical Colleges are required to review methods to optimize educational and vocational programming opportunities to meet the needs of offenders and report to the Governor and Legislature by November 15, 2007 with recommendations.

## **Community Custody Violations**

Sanctions for violations of community custody are specified as follows:

- For the offender's second violations, the DOC may administratively sanction the offender to sanctions available within the community and submit a report to the court and prosecuting attorney for further action as appropriate.
- For the offender's third violation:
  - If the offender has not completed the maximum term of confinement, the offender may be incarcerated for up to twelve months.
  - If the offender has completed the maximum term of confinement, the violation is referred to the court for appropriate action.

### **Department of Licensing**

By October 1, 2007, the DOC and the Department of Licensing are required to enter into an agreement to expedite procedures to assist offenders in obtaining a driver's license or identification upon their release from the DOC institution.

### **Task Force**

A joint legislative task force is created for the purpose of providing implementation of the act and developing recommendations to assist reentry of inmates into the community. The task force will be comprised of Legislators and representatives from the Attorney General, Department of Corrections, Employment Security, and Department of Licensing. The task force may consult with other individuals in developing recommendations in the following areas:

- the use of IRPs by the DOC;
- access to educational opportunities by inmates in DOC facilities;
- changes to occupational licensing laws and policies to encourage employment of individuals with criminal histories while maintaining public safety;
- federal and state barriers preventing individuals with criminal histories from obtaining employment in public or government contracting jobs;
- other barriers that might prevent former inmates from obtaining employment;
- criteria for obtaining housing through the program established by the Department of Community, Trade, and Economic Development (DCTED) under the act; and
- criteria for obtaining housing through the program established by the DOC under the act.

The Task Force is required to submit a report to the Governor and the Legislature by November 15, 2008.

### **Housing**

#### **High Risk and High Needs Offenders**

The DOC is granted \$3.85 million in 2008 and \$3.85 million in 2009 to enter into agreements to provide short term housing for high risk or high needs offenders who are reentering the community and are in need of transitional housing for the fiscal years. The DOC is required to develop criteria for eligibility for the program. Housing may be provided for up to 120 days.

#### **All Other Offenders**

The DCTED is granted \$3.85 million in 2008 and \$3.85 million in 2009 to enter into agreements to provide short term housing for all other offenders who are reentering the community and are in

need of transitional housing. The DCTED is required to develop criteria for eligibility for the program. Housing may be provided for up to 120 days.

**Order of Discharge**

An offender may obtain an order of discharge after having completed all of his or her obligations of release, except payment of legal financial obligations other than those owed to the victim. The certificate of discharge does not relieve the offender of his or her duty to pay the remaining legal financial obligations.

**Appropriation:** The sum of \$3.85 million is appropriated to DOC and the sum of \$3.85 million is appropriated to the DCTED for the fiscal year ending 2008. The sum of \$3.85 million is appropriated to DOC and the sum of \$3.85 million is appropriated to the DCTED for the fiscal year ending 2009.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.