
SUBSTITUTE SENATE BILL 5070

State of Washington

60th Legislature

2007 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Carrell, Regala, Hargrove, Kline, Weinstein, Stevens, Brandland, Parlette, McCaslin, Kastama, Holmquist, Zarelli, Pridemore, Schoesler, Clements, Rasmussen, Swecker, Roach, Franklin, Delvin, Sheldon, Eide, Spanel, Hewitt, Hatfield, Keiser, Pflug, McAuliffe, Berkey, Haugen, Fairley, Murray, Tom, Kohl-Welles, Shin and Kilmer)

READ FIRST TIME 02/23/07.

1 AN ACT Relating to reduction of offender recidivism; amending RCW
2 72.09.300, 72.09.015, 9.94A.728, 9.94A.737, 9.94A.850, 72.09.460,
3 72.09.480, 72.09.450, 29A.04.079, 29A.08.520, 9.92.066, 9.94A.637,
4 9.96.050, and 10.64.140; adding new sections to chapter 4.24 RCW;
5 adding new sections to chapter 72.09 RCW; adding a new section to
6 chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; adding a
7 new section to chapter 43.43 RCW; adding a new section to chapter 59.18
8 RCW; adding a new section to chapter 35.82 RCW; adding new sections to
9 chapter 43.185C RCW; adding a new chapter to Title 72 RCW; creating new
10 sections; repealing RCW 10.64.021 and 29A.08.660; making
11 appropriations; and providing expiration dates.

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

13 NEW SECTION. **Sec. 1.** The people of the state of Washington expect
14 to live in safe communities in which the threat of crime is minimized.
15 Attempting to keep communities safe by building more prisons and paying
16 the costs of incarceration has proven to be expensive to taxpayers.
17 Incarceration is a necessary consequence for some offenders, however,
18 the vast majority of those offenders will eventually return to their
19 communities. Many of these former offenders will not have had the

1 opportunity to address the deficiencies that may have contributed to
2 their criminal behavior. Persons who do not have basic literacy and
3 job skills, or who are ill-equipped to make the behavioral changes
4 necessary to successfully function in the community, have a high risk
5 of reoffense. Recidivism represents serious costs to victims, both
6 financial and nonmonetary in nature, and also burdens state and local
7 governments with those offenders who recycle through the criminal
8 justice system.

9 The legislature believes that recidivism can be reduced and a
10 substantial cost savings can be realized by utilizing evidence-based,
11 research-based, and promising programs to address offender deficits,
12 developing and better coordinating the reentry efforts of state and
13 local governments and local communities. Research shows that if
14 quality assurances are adhered to, implementing an optimal portfolio of
15 evidence-based programming options for offenders who are willing to
16 take advantage of such programs can have a notable impact on
17 recidivism.

18 While the legislature recognizes that recidivism cannot be
19 eliminated and that a significant number of offenders are unwilling or
20 unable to work to develop the tools necessary to successfully
21 reintegrate into society, the interests of the public overall are
22 better served by better preparing offenders while incarcerated, and
23 continuing those efforts for those recently released from prison or
24 jail, for successful, productive, and healthy transitions to their
25 communities. Educational, employment, and treatment opportunities
26 should be designed to address individual deficits and ideally give
27 offenders the ability to function in society. In order to foster
28 reintegration, this act recognizes the importance of a strong
29 partnership between the department of corrections, local governments,
30 law enforcement, social service providers, and interested members of
31 communities across our state.

32 **PART I - COMMUNITY TRANSITION COORDINATION NETWORKS**

33 NEW SECTION. **Sec. 101.** The definitions in this section apply
34 throughout this chapter unless the context clearly requires otherwise.

35 (1) A "community transition coordination network" is a system of
36 coordination that facilitates partnerships between supervision and

1 service providers. It is anticipated that an offender who is released
2 to the community will be able to utilize a community transition
3 coordination network to be connected directly to the supervision and/or
4 services needed for successful reentry.

5 (2) "Evidence-based" means a program or practice that has had
6 multiple-site random controlled trials across heterogeneous populations
7 demonstrating that the program or practice is effective in reducing
8 recidivism for the population.

9 (3) An "individual reentry plan" means the plan to prepare an
10 offender for release into the community. A reentry plan is developed
11 collaboratively between the supervising authority and the offender and
12 based on an assessment of the offender using a standardized and
13 comprehensive tool to identify the offenders' risks and needs. An
14 individual reentry plan describes actions that must occur to prepare
15 individual offenders for release from jail and specifies the
16 supervision and/or services he or she will experience in the community,
17 taking into account no contact provisions of the judgment and sentence.
18 An individual reentry plan must be updated throughout the period of an
19 offender's incarceration and supervision to be relevant to the
20 offender's current needs and risks.

21 (4) "Local community policing and supervision programs" include
22 probation, work release, jails, and other programs operated by local
23 police, courts, or local correctional agencies.

24 (5) "Promising practice" means a practice that presents, based on
25 preliminary information, potential for becoming a research-based or
26 consensus-based practice.

27 (6) "Research-based" means a program or practice that has some
28 research demonstrating effectiveness, but that does not yet meet the
29 standard of evidence-based practices.

30 (7) "Supervising authority" means the agency or entity that has the
31 responsibility for supervising an offender.

32 NEW SECTION. **Sec. 102.** (1) Each county or group of counties shall
33 conduct an inventory of the services and resources available in the
34 county or group of counties to assist offenders in reentering the
35 community.

36 (2) In conducting its inventory, the county or group of counties
37 should consult with the following:

- 1 (a) The department of corrections, including community corrections
2 officers;
- 3 (b) The department of social and health services in applicable
4 program areas;
- 5 (c) Representatives from county human services departments and,
6 where applicable, multicounty regional support networks;
- 7 (d) Local public health jurisdictions;
- 8 (e) City and county law enforcement;
- 9 (f) Local probation/supervision programs;
- 10 (g) Local community and technical colleges;
- 11 (h) The local worksource center operated under the statewide
12 workforce investment system;
- 13 (i) Faith-based and nonprofit organizations providing assistance to
14 offenders;
- 15 (j) Housing providers;
- 16 (k) Crime victims service providers; and
- 17 (l) Other community stakeholders interested in reentry efforts.
- 18 (3) The inventory must include, but is not limited to:
- 19 (a) A list of programs available through the entities listed in
20 subsection (2) of this section and services currently available in the
21 community for offenders including, but not limited to, housing,
22 employment, education, vocational training, parent education, financial
23 literacy, treatment for substance abuse, mental health, anger
24 management, life skills training, specialized treatment programs such
25 as batterers treatment and sex offender treatment, and any other
26 service or program that will assist the former inmate to successfully
27 transition into the community; and
- 28 (b) An indication of the availability of community representatives
29 or volunteers to assist the offender with his or her transition.
- 30 (4) No later than January 1, 2008, each county or group of counties
31 shall present its inventory to the policy advisory committee convened
32 in section 103(8) of this act.

33 NEW SECTION. **Sec. 103.** (1) The department of community, trade,
34 and economic development shall establish a community transition
35 coordination network pilot program for the purpose of awarding grants
36 to counties or groups of counties for implementing coordinated reentry

1 efforts for offenders returning to the community. Grant awards are
2 subject to the availability of amounts appropriated for this specific
3 purpose.

4 (2) By September 1, 2007, the Washington state institute for public
5 policy shall, in consultation with the department of community, trade,
6 and economic development, develop criteria for the counties in
7 conducting its evaluation as directed by subsection (6)(c) of this
8 section.

9 (3) Effective February 1, 2008, any county or group of counties may
10 apply for participation in the community transition coordination
11 network pilot program by submitting a proposal for a community
12 transition coordination network.

13 (4) A proposal for a community transition coordination network
14 initiated under this section must be collaborative in nature and must
15 seek locally appropriate evidence-based or research-based solutions and
16 promising practices utilizing the participation of public and private
17 entities or programs to support successful, community-based offender
18 reentry.

19 (5) In developing a proposal for a community transition
20 coordination network, counties or groups of counties and the department
21 of corrections shall collaborate in addressing:

22 (a) Efficiencies that may be gained by sharing space or resources
23 in the provision of reentry services to offenders;

24 (b) Mechanisms for communication of information about offenders,
25 including the feasibility of shared access to databases;

26 (c) Partnerships between the department of corrections and local
27 community policing and supervision programs to facilitate supervision
28 of offenders under the respective jurisdictions of each and timely
29 response to an offender's failure to comply with the terms of
30 supervision.

31 (6) A proposal for a community transition coordination network must
32 include:

33 (a) Descriptions of collaboration and coordination between local
34 community policing and supervision programs and those agencies and
35 entities identified in the inventory conducted pursuant to section 102
36 of this act to address the risks and needs of offenders under a
37 participating county or city misdemeanor probation or other
38 supervision program including:

1 (i) A proposed method of assessing offenders to identify the
2 offenders' risks and needs. Counties and cities are encouraged, where
3 possible, to make use of assessment tools developed by the department
4 of corrections in this regard;

5 (ii) A proposal for developing and/or maintaining an individual
6 reentry plan for offenders;

7 (iii) Connecting offenders to services and resources that meet the
8 offender's needs as identified in his or her individual reentry plan
9 including the identification of community representatives or volunteers
10 that may assist the offender with his or her transition; and

11 (iv) The communication of assessment information, individual
12 reentry plans, and service information between parties involved with
13 offender's reentry;

14 (b) Mechanisms to provide information to former inmates regarding
15 services available to them in the community regardless of the length of
16 time since the offender's release and regardless of whether the
17 offender was released from prison or jail. Mechanisms shall, at a
18 minimum, provide for:

19 (i) Maintenance of the information gathered in section 102 of this
20 act regarding services currently existing within the community that are
21 available to offenders; and

22 (ii) Coordination of access to existing services with community
23 providers and provision of information to offenders regarding how to
24 access the various type of services and resources that are available in
25 the community; and

26 (c) An evaluation of the county's or group of counties' readiness
27 to implement a community transition coordination network including the
28 social service needs of offenders in general, capacity of local
29 facilities and resources to meet offenders' needs, and the cost to
30 implement and maintain a community transition coordination network for
31 the duration of the pilot project.

32 (7) The department of community, trade, and economic development
33 shall review county applications for funding through the community
34 transition coordination network pilot program and, no later than April
35 1, 2008, shall select up to four counties or groups of counties. In
36 selecting pilot counties or regions, the department shall consider the
37 extent to which the proposal:

1 (a) Addresses the requirements set out in subsection (6) of this
2 section;

3 (b) Proposes effective partnerships and coordination between
4 community policing and supervision programs, social service and
5 treatment providers, and the department of corrections' community
6 justice center, if a center is located in the county or region;

7 (c) Focuses on measurable outcomes such as increased employment and
8 income, treatment objectives, maintenance of stable housing, and
9 reduced recidivism;

10 (d) Contributes to the diversity of pilot programs, considering
11 factors such as geographic location, size of county or region, and
12 reentry services currently available. The department shall ensure that
13 a grant is awarded to at least one rural county or group of counties
14 and at least one county or group of counties where a community justice
15 center operated by the department of corrections is located; and

16 (e) Is feasible, given the evaluation of the social service needs
17 of offenders, the existing capacity of local facilities and resources
18 to meet offenders' needs, and the cost to implement a community
19 transition coordination network in the county or group of counties.

20 (8) The department of community, trade, and economic development
21 shall convene a policy advisory committee composed of representatives
22 from the senate, the house of representatives, the governor's office of
23 financial management, the department of corrections, to include one
24 representative who is a community corrections officer, the office of
25 crime victims' advocacy, the Washington state association of counties,
26 association of Washington cities, a nonprofit provider of reentry
27 services, and an ex-offender who has discharged the terms of his or her
28 sentence. The advisory committee shall meet no less than annually to
29 receive status reports on the implementation of community transition
30 coordination networks, review annual reports and the pilot project
31 evaluations submitted pursuant to section 105 of this act, and identify
32 evidence-based, research-based, and promising practices for other
33 counties seeking to establish community transition coordination
34 networks.

35 (9) Pilot networks established under this section shall extend for
36 a period of four fiscal years, beginning July 1, 2008, and ending June
37 30, 2012.

38 (10) This section expires June 30, 2013.

1 NEW SECTION. **Sec. 104.** Nothing in section 103 of this act is
2 intended to shift the supervising responsibility or sanctioning
3 authority from one government entity to another or give a community
4 transition coordination network oversight responsibility for those
5 activities.

6 NEW SECTION. **Sec. 105.** (1) It is the intent of the legislature to
7 provide funding for this project.

8 (2) Counties receiving state funds must:

9 (a) Demonstrate the funds allocated pursuant to this section will
10 be used only for those purposes in establishing and maintaining a
11 community transition coordination network;

12 (b) Consult with the Washington state institute for public policy
13 at the inception of the pilot project to refine appropriate outcome
14 measures and data tracking systems;

15 (c) Submit to the advisory committee established in section 103(8)
16 of this act an annual progress report by June 30th of each year of the
17 pilot project to report on identified outcome measures and identify
18 evidence-based, research-based, or promising practices;

19 (d) Cooperate with the Washington state institute for public policy
20 at the completion of the pilot project to conduct an evaluation of the
21 project.

22 (3) The Washington state institute for public policy shall provide
23 direction to counties in refining appropriate outcome measures for the
24 pilot projects and establishing data tracking systems. At the
25 completion of the pilot project, the institute shall conduct an
26 evaluation of the projects including the benefit-cost ratio of service
27 delivery through a community transition coordination network,
28 associated reductions in recidivism, and identification of evidence-
29 based, research-based, or promising practices. The institute shall
30 report to the governor and the legislature with the results of its
31 evaluation no later than December 31, 2012.

32 (4) This section expires June 30, 2013.

33 NEW SECTION. **Sec. 106.** (1) The community transition coordination
34 network account is created in the state treasury. The account may
35 receive legislative appropriations, gifts, and grants. Moneys in the

1 account may be spent only after appropriation. Expenditures from the
2 account may be used only for the purposes of section 103 of this act.

3 (2) This section expires June 30, 2013.

4 NEW SECTION. **Sec. 107.** Nothing in this act creates an entitlement
5 for a county or group of counties to receive funding under the program
6 created in section 103 of this act, nor an obligation for a county or
7 group of counties to maintain a community transition coordination
8 network established pursuant to section 103 of this act upon expiration
9 of state funding.

10 NEW SECTION. **Sec. 108.** The sum of one hundred fifty-two thousand
11 dollars is appropriated for the fiscal year ending June 30, 2008, from
12 the general fund to the department of community, trade, and economic
13 development for the following purposes: (1) Sixty-two thousand dollars
14 is for distribution to counties to conduct an inventory, consistent
15 with section 102 of this act; (2) twenty-five thousand dollars is to
16 reimburse the Washington state institute for public policy for
17 developing the criteria and protocols for the evaluations in section
18 103 of this act; and (3) sixty-five thousand dollars is provided to the
19 department of community, trade, and economic development to assist
20 counties with inventories as required by section 102 of this act and
21 administer its duties under section 103 of this act.

22 **Sec. 109.** RCW 72.09.300 and 1996 c 232 s 7 are each amended to
23 read as follows:

24 (1) Every county legislative authority shall by resolution or
25 ordinance establish a local law and justice council. The county
26 legislative authority shall determine the size and composition of the
27 council, which (~~shall~~) may include the county sheriff and a
28 representative of the municipal police departments within the county,
29 the county prosecutor and a representative of the municipal prosecutors
30 within the county, a representative of the city legislative authorities
31 within the county, a representative of the county's superior, juvenile,
32 district, and municipal courts, the county jail administrator, the
33 county clerk, the county risk manager, and the secretary of corrections
34 and his or her designees. Officials designated may appoint
35 representatives.

1 (2) A combination of counties may establish a local law and justice
2 council by intergovernmental agreement. The agreement shall comply
3 with the requirements of this section.

4 (3) The local law and justice council (~~((shall develop a local law
5 and justice plan for the county. The council shall design the elements
6 and scope of the plan, subject to final approval by the county
7 legislative authority. The general intent of the plan shall include
8 seeking means to maximize))~~) may address issues related to:

9 (a) Maximizing local resources including personnel and facilities,
10 (~~((reduce))~~) reducing duplication of services, and (~~((share))~~) sharing
11 resources between local and state government in order to accomplish
12 local efficiencies without diminishing effectiveness(~~(. The plan shall
13 also include a section on jail management. This section may include
14 the following elements:~~

15 ~~(a) A description of current jail conditions, including whether the
16 jail is overcrowded;~~

17 ~~(b) A description of potential alternatives to incarceration;~~

18 ~~(c) A description of current jail resources;~~

19 ~~(d) A description of the jail population as it presently exists and
20 how it is projected to change in the future;~~

21 ~~(e) A description of projected future resource requirements;~~

22 ~~(f) A proposed action plan, which shall include recommendations to
23 maximize resources, maximize the use of intermediate sanctions,
24 minimize overcrowding, avoid duplication of services, and effectively
25 manage the jail and the offender population;~~

26 ~~(g) A list of proposed advisory jail standards and methods to
27 effect periodic quality assurance inspections of the jail;~~

28 ~~(h) A proposed plan to collect, synthesize, and disseminate
29 technical information concerning local criminal justice activities,
30 facilities, and procedures;~~

31 ~~(i) A description of existing and potential services for offenders
32 including employment services, substance abuse treatment, mental health
33 services, and housing referral services.~~

34 ~~(4) The council may propose other elements of the plan, which shall
35 be subject to review and approval by the county legislative authority,
36 prior to their inclusion into the plan.~~

37 ~~(5))~~);

38 (b) Jail management;

1 (c) Mechanisms for communication of information about offenders,
2 including the feasibility of shared access to databases; and

3 (d) Partnerships between the department and local community
4 policing and supervision programs to facilitate supervision of
5 offenders under the respective jurisdictions of each and timely
6 response to an offender's failure to comply with the terms of
7 supervision.

8 (4) The county legislative authority may request technical
9 assistance in ~~((developing or implementing the plan from))~~ coordinating
10 services with other units or agencies of state or local government,
11 which shall include the department, the office of financial management,
12 and the Washington association of sheriffs and police chiefs.

13 ~~((+6))~~ (5) Upon receiving a request for assistance from a county,
14 the department may provide the requested assistance.

15 ~~((+7))~~ (6) The secretary may adopt rules for the submittal,
16 review, and approval of all requests for assistance made to the
17 department. ~~((The secretary may also appoint an advisory committee of~~
18 ~~local and state government officials to recommend policies and~~
19 ~~procedures relating to the state and local correctional systems and to~~
20 ~~assist the department in providing technical assistance to local~~
21 ~~governments. The committee shall include representatives of the county~~
22 ~~sheriffs, the police chiefs, the county prosecuting attorneys, the~~
23 ~~county and city legislative authorities, and the jail administrators.~~
24 ~~The secretary may contract with other state and local agencies and~~
25 ~~provide funding in order to provide the assistance requested by~~
26 ~~counties.~~

27 ~~(8) The department shall establish a base level of state~~
28 ~~correctional services, which shall be determined and distributed in a~~
29 ~~consistent manner statewide. The department's contributions to any~~
30 ~~local government, approved pursuant to this section, shall not operate~~
31 ~~to reduce this base level of services.~~

32 ~~(9) The council shall establish an advisory committee on juvenile~~
33 ~~justice proportionality. The council shall appoint the county juvenile~~
34 ~~court administrator and at least five citizens as advisory committee~~
35 ~~members. The citizen advisory committee members shall be~~
36 ~~representative of the county's ethnic and geographic diversity. The~~
37 ~~advisory committee members shall serve two year terms and may be~~
38 ~~reappointed. The duties of the advisory committee include:~~

1 ~~(a) Monitoring and reporting to the sentencing guidelines~~
2 ~~commission on the proportionality, effectiveness, and cultural~~
3 ~~relevance of:~~

4 ~~(i) The rehabilitative services offered by county and state~~
5 ~~institutions to juvenile offenders; and~~

6 ~~(ii) The rehabilitative services offered in conjunction with~~
7 ~~diversions, deferred dispositions, community supervision, and parole;~~

8 ~~(b) Reviewing citizen complaints regarding bias or~~
9 ~~disproportionality in that county's juvenile justice system;~~

10 ~~(c) By September 1 of each year, beginning with 1995, submit to the~~
11 ~~sentencing guidelines commission a report summarizing the advisory~~
12 ~~committee's findings under (a) and (b) of this subsection.)~~

13 NEW SECTION. **Sec. 110.** If specific funding for the purposes of
14 sections 101 through 107 of this act, referencing sections 101 through
15 107 of this act by bill or chapter number and section number, is not
16 provided by June 30, 2007, in the omnibus appropriations act, sections
17 101 through 107 of this act are null and void.

18 NEW SECTION. **Sec. 111.** Sections 101 through 107 of this act
19 constitute a new chapter in Title 72 RCW.

20 **PART II - LIABILITY**

21 NEW SECTION. **Sec. 201.** A new section is added to chapter 4.24 RCW
22 to read as follows:

23 District courts and municipal courts, and their officers,
24 employees, agents, and volunteers, who provide preconviction or
25 postconviction misdemeanor probation or supervision services, or
26 monitor a misdemeanor defendant's compliance with a preconviction or
27 postconviction order of the court, including but not limited to
28 community corrections programs, community options programs, probation
29 supervision, pretrial supervision, or pretrial release services, are
30 not liable for civil damages resulting from any act or omission in the
31 provision of such services or monitoring, unless the act or omission
32 constitutes gross negligence. This section does not create any duty
33 and shall not be construed to create a duty where none exists.

1 (2) "Base level of correctional services" means the minimum level
2 of field services the department of corrections is required by statute
3 to provide for the supervision and monitoring of offenders.

4 ~~((+2))~~ (3) "Contraband" means any object or communication the
5 secretary determines shall not be allowed to be: (a) Brought into; (b)
6 possessed while on the grounds of; or (c) sent from any institution
7 under the control of the secretary.

8 ~~((+3))~~ (4) "County" means a county or combination of counties.

9 ~~((+4))~~ (5) "Department" means the department of corrections.

10 ~~((+5))~~ (6) "Earned early release" means earned release as
11 authorized by RCW 9.94A.728.

12 ~~((+6))~~ (7) "Evidence-based" means a program or practice that has
13 had multiple-site random controlled trials across heterogeneous
14 populations demonstrating that the program or practice is effective in
15 reducing recidivism for the population.

16 (8) "Extended family visit" means an authorized visit between an
17 inmate and a member of his or her immediate family that occurs in a
18 private visiting unit located at the correctional facility where the
19 inmate is confined.

20 ~~((+7))~~ (9) "Good conduct" means compliance with department rules
21 and policies.

22 ~~((+8))~~ (10) "Good performance" means successful completion of a
23 program required by the department, including an education, work, or
24 other program.

25 ~~((+9))~~ (11) "Immediate family" means the inmate's children,
26 stepchildren, grandchildren, great grandchildren, parents, stepparents,
27 grandparents, great grandparents, siblings, and a person legally
28 married to an inmate. "Immediate family" does not include an inmate
29 adopted by another inmate or the immediate family of the adopted or
30 adopting inmate.

31 ~~((+10))~~ (12) "Indigent inmate," "indigent," and "indigency" mean
32 an inmate who has less than a ten-dollar balance of disposable income
33 in his or her institutional account on the day a request is made to
34 utilize funds and during the thirty days previous to the request.

35 ~~((+11))~~ (13) "Individual reentry plan" means the plan to prepare
36 an offender for release into the community. It must be developed
37 collaboratively between the supervising authority and the offender and
38 based on an assessment of the offender using a standardized and

1 comprehensive tool to identify the offenders' risks and needs. The
2 individual reentry plan describes actions that must occur to prepare
3 individual offenders for release from prison or jail and specifies the
4 supervision and services they will experience in the community. An
5 individual reentry plan must be updated throughout the period of an
6 offender's incarceration and supervision to be relevant to the
7 offender's current needs and risks.

8 (14) "Inmate" means a person committed to the custody of the
9 department, including but not limited to persons residing in a
10 correctional institution or facility and persons released on furlough,
11 work release, or community custody, and persons received from another
12 state, state agency, county, or federal jurisdiction.

13 ((+12+)) (15) "Privilege" means any goods or services, education or
14 work programs, or earned early release days, the receipt of which are
15 directly linked to an inmate's (a) good conduct; and (b) good
16 performance. Privileges do not include any goods or services the
17 department is required to provide under the state or federal
18 Constitution or under state or federal law.

19 ((+13+)) (16) "Promising practice" means a practice that presents,
20 based on preliminary information, potential for becoming a
21 research-based or consensus-based practice.

22 (17) "Research-based" means a program or practice that has some
23 research demonstrating effectiveness, but that does not yet meet the
24 standard of evidence-based practices.

25 (18) "Secretary" means the secretary of corrections or his or her
26 designee.

27 ((+14+)) (19) "Significant expansion" includes any expansion into
28 a new product line or service to the class I business that results from
29 an increase in benefits provided by the department, including a
30 decrease in labor costs, rent, or utility rates (for water, sewer,
31 electricity, and disposal), an increase in work program space, tax
32 advantages, or other overhead costs.

33 ((+15+)) (20) "Superintendent" means the superintendent of a
34 correctional facility under the jurisdiction of the Washington state
35 department of corrections, or his or her designee.

36 ((+16+)) (21) "Unfair competition" means any net competitive
37 advantage that a business may acquire as a result of a correctional
38 industries contract, including labor costs, rent, tax advantages,

1 utility rates (water, sewer, electricity, and disposal), and other
2 overhead costs. To determine net competitive advantage, the
3 correctional industries board shall review and quantify any expenses
4 unique to operating a for-profit business inside a prison.

5 ~~((+17+))~~ (22) "Vocational training" or "vocational education" means
6 "vocational education" as defined in RCW 72.62.020.

7 (23) "Washington business" means an in-state manufacturer or
8 service provider subject to chapter 82.04 RCW existing on June 10,
9 2004.

10 ~~((+18+))~~ (24) "Work programs" means all classes of correctional
11 industries jobs authorized under RCW 72.09.100.

12 NEW SECTION. Sec. 302. A new section is added to chapter 72.09
13 RCW to read as follows:

14 (1) The department shall develop an individual reentry plan for
15 every offender who is committed to the department of corrections
16 except:

17 (a) Offenders who are sentenced to life without the possibility of
18 release; and

19 (b) Offenders who are subject to the provisions of 8 U.S.C. 1227.

20 (2)(a) In developing reentry plans, the department shall assess all
21 offenders using standardized and comprehensive tools to identify the
22 criminogenic risks, programmatic needs, employability, and educational
23 and vocational skill levels for each offender.

24 (b) Each plan must include, if appropriate, a plan to maintain
25 contact with the offender's children and family. The plan should
26 determine whether parenting classes or other services are appropriate
27 to facilitate successful reunification with the offender's children and
28 family.

29 (3) Individual reentry plans shall take into account:

30 (a) The offender's ability to participate in programming or
31 activities due to a mental or physical disability or mental illness;
32 and

33 (b) Victim safety concerns and no contact provisions of the
34 judgment and sentence.

35 (4) The initial assessment shall be conducted, whenever possible,
36 within the first six weeks after entry into the department of

1 corrections and shall be periodically reviewed and updated as
2 appropriate.

3 (5)(a) Prior to discharge of any offender, the department shall
4 evaluate the offender's needs and, to the extent possible, connect the
5 offender with existing services and resources that meet those needs,
6 including a plan for the offender to become connected with a community
7 justice center and/or community transition coordination network in the
8 area in which the offender will be residing once released from the
9 correctional system.

10 (b) If the department recommends partial confinement in an
11 offender's individual reentry plan, the department shall maximize the
12 period of partial confinement for the offender as allowed pursuant to
13 section 402 of this act to facilitate the offender's transition to the
14 community.

15 (6) The department shall establish mechanisms for sharing
16 information from individual reentry plans to those persons involved
17 with the offender's treatment, programming, and reentry, when deemed
18 appropriate. When technologically feasible, this information shall be
19 shared electronically.

20 (7) Nothing in this section creates a vested right in programming,
21 education, or other services.

22 (8) The state or a person, individually or in a representative
23 capacity for the state, who is involved in the assessment or screening
24 of an offender for the purpose of creating, amending, maintaining, or
25 implementing an individual reentry plan or who is involved in the
26 delivery of services related to an individual reentry plan as provided
27 in this section, is not liable for selecting one of two or more
28 alternative courses of action even though the course of action chosen
29 results in a poor outcome if the person exercised reasonable care and
30 skill in arriving at the judgment to follow the particular course of
31 action.

32 **PART IV - PARTIAL CONFINEMENT AND SUPERVISION**

33 NEW SECTION. **Sec. 401.** (1) The legislature intends that
34 Washington's work release centers be transformed into residential
35 reentry centers with the capacity to provide or connect offenders with
36 the full range of reentry services to achieve measurable outcomes. The

1 Washington state institute for public policy shall conduct a
2 comprehensive analysis and evaluation of residential reentry centers
3 and work release facilities to identify evidence-based, research-based,
4 and promising practices or programs for the state of Washington and the
5 necessary performance measures that show the greatest quality,
6 effectiveness, and efficiency of the program on key outcomes. The
7 research should include an examination of reentry and work release
8 practices in both urban and rural areas and both inside and outside of
9 the state of Washington. The institute should identify what services
10 or combination of services should be provided to participants of
11 residential reentry centers and the length of time services should be
12 provided to optimize the successful transition of an offender back into
13 society.

14 (2) By May 1, 2008, the secretary of the department of corrections,
15 or the secretary's designee, shall, within existing resources, convene
16 and chair a work group to review current laws and policy regarding work
17 release.

18 (3) In addition to the secretary of the department of corrections,
19 the following shall be members of the work group: A representative
20 appointed by the governor, a community corrections officer, a
21 representative of the Washington association of prosecuting attorneys,
22 a member selected by the Washington association of sheriffs and police
23 chiefs, a representative from the Washington state association of
24 counties, a representative from the association of Washington cities,
25 a representative from contract work release facilities in the state, a
26 representative from state-run work release facilities in the state, a
27 representative from a nonprofit organization that works with former
28 offenders who have completed a work release program, and a
29 representative from the department of community, trade, and economic
30 development. The secretary may designate a person to serve in his or
31 her place. Members of the work group shall serve without compensation.

32 (4) In conducting its review, the work group must review and make
33 recommendations for changes to corrections law and policies to ensure
34 that:

35 (a) Work release facilities are transformed into residential
36 reentry centers so that participants are provided with a combination of
37 reentry services that conform to evidence-based, research-based, or
38 promising practices as identified by the institute;

1 (b) Residential reentry centers lead to meaningful employment for
2 offenders participating in the program;

3 (c) A plan is identified to ensure that residential reentry centers
4 are distributed throughout the state;

5 (d) Residential reentry centers are of a size consistent with
6 evidence-based, research-based, or promising practices and appropriate
7 to the community in which they are located;

8 (e) Communities are given meaningful avenues for ongoing
9 consultation regarding the establishment and operation of residential
10 reentry centers in their area;

11 (f) Victim and community safety concerns are given priority when
12 determining appropriate placement in residential reentry centers for
13 individual offenders;

14 (g) Eligibility time to participate in residential reentry centers
15 is sufficient to make it a meaningful experience for offenders; and

16 (h) Programs have the necessary performance measures needed to
17 effectively monitor the quality, effectiveness, and efficiency of the
18 programs.

19 (5)(a) The institute shall report its results and recommendations
20 to the governor and the legislature no later than November 15, 2007.

21 (b) The department of corrections shall report the results and
22 recommendations of the work group to the governor and the legislature
23 no later than November 15, 2008.

24 NEW SECTION. **Sec. 402.** A new section is added to chapter 72.09
25 RCW to read as follows:

26 (1) The department shall continue to establish community justice
27 centers throughout the state for the purpose of providing comprehensive
28 services and monitoring for inmates who are reentering the community.

29 (2) For the purposes of this chapter, "community justice center" is
30 defined as a nonresidential facility staffed primarily by the
31 department in which recently released offenders may access services
32 necessary to improve their successful reentry into the community. Such
33 services may include but are not limited to, those listed in the
34 individual reentry plan, mental health, chemical dependency, sex
35 offender treatment, anger management, parental educational, financial
36 literacy, housing assistance, employment assistance, and community
37 supervision.

1 (3) At a minimum, the community justice center shall include:

2 (a) A violator program to allow the department to utilize a range
3 of available sanctions for offenders who violate conditions of their
4 supervision;

5 (b) An employment opportunity program to assist an offender in
6 finding employment; and

7 (c) Resources for connecting offenders with services such as
8 treatment, transportation, training, family reunification, and
9 community services.

10 (4) In addition to any other programs or services offered by a
11 community justice center, the department shall designate a transition
12 coordinator to facilitate connections between the former offender and
13 the community. The department may designate transition coordination
14 services to be provided by a community transition coordination network
15 pursuant to section 103 of this act if one has been established in the
16 community where the community justice center is located and the
17 department has entered into a memorandum of understanding with the
18 county to share resources.

19 (5) The transition coordinator shall provide information to former
20 offenders regarding services available to them in the community
21 regardless of the length of time since the offender's release from the
22 correctional facility. The transition coordinator shall, at a minimum,
23 be responsible for the following:

24 (a) Gathering and maintaining information regarding services
25 currently existing within the community that are available to offenders
26 including, but not limited to:

27 (i) Programs offered through the department of social and health
28 services, the department of health, the department of licensing,
29 housing authorities, local community and technical colleges, other
30 state or federal entities which provide public benefits, and nonprofit
31 entities;

32 (ii) Services such as housing assistance, employment assistance,
33 education, vocational training, parent education, financial literacy,
34 treatment for substance abuse, mental health, anger management, and any
35 other service or program that will assist the former offender to
36 successfully transition into the community;

37 (b) Coordinating access to the existing services with the community

1 providers and provide offenders with information regarding how to
2 access the various type of services and resources that are available in
3 the community.

4 (6)(a) A minimum of six community justice centers shall be
5 operational by December 1, 2009. The six community justice centers
6 include those in operation on the effective date of this section.

7 (b) By December 1, 2011, the department shall establish a minimum
8 of three additional community justice centers within the state.

9 (7) In locating new centers, the department shall:

10 (a) Give priority to the counties with the largest population of
11 offenders who were released from department of corrections custody and
12 that do not already have a community justice center;

13 (b) Ensure that at least two centers are operational in eastern
14 Washington; and

15 (c) Comply with section 403 of this act and all applicable zoning
16 laws and regulations.

17 (8) Before beginning the siting or opening of the new community
18 justice center, the department shall:

19 (a) Notify the city, if applicable, and the county within which the
20 community justice center is proposed. Such notice shall occur at least
21 sixty days prior to selecting a specific location to provide the
22 services listed in this section;

23 (b) Consult with the community providers listed in subsection (5)
24 of this section to determine if they have the capacity to provide
25 services to offenders through the community justice center; and

26 (c) Give due consideration to all comments received in response to
27 the notice of the start of site selection and consultation with
28 community providers.

29 (9) The department shall make efforts to enter into memoranda of
30 understanding or agreements with the local community policing and
31 supervision programs as defined in section 101 of this act in which the
32 community justice center is located to address:

33 (a) Efficiencies that may be gained by sharing space or resources
34 in the provision of reentry services to offenders, including services
35 provided through a community transition coordination network
36 established pursuant to section 103 of this act if a network has been
37 established in the county;

1 (b) Mechanisms for communication of information about offenders,
2 including the feasibility of shared access to databases;

3 (c) Partnerships between the department of corrections and local
4 police to supervise offenders. The agreement must address:

5 (i) Shared mechanisms to facilitate supervision of offenders under
6 the respective jurisdictions of each which may include activities such
7 as joint emphasis patrols to monitor high-risk offenders, service of
8 bench and secretary warrants and detainers, joint field visits,
9 connecting offenders with services, and, where appropriate, directing
10 offenders into sanction alternatives in lieu of incarceration;

11 (ii) The roles and responsibilities of police officers and
12 corrections staff participating in the partnership; and

13 (iii) The amount of corrections staff and police officer time that
14 will be dedicated to partnership efforts.

15 NEW SECTION. **Sec. 403.** No later than July 1, 2007, and every
16 biennium thereafter starting with the biennium beginning July 1, 2008,
17 the department shall prepare a list of counties and rural multicounty
18 geographic areas in which work release facilities, community justice
19 centers and other community-based facilities are anticipated to be
20 sited during the next three fiscal years and transmit the list to the
21 office of financial management and the counties on the list. The list
22 may be updated as needed.

23 **Sec. 404.** RCW 9.94A.728 and 2004 c 176 s 6 are each amended to
24 read as follows:

25 No person serving a sentence imposed pursuant to this chapter and
26 committed to the custody of the department shall leave the confines of
27 the correctional facility or be released prior to the expiration of the
28 sentence except as follows:

29 (1) Except as otherwise provided for in subsection (2) of this
30 section, the term of the sentence of an offender committed to a
31 correctional facility operated by the department may be reduced by
32 earned release time in accordance with procedures that shall be
33 developed and promulgated by the correctional agency having
34 jurisdiction in which the offender is confined. The earned release
35 time shall be for good behavior and good performance, as determined by
36 the correctional agency having jurisdiction. The correctional agency

1 shall not credit the offender with earned release credits in advance of
2 the offender actually earning the credits. Any program established
3 pursuant to this section shall allow an offender to earn early release
4 credits for presentence incarceration. If an offender is transferred
5 from a county jail to the department, the administrator of a county
6 jail facility shall certify to the department the amount of time spent
7 in custody at the facility and the amount of earned release time. An
8 offender who has been convicted of a felony committed after July 23,
9 1995, that involves any applicable deadly weapon enhancements under RCW
10 9.94A.533 (3) or (4), or both, shall not receive any good time credits
11 or earned release time for that portion of his or her sentence that
12 results from any deadly weapon enhancements.

13 (a) In the case of an offender convicted of a serious violent
14 offense, or a sex offense that is a class A felony, committed on or
15 after July 1, 1990, and before July 1, 2003, the aggregate earned
16 release time may not exceed fifteen percent of the sentence. In the
17 case of an offender convicted of a serious violent offense, or a sex
18 offense that is a class A felony, committed on or after July 1, 2003,
19 the aggregate earned release time may not exceed ten percent of the
20 sentence.

21 (b)(i) In the case of an offender who qualifies under (b)(ii) of
22 this subsection, the aggregate earned release time may not exceed fifty
23 percent of the sentence.

24 (ii) An offender is qualified to earn up to fifty percent of
25 aggregate earned release time under this subsection (1)(b) if he or
26 she:

27 (A) Is classified in one of the two lowest risk categories under
28 (b)(iii) of this subsection;

29 (B) Is not confined pursuant to a sentence for:

30 (I) A sex offense;

31 (II) A violent offense;

32 (III) A crime against persons as defined in RCW 9.94A.411;

33 (IV) A felony that is domestic violence as defined in RCW
34 10.99.020;

35 (V) A violation of RCW 9A.52.025 (residential burglary);

36 (VI) A violation of, or an attempt, solicitation, or conspiracy to
37 violate, RCW 69.50.401 by manufacture or delivery or possession with
38 intent to deliver methamphetamine; or

1 (VII) A violation of, or an attempt, solicitation, or conspiracy to
2 violate, RCW 69.50.406 (delivery of a controlled substance to a minor);
3 (~~and~~)

4 (C) Has no prior conviction for:

5 (I) A sex offense;

6 (II) A violent offense;

7 (III) A crime against persons as defined in RCW 9.94A.411;

8 (IV) A felony that is domestic violence as defined in RCW
9 10.99.020;

10 (V) A violation of RCW 9A.52.025 (residential burglary);

11 (VI) A violation of, or an attempt, solicitation, or conspiracy to
12 violate, RCW 69.50.401 by manufacture or delivery or possession with
13 intent to deliver methamphetamine; or

14 (VII) A violation of, or an attempt, solicitation, or conspiracy to
15 violate, RCW 69.50.406 (delivery of a controlled substance to a minor);
16 and

17 (D) Participates in programming or activities as directed by the
18 offender's individual reentry plan as provided under section 302 of
19 this act to the extent that such programming or activities are made
20 available by the department.

21 (iii) For purposes of determining an offender's eligibility under
22 this subsection (1)(b), the department shall perform a risk assessment
23 of every offender committed to a correctional facility operated by the
24 department who has no current or prior conviction for a sex offense, a
25 violent offense, a crime against persons as defined in RCW 9.94A.411,
26 a felony that is domestic violence as defined in RCW 10.99.020, a
27 violation of RCW 9A.52.025 (residential burglary), a violation of, or
28 an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by
29 manufacture or delivery or possession with intent to deliver
30 methamphetamine, or a violation of, or an attempt, solicitation, or
31 conspiracy to violate, RCW 69.50.406 (delivery of a controlled
32 substance to a minor). The department must classify each assessed
33 offender in one of four risk categories between highest and lowest
34 risk.

35 (iv) The department shall recalculate the earned release time and
36 reschedule the expected release dates for each qualified offender under
37 this subsection (1)(b).

1 (v) This subsection (1)(b) applies retroactively to eligible
2 offenders serving terms of total confinement in a state correctional
3 facility as of July 1, 2003.

4 (vi) This subsection (1)(b) does not apply to offenders convicted
5 after July 1, 2010.

6 (c) In no other case shall the aggregate earned release time exceed
7 one-third of the total sentence;

8 (2)(a) A person convicted of a sex offense or an offense
9 categorized as a serious violent offense, assault in the second degree,
10 vehicular homicide, vehicular assault, assault of a child in the second
11 degree, any crime against persons where it is determined in accordance
12 with RCW 9.94A.602 that the offender or an accomplice was armed with a
13 deadly weapon at the time of commission, or any felony offense under
14 chapter 69.50 or 69.52 RCW, committed before July 1, 2000, may become
15 eligible, in accordance with a program developed by the department, for
16 transfer to community custody status in lieu of earned release time
17 pursuant to subsection (1) of this section;

18 (b) A person convicted of a sex offense, a violent offense, any
19 crime against persons under RCW 9.94A.411(2), or a felony offense under
20 chapter 69.50 or 69.52 RCW, committed on or after July 1, 2000, may
21 become eligible, in accordance with a program developed by the
22 department, for transfer to community custody status in lieu of earned
23 release time pursuant to subsection (1) of this section;

24 (c) The department shall, as a part of its program for release to
25 the community in lieu of earned release, require the offender to
26 propose a release plan that includes an approved residence and living
27 arrangement. All offenders with community placement or community
28 custody terms eligible for release to community custody status in lieu
29 of earned release shall provide an approved residence and living
30 arrangement prior to release to the community;

31 (d) The department may deny transfer to community custody status in
32 lieu of earned release time pursuant to subsection (1) of this section
33 if the department determines an offender's release plan, including
34 proposed residence location and living arrangements, may violate the
35 conditions of the sentence or conditions of supervision, place the
36 offender at risk to violate the conditions of the sentence, place the
37 offender at risk to reoffend, or present a risk to victim safety or
38 community safety. The department's authority under this section is

1 independent of any court-ordered condition of sentence or statutory
2 provision regarding conditions for community custody or community
3 placement;

4 (e) If the department denies transfer to community custody status
5 in lieu of earned early release pursuant to (d) of this subsection, the
6 department may transfer an offender to partial confinement in lieu of
7 earned early release up to three months. The three months in partial
8 confinement is in addition to that portion of the offender's term of
9 confinement that may be served in partial confinement as provided in
10 this section;

11 (f) An offender serving a term of confinement imposed under RCW
12 9.94A.670(4)(a) is not eligible for earned release credits under this
13 section;

14 (3) An offender may leave a correctional facility pursuant to an
15 authorized furlough or leave of absence. In addition, offenders may
16 leave a correctional facility when in the custody of a corrections
17 officer or officers;

18 (4)(a) The secretary may authorize an extraordinary medical
19 placement for an offender when all of the following conditions exist:

20 (i) The offender has a medical condition that is serious enough to
21 require costly care or treatment;

22 (ii) The offender poses a low risk to the community because he or
23 she is physically incapacitated due to age or the medical condition;
24 and

25 (iii) Granting the extraordinary medical placement will result in
26 a cost savings to the state.

27 (b) An offender sentenced to death or to life imprisonment without
28 the possibility of release or parole is not eligible for an
29 extraordinary medical placement.

30 (c) The secretary shall require electronic monitoring for all
31 offenders in extraordinary medical placement unless the electronic
32 monitoring equipment interferes with the function of the offender's
33 medical equipment or results in the loss of funding for the offender's
34 medical care. The secretary shall specify who shall provide the
35 monitoring services and the terms under which the monitoring shall be
36 performed.

37 (d) The secretary may revoke an extraordinary medical placement
38 under this subsection at any time;

1 (5) The governor, upon recommendation from the clemency and pardons
2 board, may grant an extraordinary release for reasons of serious health
3 problems, senility, advanced age, extraordinary meritorious acts, or
4 other extraordinary circumstances;

5 (6) No more than the final six months of the ~~((sentence))~~
6 offender's term of confinement may be served in partial confinement
7 designed to aid the offender in finding work and reestablishing himself
8 or herself in the community. This is in addition to that period of
9 earned early release time that may be exchanged for partial confinement
10 pursuant to subsection (2)(e) of this section;

11 (7) The governor may pardon any offender;

12 (8) The department may release an offender from confinement any
13 time within ten days before a release date calculated under this
14 section; and

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

18 Notwithstanding any other provisions of this section, an offender
19 sentenced for a felony crime listed in RCW 9.94A.540 as subject to a
20 mandatory minimum sentence of total confinement shall not be released
21 from total confinement before the completion of the listed mandatory
22 minimum sentence for that felony crime of conviction unless allowed
23 under RCW 9.94A.540, however persistent offenders are not eligible for
24 extraordinary medical placement.

25 **Sec. 405.** RCW 9.94A.737 and 2005 c 435 s 3 are each amended to
26 read as follows:

27 (1) If an offender violates any condition or requirement of
28 community custody, the department may transfer the offender to a more
29 restrictive confinement status to serve up to the remaining portion of
30 the sentence, less credit for any period actually spent in community
31 custody or in detention awaiting disposition of an alleged violation
32 and subject to the limitations of subsection (2) of this section.

33 (2)(a) For a sex offender sentenced to a term of community custody
34 under RCW 9.94A.670 who violates any condition of community custody,
35 the department may impose a sanction of up to sixty days' confinement
36 in a local correctional facility for each violation. If the department

1 imposes a sanction, the department shall submit within seventy-two
2 hours a report to the court and the prosecuting attorney outlining the
3 violation or violations and the sanctions imposed.

4 (b) For a sex offender sentenced to a term of community custody
5 under RCW 9.94A.710 who violates any condition of community custody
6 after having completed his or her maximum term of total confinement,
7 including time served on community custody in lieu of earned release,
8 the department may impose a sanction of up to sixty days in a local
9 correctional facility for each violation.

10 (c) For an offender sentenced to a term of community custody under
11 RCW 9.94A.505(2)(b), 9.94A.650, or 9.94A.715, or under RCW 9.94A.545,
12 for a crime committed on or after July 1, 2000, who violates any
13 condition of community custody after having completed his or her
14 maximum term of total confinement, including time served on community
15 custody in lieu of earned release, the department may impose a sanction
16 of up to sixty days in total confinement for each violation. The
17 department may impose sanctions such as work release, home detention
18 with electronic monitoring, work crew, community restitution, inpatient
19 treatment, daily reporting, curfew, educational or counseling sessions,
20 supervision enhanced through electronic monitoring, or any other
21 sanctions available in the community.

22 (d) For an offender sentenced to a term of community placement
23 under RCW 9.94A.705 who violates any condition of community placement
24 after having completed his or her maximum term of total confinement,
25 including time served on community custody in lieu of earned release,
26 the department may impose a sanction of up to sixty days in total
27 confinement for each violation. The department may impose sanctions
28 such as work release, home detention with electronic monitoring, work
29 crew, community restitution, inpatient treatment, daily reporting,
30 curfew, educational or counseling sessions, supervision enhanced
31 through electronic monitoring, or any other sanctions available in the
32 community.

33 (3) If an offender has been found guilty of violating the
34 conditions of community custody multiple times and has been sanctioned
35 to a term of confinement in a local correctional facility a total of
36 one hundred twenty days, upon the next violation, the department shall:

37 (a) If the offender has not completed the maximum term of total

1 confinement, immediately transfer the offender to total confinement
2 status for a period of time no less than sixty days up to the remainder
3 of his or her sentence; or

4 (b) If the offender has completed the maximum term of total
5 confinement, sanction the offender to a minimum of sixty days in a
6 local correctional facility.

7 (4) The department shall be financially responsible for any portion
8 of the sanctions authorized by this section that are served in a local
9 correctional facility.

10 (5) If an offender is accused of violating any condition or
11 requirement of community custody, he or she is entitled to a hearing
12 before the department prior to the imposition of sanctions. The
13 hearing shall be considered as offender disciplinary proceedings and
14 shall not be subject to chapter 34.05 RCW. The department shall
15 develop hearing procedures and a structure of graduated sanctions.

16 ~~((4))~~ (6) The hearing procedures required under subsection
17 ~~((3))~~ (5) of this section shall be developed by rule and include the
18 following:

19 (a) Hearing officers shall report through a chain of command
20 separate from that of community corrections officers;

21 (b) The department shall provide the offender with written notice
22 of the violation, the evidence relied upon, and the reasons the
23 particular sanction was imposed. The notice shall include a statement
24 of the rights specified in this subsection, and the offender's right to
25 file a personal restraint petition under court rules after the final
26 decision of the department;

27 (c) The hearing shall be held unless waived by the offender, and
28 shall be electronically recorded. For offenders not in total
29 confinement, the hearing shall be held within fifteen working days, but
30 not less than twenty-four hours, after notice of the violation. For
31 offenders in total confinement, the hearing shall be held within five
32 working days, but not less than twenty-four hours, after notice of the
33 violation;

34 (d) The offender shall have the right to: (i) Be present at the
35 hearing; (ii) have the assistance of a person qualified to assist the
36 offender in the hearing, appointed by the hearing officer if the
37 offender has a language or communications barrier; (iii) testify or

1 remain silent; (iv) call witnesses and present documentary evidence;
2 and (v) question witnesses who appear and testify; and

3 (e) The sanction shall take effect if affirmed by the hearing
4 officer. Within seven days after the hearing officer's decision, the
5 offender may appeal the decision to a panel of three reviewing officers
6 designated by the secretary or by the secretary's designee. The
7 sanction shall be reversed or modified if a majority of the panel finds
8 that the sanction was not reasonably related to any of the following:
9 (i) The crime of conviction; (ii) the violation committed; (iii) the
10 offender's risk of reoffending; or (iv) the safety of the community.

11 ~~((+5+))~~ (7) For purposes of this section, no finding of a violation
12 of conditions may be based on unconfirmed or unconfirmable allegations.

13 ~~((+6+))~~ (8) The department shall work with the Washington
14 association of sheriffs and police chiefs to establish and operate an
15 electronic monitoring program for low-risk offenders who violate the
16 terms of their community custody. Between January 1, 2006, and
17 December 31, 2006, the department shall endeavor to place at least one
18 hundred low-risk community custody violators on the electronic
19 monitoring program per day if there are at least that many low-risk
20 offenders who qualify for the electronic monitoring program.

21 ~~((+7+))~~ (9) Local governments, their subdivisions and employees,
22 the department and its employees, and the Washington association of
23 sheriffs and police chiefs and its employees shall be immune from civil
24 liability for damages arising from incidents involving low-risk
25 offenders who are placed on electronic monitoring unless it is shown
26 that an employee acted with gross negligence or bad faith.

27 NEW SECTION. Sec. 406. (1) The secretary of the department of
28 corrections, or the secretary's designee, shall within existing
29 resources, review current laws and policy regarding the supervision of
30 offenders through the department of corrections.

31 (2) In conducting its review, the department must:

32 (a) Standardize community corrections practices across the state
33 and review field supervision policies to clarify expectations;

34 (b) Address the training needs of community corrections staff
35 consistent with department practices and policies;

36 (c) Review the workloads of community corrections officers and

1 other staff associated with supervision activities, including the
2 utilization of specialized caseloads and field offices;

3 (d) Review the supervision violation hearings and sanctions process
4 to:

5 (i) Address recommendations identified in the assessment conducted
6 by the national institute of corrections;

7 (ii) Improve the ability to respond appropriately and effectively
8 sanction an offender's behavior; and

9 (iii) Ensure appropriate standards for the due process rights of
10 offenders and that those standards are consistently upheld;

11 (e) Increase options and application of evidence-based,
12 research-based, and promising practices for offenders on supervision,
13 including those with chemical dependency issues;

14 (f) Standardize and implement consistent quality assurance
15 standards for community corrections staff; and

16 (g) Review mechanisms to provide better access to information by
17 community corrections officers about the offenders they are supervising
18 including statutory changes to confidentiality provisions and
19 utilization of automation and technology.

20 (3) The department of corrections shall present a progress report
21 of the findings and recommendations to the governor and the appropriate
22 committees of the legislature by November 15, 2007, with a final report
23 due by November 15, 2008.

24 (4) This section expires December 15, 2008.

25 **Sec. 407.** RCW 9.94A.850 and 2005 c 282 s 19 are each amended to
26 read as follows:

27 (1) A sentencing guidelines commission is established as an agency
28 of state government.

29 (2) The legislature finds that the commission, having accomplished
30 its original statutory directive to implement this chapter, and having
31 expertise in sentencing practice and policies, shall:

32 (a) Evaluate state sentencing policy, to include whether the
33 sentencing ranges and standards are consistent with and further:

34 (i) The purposes of this chapter as defined in RCW 9.94A.010; and

35 (ii) The intent of the legislature to emphasize confinement for the
36 violent offender and alternatives to confinement for the nonviolent
37 offender.

1 The commission shall provide the governor and the legislature with
2 its evaluation and recommendations under this subsection not later than
3 December 1, 1996, and every two years thereafter;

4 (b) Recommend to the legislature revisions or modifications to the
5 standard sentence ranges, state sentencing policy, prosecuting
6 standards, and other standards. If implementation of the revisions or
7 modifications would result in exceeding the capacity of correctional
8 facilities, then the commission shall accompany its recommendation with
9 an additional list of standard sentence ranges which are consistent
10 with correction capacity;

11 (c) Study the existing criminal code and from time to time make
12 recommendations to the legislature for modification;

13 (d)(i) Serve as a clearinghouse and information center for the
14 collection, preparation, analysis, and dissemination of information on
15 state and local adult and juvenile sentencing practices; (ii) develop
16 and maintain a computerized adult and juvenile sentencing information
17 system by individual superior court judge consisting of offender,
18 offense, history, and sentence information entered from judgment and
19 sentence forms for all adult felons; and (iii) conduct ongoing research
20 regarding adult and juvenile sentencing guidelines, use of total
21 confinement and alternatives to total confinement, plea bargaining, and
22 other matters relating to the improvement of the adult criminal justice
23 system and the juvenile justice system;

24 (e) Assume the powers and duties of the juvenile disposition
25 standards commission after June 30, 1996;

26 (f) Evaluate the effectiveness of existing disposition standards
27 and related statutes in implementing policies set forth in RCW
28 13.40.010 generally, specifically review the guidelines relating to the
29 confinement of minor and first-time offenders as well as the use of
30 diversion, and review the application of current and proposed juvenile
31 sentencing standards and guidelines for potential adverse impacts on
32 the sentencing outcomes of racial and ethnic minority youth;

33 (g) Solicit the comments and suggestions of the juvenile justice
34 community concerning disposition standards, and make recommendations to
35 the legislature regarding revisions or modifications of the standards.
36 The evaluations shall be submitted to the legislature on December 1 of
37 each odd-numbered year. The department of social and health services
38 shall provide the commission with available data concerning the

1 implementation of the disposition standards and related statutes and
2 their effect on the performance of the department's responsibilities
3 relating to juvenile offenders, and with recommendations for
4 modification of the disposition standards. The administrative office
5 of the courts shall provide the commission with available data on
6 diversion, including the use of youth court programs, and dispositions
7 of juvenile offenders under chapter 13.40 RCW; and

8 (h) Not later than December 1, 1997, and at least every two years
9 thereafter, based on available information, report to the governor and
10 the legislature on:

11 (i) Racial disproportionality in juvenile and adult sentencing,
12 and, if available, the impact that diversions, such as youth courts,
13 have on racial disproportionality in juvenile prosecution,
14 adjudication, and sentencing;

15 (ii) The capacity of state and local juvenile and adult facilities
16 and resources; and

17 (iii) Recidivism information on adult and juvenile offenders.

18 (3) Each of the commission's recommended standard sentence ranges
19 shall include one or more of the following: Total confinement, partial
20 confinement, community supervision, community restitution, and a fine.

21 (4) The standard sentence ranges of total and partial confinement
22 under this chapter, except as provided in RCW 9.94A.517, are subject to
23 the following limitations:

24 (a) If the maximum term in the range is one year or less, the
25 minimum term in the range shall be no less than one-third of the
26 maximum term in the range, except that if the maximum term in the range
27 is ninety days or less, the minimum term may be less than one-third of
28 the maximum;

29 (b) If the maximum term in the range is greater than one year, the
30 minimum term in the range shall be no less than seventy-five percent of
31 the maximum term in the range, except that for murder in the second
32 degree in seriousness level XIV under RCW 9.94A.510, the minimum term
33 in the range shall be no less than fifty percent of the maximum term in
34 the range; and

35 (c) The maximum term of confinement in a range may not exceed the
36 statutory maximum for the crime as provided in RCW 9A.20.021.

37 (5)(a) Not later than December 31, 1999, the commission shall
38 propose to the legislature the initial community custody ranges to be

1 included in sentences under RCW 9.94A.715 for crimes committed on or
2 after July 1, 2000. Not later than December 31 of each year, the
3 commission may propose modifications to the ranges. The ranges shall
4 be based on the principles in RCW 9.94A.010, and shall take into
5 account the funds available to the department for community custody.
6 The minimum term in each range shall not be less than one-half of the
7 maximum term.

8 (b) The legislature may, by enactment of a legislative bill, adopt
9 or modify the community custody ranges proposed by the commission. If
10 the legislature fails to adopt or modify the initial ranges in its next
11 regular session after they are proposed, the proposed ranges shall take
12 effect without legislative approval for crimes committed on or after
13 July 1, 2000.

14 (c) When the commission proposes modifications to ranges pursuant
15 to this subsection, the legislature may, by enactment of a bill, adopt
16 or modify the ranges proposed by the commission for crimes committed on
17 or after July 1 of the year after they were proposed. Unless the
18 legislature adopts or modifies the commission's proposal in its next
19 regular session, the proposed ranges shall not take effect.

20 (6) The commission shall review state sentencing laws and policy in
21 order to simplify supervision requirements and allow community
22 corrections officers to more easily identify statutory requirements
23 associated with an offender's sentence. Not later than December 31,
24 2007, the commission shall report to the legislature on any
25 recommendations for changes to existing statutes.

26 (7) The commission shall exercise its duties under this section in
27 conformity with chapter 34.05 RCW.

28 **PART V - EDUCATION**

29 **Sec. 501.** RCW 72.09.460 and 2004 c 167 s 5 are each amended to
30 read as follows:

31 (1) The legislature intends that all inmates be required to
32 participate in department-approved education programs, work programs,
33 or both, unless exempted (~~(under subsection (4) of)~~) as specifically
34 provided in this section. Eligible inmates who refuse to participate
35 in available education or work programs available at no charge to the
36 inmates shall lose privileges according to the system established under

1 RCW 72.09.130. Eligible inmates who are required to contribute
2 financially to an education or work program and refuse to contribute
3 shall be placed in another work program. Refusal to contribute shall
4 not result in a loss of privileges.

5 (2) The legislature recognizes more inmates may agree to
6 participate in education and work programs than are available. The
7 department must make every effort to achieve maximum public benefit by
8 placing inmates in available and appropriate education and work
9 programs.

10 ~~((2) The department shall provide access to a program of education
11 to all offenders who are under the age of eighteen and who have not met
12 high school graduation or general equivalency diploma requirements in
13 accordance with chapter 28A.193 RCW. The program of education
14 established by the department and education provider under RCW
15 28A.193.020 for offenders under the age of eighteen must provide each
16 offender a choice of curriculum that will assist the inmate in
17 achieving a high school diploma or general equivalency diploma. The
18 program of education may include but not be limited to basic education,
19 prevocational training, work ethic skills, conflict resolution
20 counseling, substance abuse intervention, and anger management
21 counseling. The curriculum may balance these and other rehabilitation,
22 work, and training components.))~~

23 (3)(a) The department shall, to the extent possible and considering
24 all available funds, prioritize its resources to meet the following
25 goals for inmates in the order listed:

26 ~~((a))~~ (i) Achievement of basic academic skills through obtaining
27 a high school diploma or its equivalent ~~((and))~~i

28 (ii) Achievement of vocational skills necessary for purposes of
29 work programs and for an inmate to qualify for work upon release;

30 ~~((b) Additional work and education programs based on assessments
31 and placements under subsection (5) of this section; and~~

32 ~~(c) Other work and education programs as appropriate.~~

33 ~~(4) The department shall establish, by rule, objective medical
34 standards to determine when an inmate is physically or mentally unable
35 to participate in available education or work programs. When the
36 department determines an inmate is permanently unable to participate in
37 any available education or work program due to a medical condition, the
38 inmate is exempt from the requirement under subsection (1) of this~~

1 section.—When the department determines an inmate is temporarily
2 unable to participate in an education or work program due to a medical
3 condition, the inmate is exempt from the requirement of subsection (1)
4 of this section for the period of time he or she is temporarily
5 disabled.—The department shall periodically review the medical
6 condition of all temporarily disabled inmates to ensure the earliest
7 possible entry or reentry by inmates into available programming.

8 (5) The department shall establish, by rule, standards for
9 participation in department approved education and work programs.—The
10 standards shall address the following areas:

11 (a) Assessment.—The department shall assess all inmates for their
12 basic academic skill levels using a professionally accepted method of
13 scoring reading, math, and language skills as grade level equivalents.
14 The department shall determine an inmate's education history, work
15 history, and vocational or work skills.—The initial assessment shall
16 be conducted, whenever possible, within the first thirty days of an
17 inmate's entry into the correctional system, except that initial
18 assessments are not required for inmates who are sentenced to life
19 without the possibility of release, assigned to an intensive management
20 unit within the first thirty days after entry into the correctional
21 system, are returning to the correctional system within one year of a
22 prior release, or whose physical or mental condition renders them
23 unable to complete the assessment process.—The department shall track
24 and record changes in the basic academic skill levels of all inmates
25 reflected in any testing or assessment performed as part of their
26 education programming;

27 (b) Placement.—The department shall follow the policies set forth
28 in subsection (1) of this section in establishing criteria for placing
29 inmates in education and work programs.—The department shall, to the
30 extent possible, place all inmates whose composite grade level score
31 for basic academic skills is below the eighth grade level in a combined
32 education and work program.—The placement criteria shall include at
33 least the following factors)) (iii) Additional work and education
34 programs necessary for compliance with an offender's individual reentry
35 plan under section 302 of this act with the exception of postsecondary
36 education degree programs as provided in section 502 of this act; and
37 (iv) Other appropriate vocational, work, or education programs that

1 are not necessary for compliance with an offender's individual reentry
2 plan under section 302 of this act with the exception of postsecondary
3 education degree programs as provided in section 502 of this act.

4 (b) If programming is provided pursuant to (a)(i) through (iii) of
5 this subsection, the department shall pay the cost of such programming,
6 including but not limited to books, materials, supplies, and postage
7 costs related to correspondence courses.

8 (c) If programming is provided pursuant to (a)(iv) of this
9 subsection, inmates shall be required to pay all or a portion of the
10 costs, including books, fees, and tuition, for participation in any
11 vocational, work, or education program as provided in department
12 policies. Department policies shall include a formula for determining
13 how much an offender shall be required to pay. The formula shall
14 include steps which correlate to an offender average monthly income or
15 average available balance in a personal inmate savings account and
16 which are correlated to a prorated portion or percent of the per credit
17 fee for tuition, books, or other ancillary costs. The formula shall be
18 reviewed every two years. A third party may pay directly to the
19 department all or a portion of costs and tuition for any programming
20 provided pursuant to (a)(iv) of this subsection on behalf of an inmate.
21 Such payments shall not be subject to any of the deductions as provided
22 in this chapter.

23 (d) The department may accept any and all donations and grants of
24 money, equipment, supplies, materials, and services from any third
25 party, including but not limited to nonprofit entities, and may
26 receive, utilize, and dispose of same to complete the purposes of this
27 section.

28 (e) Any funds collected by the department under (c) and (d) of this
29 subsection and subsections (8) and (9) of this section shall be used
30 solely for the creation, maintenance, or expansion of inmate
31 educational and vocational programs.

32 (4) The department shall provide access to a program of education
33 to all offenders who are under the age of twenty-two and who have not
34 met high school graduation or general equivalency diploma requirements
35 in accordance with chapter 28A.193 RCW. The program of education
36 established by the department and education provider under RCW
37 28A.193.020 for offenders under the age of twenty-two must provide each
38 offender a choice of curriculum that will assist the inmate in

1 achieving a high school diploma or general equivalency diploma. The
2 program of education may include but not be limited to basic education,
3 prevocational training, work ethic skills, conflict resolution
4 counseling, substance abuse intervention, and anger management
5 counseling. The curriculum may balance these and other rehabilitation,
6 work, and training components.

7 (5)(a) In addition to the policies set forth in this section, the
8 department shall consider the following factors in establishing
9 criteria for assessing the inclusion of education and work programs in
10 an inmate's individual responsibility plan and in placing inmates in
11 education and work programs:

12 (i) An inmate's release date and custody level. An inmate shall
13 not be precluded from participating in an education or work program
14 solely on the basis of his or her release date, except that inmates
15 with a release date of more than one hundred twenty months in the
16 future shall not comprise more than ten percent of inmates
17 participating in a new class I correctional industry not in existence
18 on June 10, 2004;

19 (ii) An inmate's education history and basic academic skills;

20 (iii) An inmate's work history and vocational or work skills;

21 (iv) An inmate's economic circumstances, including but not limited
22 to an inmate's family support obligations; and

23 (v) Where applicable, an inmate's prior performance in department-
24 approved education or work programs;

25 ~~((c) Performance and goals.))~~ (b) The department shall establish,
26 and periodically review, inmate behavior standards and program goals
27 for all education and work programs. Inmates shall be notified of
28 applicable behavior standards and program goals prior to placement in
29 an education or work program and shall be removed from the education or
30 work program if they consistently fail to meet the standards or
31 goals((÷

32 ~~(d) Financial responsibility. (i) The department shall establish~~
33 ~~a formula by which inmates, based on their ability to pay, shall pay~~
34 ~~all or a portion of the costs or tuition of certain programs. Inmates~~
35 ~~shall, based on the formula, pay a portion of the costs or tuition of~~
36 ~~participation in:~~

37 ~~(A) Second and subsequent vocational programs associated with an~~
38 ~~inmate's work programs; and~~

1 ~~(B) An associate of arts or baccalaureate degree program when~~
2 ~~placement in a degree program is the result of a placement made under~~
3 ~~this subsection;~~

4 ~~(ii) Inmates shall pay all costs and tuition for participation in:~~

5 ~~(A) Any postsecondary academic degree program which is entered~~
6 ~~independently of a placement decision made under this subsection; and~~

7 ~~(B) Second and subsequent vocational programs not associated with~~
8 ~~an inmate's work program.~~

9 ~~Enrollment in any program specified in (d)(ii) of this subsection~~
10 ~~shall only be allowed by correspondence or if there is an opening in an~~
11 ~~education or work program at the institution where an inmate is~~
12 ~~incarcerated and no other inmate who is placed in a program under this~~
13 ~~subsection will be displaced; and~~

14 ~~(e) Notwithstanding any other provision in this section, an inmate~~
15 ~~sentenced to life without the possibility of release:~~

16 ~~(i) Shall not be required to participate in education programming;~~
17 ~~and~~

18 ~~(ii) May receive not more than one postsecondary academic degree in~~
19 ~~a program offered by the department or its contracted providers.~~

20 ~~If an inmate sentenced to life without the possibility of release~~
21 ~~requires prevocational or vocational training for a work program, he or~~
22 ~~she may participate in the training subject to this section.~~

23 ~~(6) The department shall coordinate education and work programs~~
24 ~~among its institutions, to the greatest extent possible, to facilitate~~
25 ~~continuity of programming among inmates transferred between~~
26 ~~institutions. Before transferring an inmate enrolled in a program, the~~
27 ~~department shall consider the effect the transfer will have on the~~
28 ~~inmate's ability to continue or complete a program. This subsection~~
29 ~~shall not be used to delay or prohibit a transfer necessary for~~
30 ~~legitimate safety or security concerns.~~

31 ~~(7) Before construction of a new correctional institution or~~
32 ~~expansion of an existing correctional institution, the department shall~~
33 ~~adopt a plan demonstrating how cable, closed circuit, and satellite~~
34 ~~television will be used for education and training purposes in the~~
35 ~~institution. The plan shall specify how the use of television in the~~
36 ~~education and training programs will improve inmates' preparedness for~~
37 ~~available work programs and job opportunities for which inmates may~~
38 ~~qualify upon release.~~

1 ~~(8) The department shall adopt a plan to reduce the per pupil cost~~
2 ~~of instruction by, among other methods, increasing the use of volunteer~~
3 ~~instructors and implementing technological efficiencies. The plan~~
4 ~~shall be adopted by December 1996 and shall be transmitted to the~~
5 ~~legislature upon adoption. The department shall, in adoption of the~~
6 ~~plan, consider distance learning, satellite instruction, video tape~~
7 ~~usage, computer aided instruction, and flexible scheduling of offender~~
8 ~~instruction.~~

9 ~~(9) Following completion of the review required by section 27(3),~~
10 ~~chapter 19, Laws of 1995 1st sp. sess. the department shall take all~~
11 ~~necessary steps to assure the vocation and education programs are~~
12 ~~relevant to work programs and skills necessary to enhance the~~
13 ~~employability of inmates upon release)).~~

14 (6) Eligible inmates who refuse to participate in available
15 education or work programs available at no charge to the inmates shall
16 lose privileges according to the system established under RCW
17 72.09.130. Eligible inmates who are required to contribute financially
18 to an education or work program and refuse to contribute shall be
19 placed in another work program. Refusal to contribute shall not result
20 in a loss of privileges.

21 (7) The department shall establish, by rule, objective medical
22 standards to determine when an inmate is physically or mentally unable
23 to participate in available education or work programs. When the
24 department determines an inmate is permanently unable to participate in
25 any available education or work program due to a medical condition, the
26 inmate is exempt from the requirement under subsection (1) of this
27 section. When the department determines an inmate is temporarily
28 unable to participate in an education or work program due to a medical
29 condition, the inmate is exempt from the requirement of subsection (1)
30 of this section for the period of time he or she is temporarily
31 disabled. The department shall periodically review the medical
32 condition of all inmates with temporary disabilities to ensure the
33 earliest possible entry or reentry by inmates into available
34 programming.

35 (8) The department shall establish policies requiring an offender
36 to pay all or a portion of the costs and tuition for any vocational
37 training or postsecondary education program if the offender completed
38 more than two hundred hours in the program and then withdrew from

1 participation without approval from the department. Department
2 policies shall include a formula for determining how much an offender
3 shall be required to pay. The formula shall include steps which
4 correlate to an offender average monthly income or average available
5 balance in a personal inmate savings account and which are correlated
6 to a prorated portion or percent of the per credit fee for tuition,
7 books, or other ancillary costs. The formula shall be reviewed every
8 two years. A third party may pay directly to the department all or a
9 portion of costs and tuition for any program on behalf of an inmate
10 under this subsection. Such payments shall not be subject to any of
11 the deductions as provided in this chapter.

12 (9) Notwithstanding any other provision in this section, an inmate
13 sentenced to life without the possibility of release or subject to the
14 provisions of 8 U.S.C. Sec. 1227:

15 (a) Shall not be required to participate in education programming
16 except as may be necessary for the maintenance of discipline and
17 security;

18 (b) May receive not more than one postsecondary academic degree in
19 a program offered by the department or its contracted providers;

20 (c) May participate in prevocational or vocational training that
21 may be necessary to participate in a work program;

22 (d) Shall be subject to the applicable provisions of this chapter
23 relating to inmate financial responsibility for programming except the
24 postsecondary education degree loan program as provided in section
25 502(3) of this act.

26 NEW SECTION. Sec. 502. A new section is added to chapter 72.09
27 RCW to read as follows:

28 (1) The department shall, if funds are appropriated for the
29 specific purpose, implement postsecondary education degree programs
30 within state correctional institutions, including the state
31 correctional institution with the largest population of female inmates.
32 The department shall consider for inclusion in any postsecondary
33 education degree program, any postsecondary education degree program
34 from an accredited community college, college, or university that is
35 part of an associate of arts, baccalaureate, masters of arts, or other
36 graduate degree program.

1 (2) Inmates shall be required to pay the costs for participation in
2 any postsecondary education degree programs established under this
3 subsection, including books, fees, tuition, or any other appropriate
4 ancillary costs, by one or more of the following means:

5 (a) The inmate who is participating in the postsecondary education
6 degree program shall, during confinement, provide the required payment
7 or payments to the department;

8 (b) A third party shall provide the required payment or payments
9 directly to the department on behalf of an inmate, and such payments
10 shall not be subject to any of the deductions as provided in this
11 chapter; or

12 (c) The inmate who is participating in the postsecondary education
13 degree program shall provide the required payment or payments to the
14 department using loan funds obtained from the department's
15 postsecondary education degree loan program created pursuant to
16 subsection (3) of this section.

17 (3) The department shall, if funds are appropriated for the
18 specific purpose, establish by rule a postsecondary education degree
19 loan program for inmates seeking to participate in available
20 postsecondary education degree programs. The department shall
21 establish a process for awarding loans to inmates, including an
22 application process and criteria for awarding loans. The department
23 shall collect repayment as provided in section 504 of this act. A
24 third party may pay directly to the department all or a portion of any
25 loan on behalf of an inmate. Such payments shall not be subject to any
26 of the deductions as provided in this chapter. Inmates under RCW
27 72.09.460(9) are not eligible to participate in the postsecondary
28 education degree loan program.

29 (4) The department may accept any and all donations and grants of
30 money, equipment, supplies, materials, and services from any third
31 party, including but not limited to nonprofit entities, and may
32 receive, utilize, and dispose of same to complete the purposes of this
33 section.

34 (5) Any funds collected by the department under this section and
35 RCW 72.09.450(4) shall be used solely for the creation, maintenance, or
36 expansion of inmate postsecondary education degree programs.

1 **Sec. 503.** RCW 72.09.480 and 2003 c 271 s 3 are each amended to
2 read as follows:

3 (1) Unless the context clearly requires otherwise, the definitions
4 in this section apply to this section.

5 (a) "Cost of incarceration" means the cost of providing an inmate
6 with shelter, food, clothing, transportation, supervision, and other
7 services and supplies as may be necessary for the maintenance and
8 support of the inmate while in the custody of the department, based on
9 the average per inmate costs established by the department and the
10 office of financial management.

11 (b) "Minimum term of confinement" means the minimum amount of time
12 an inmate will be confined in the custody of the department,
13 considering the sentence imposed and adjusted for the total potential
14 earned early release time available to the inmate.

15 (c) "Program" means any series of courses or classes necessary to
16 achieve a proficiency standard, certificate, or postsecondary degree.

17 (2) When an inmate, except as provided in subsection (7) of this
18 section, receives any funds in addition to his or her wages or
19 gratuities, except settlements or awards resulting from legal action,
20 the additional funds shall be subject to the following deductions and
21 the priorities established in chapter 72.11 RCW:

22 (a) Five percent to the public safety and education account for the
23 purpose of crime victims' compensation;

24 (b) Ten percent to a department personal inmate savings account;

25 (c) Twenty percent to the department to contribute to the cost of
26 incarceration;

27 (d) Twenty percent for payment of legal financial obligations for
28 all inmates who have legal financial obligations owing in any
29 Washington state superior court; and

30 (e) Fifteen percent for any child support owed under a support
31 order.

32 (3) When an inmate, except as provided in subsection (7) of this
33 section, receives any funds from a settlement or award resulting from
34 a legal action, the additional funds shall be subject to the deductions
35 in RCW 72.09.111(1)(a) and the priorities established in chapter 72.11
36 RCW.

37 (4) The amount deducted from an inmate's funds under subsection (2)

1 of this section shall not exceed the department's total cost of
2 incarceration for the inmate incurred during the inmate's minimum or
3 actual term of confinement, whichever is longer.

4 (5)(a) The deductions required under subsection (2) of this section
5 shall not apply to funds received by the department from an offender or
6 from a third party on behalf of an offender for payment of ((one fee-
7 based)) education or vocational programs ((that is associated with an
8 inmate's work program or a placement decision made by the department
9 under RCW 72.09.460 to prepare an inmate for work upon release.

10 ~~An inmate may, prior to the completion of the fee-based education~~
11 ~~or vocational program authorized under this subsection, apply to a~~
12 ~~person designated by the secretary for permission to make a change in~~
13 ~~his or her program. The secretary, or his or her designee, may approve~~
14 ~~the application based solely on the following criteria: (a) The inmate~~
15 ~~has been transferred to another institution by the department for~~
16 ~~reasons unrelated to education or a change to a higher security~~
17 ~~classification and the offender's current program is unavailable in the~~
18 ~~offender's new placement; (b) the inmate entered an academic program as~~
19 ~~an undeclared major and wishes to declare a major. No inmate may apply~~
20 ~~for more than one change to his or her major and receive the exemption~~
21 ~~from deductions specified in this subsection; (c) the educational or~~
22 ~~vocational institution is terminating the inmate's current program; or~~
23 ~~(d) the offender's training or education has demonstrated that the~~
24 ~~current program is not the appropriate program to assist the offender~~
25 ~~to achieve a placement decision made by the department under RCW~~
26 ~~72.09.460 to prepare the inmate for work upon release)) or~~
27 postsecondary education degree programs as provided in RCW 72.09.460
28 and section 502 of this act.

29 (b) The deductions required under subsection (2) of this section
30 shall not apply to funds received by the department from a third party,
31 including but not limited to a nonprofit entity on behalf of the
32 department's education, vocation, or postsecondary education degree
33 programs.

34 (6) The deductions required under subsection (2) of this section
35 shall not apply to any money received by the department, on behalf of
36 an inmate, from family or other outside sources for the payment of
37 postage expenses. Money received under this subsection may only be
38 used for the payment of postage expenses and may not be transferred to

1 any other account or purpose. Money that remains unused in the
2 inmate's postage fund at the time of release shall be subject to the
3 deductions outlined in subsection (2) of this section.

4 (7) When an inmate sentenced to life imprisonment without
5 possibility of release or parole, or to death under chapter 10.95 RCW,
6 receives any funds in addition to his or her gratuities, except
7 settlements or awards resulting from legal action, the additional funds
8 shall be subject to: Deductions of five percent to the public safety
9 and education account for the purpose of crime victims' compensation,
10 twenty percent to the department to contribute to the cost of
11 incarceration, and fifteen percent to child support payments.

12 (8) When an inmate sentenced to life imprisonment without
13 possibility of release or parole, or to death under chapter 10.95 RCW,
14 receives any funds from a settlement or award resulting from a legal
15 action in addition to his or her gratuities, the additional funds shall
16 be subject to: Deductions of five percent to the public safety and
17 education account for the purpose of crime victims' compensation and
18 twenty percent to the department to contribute to the cost of
19 incarceration.

20 (9) The interest earned on an inmate savings account created as a
21 result of the plan in section 4, chapter 325, Laws of 1999 shall be
22 exempt from the mandatory deductions under this section and RCW
23 72.09.111.

24 (10) Nothing in this section shall limit the authority of the
25 department of social and health services division of child support from
26 taking collection action against an inmate's moneys, assets, or
27 property pursuant to chapter 26.23, 74.20, or 74.20A RCW including, but
28 not limited to, the collection of moneys received by the inmate from
29 settlements or awards resulting from legal action.

30 **Sec. 504.** RCW 72.09.450 and 1996 c 277 s 1 are each amended to
31 read as follows:

32 (1) An inmate shall not be denied access to services or supplies
33 required by state or federal law solely on the basis of his or her
34 inability to pay for them.

35 (2) The department shall record all lawfully authorized assessments
36 for services or supplies as a debt to the department. The department

1 shall recoup the assessments when the inmate's institutional account
2 exceeds the indigency standard, and may pursue other remedies to recoup
3 the assessments after the period of incarceration.

4 (3) The department shall record as a debt any costs assessed by a
5 court against an inmate plaintiff where the state is providing defense
6 pursuant to chapter 4.92 RCW. The department shall recoup the debt
7 when the inmate's institutional account exceeds the indigency standard
8 and may pursue other remedies to recoup the debt after the period of
9 incarceration.

10 (4) The department shall record as a debt any loan recorded against
11 an inmate participating in the postsecondary education degree loan
12 program as provided under section 502 of this act. The department
13 shall attempt to recoup the debt not sooner than two years from an
14 inmate's date of release from total or partial confinement and any loan
15 made under this subsection shall not accrue interest at any time. The
16 department may pursue collection of the debt as provided in subsection
17 (5) of this section.

18 (5) In order to maximize the cost-efficient collection of unpaid
19 offender debt existing after the period of an offender's incarceration,
20 the department is authorized to use the following nonexclusive options:

21 (a) Use the collection services available through the department of
22 general administration, or (b) notwithstanding any provision of chapter
23 41.06 RCW, contract with collection agencies for collection of the
24 debts. The costs for general administration or collection agency
25 services shall be paid by the debtor. Any contract with a collection
26 agency shall only be awarded after competitive bidding. Factors the
27 department shall consider in awarding a collection contract include but
28 are not limited to a collection agency's history and reputation in the
29 community; and the agency's access to a local database that may
30 increase the efficiency of its collections. The servicing of an unpaid
31 obligation to the department does not constitute assignment of a debt,
32 and no contract with a collection agency may remove the department's
33 control over unpaid obligations owed to the department.

34 NEW SECTION. Sec. 505. (1) The department of corrections and the
35 state board for community and technical colleges, in cooperation with
36 the unions representing academic employees in corrections education
37 programs, shall investigate and review methods to optimize educational

1 and vocational programming opportunities to meet the needs of each
2 offender as identified in his or her individual reentry plan both while
3 an offender is incarcerated and postrelease.

4 (2) In conducting its review, the department and state board shall
5 consider and make recommendations regarding:

6 (a) Technological advances which could serve to expand educational
7 programs and vocational training including, but not limited to,
8 distance learning, satellite instruction, videotape usage, computer
9 aided instruction, and flexible scheduling and also considering the
10 infrastructure, resources, and security that would be needed to
11 implement the program or training. These advances shall be assessed
12 for their ability to provide the most cost-efficient and effective
13 programming for offenders;

14 (b) Methods to ensure that educational programs and vocational
15 training are relevant to enhance the employability of offenders upon
16 release; and

17 (c) Long-term methods for maintaining channels of communication
18 between the department, state board administration, academic employees,
19 and students.

20 (3) The department and state board shall report to the governor and
21 the legislature no later than November 15, 2007.

22 NEW SECTION. **Sec. 506.** (1) The Washington state institute for
23 public policy shall conduct a comprehensive analysis and evaluation of
24 evidence-based, research-based, and promising correctional education
25 programs and the extent to which Washington's programs are in accord
26 with these practices. In gathering data regarding correctional
27 education programs, the institute may consult with academic employees
28 from correctional education programs.

29 (2) The institute shall report to the governor and the legislature
30 no later than November 15, 2007.

31 **PART VI - EMPLOYMENT BARRIERS**

32 NEW SECTION. **Sec. 601.** A new section is added to chapter 82.04
33 RCW to read as follows:

34 (1) Subject to the limits in this section, a credit is authorized

1 against the tax otherwise due under this chapter for persons that
2 employ one or more formerly incarcerated individuals.

3 (2) In order to qualify for the tax credit, the person must apply
4 to the employment security department for certification of the formerly
5 incarcerated individual as a qualifying employee on or before the
6 individual's hire date. A formerly incarcerated individual may be
7 certified as a qualifying employee under this section if:

8 (a) The individual was convicted of a felony under any statute of
9 the United States or any state; and

10 (b) Was hired by the person claiming a credit under this section
11 within one year of being convicted or released from prison.

12 (3) The employment security department shall adopt rules and make
13 forms available to persons employing formerly incarcerated individuals
14 to apply for certification under this section.

15 (4) A credit is allowed in the amount of one thousand dollars per
16 qualifying employee if the employee worked at least seven hundred
17 eighty hours in the first year of employment.

18 (5) If at any time the department finds that a person is not
19 eligible for the tax credit under this section, the amount of taxes for
20 which a credit has been used is immediately due. The department shall
21 assess interest, but not penalties, on the credited taxes for which the
22 person is not eligible. The interest must be assessed at the rate
23 provided for delinquent excise taxes under chapter 82.32 RCW, must be
24 assessed retroactively to the date the tax credit was taken, and must
25 accrue until the taxes for which a credit has been used are repaid.

26 (6) The credit under this section may be used against any tax due
27 under this chapter, and credit earned during one calendar year may be
28 carried over to be credited against taxes incurred in the subsequent
29 calendar year. No refunds may be granted for credits under this
30 section that are in excess of taxes due and payable for the reporting
31 period.

32 (7) A person taking credit under this section shall not take credit
33 under section 602 of this act.

34 NEW SECTION. **Sec. 602.** A new section is added to chapter 82.16
35 RCW to read as follows:

36 (1) A credit is authorized against the tax otherwise due under this

1 chapter for persons that employ one or more formerly incarcerated
2 individuals.

3 (2) The provisions for the credit authorized in section 601 of this
4 act apply to this section.

5 (3) A person taking credit under this section may not take credit
6 under section 601 of this act.

7 NEW SECTION. **Sec. 603.** A new section is added to chapter 43.43
8 RCW to read as follows:

9 (1) A business or organization shall not make a background check
10 inquiry to a private data broker about an applicant unless the business
11 or organization has notified the applicant or tenant that an inquiry
12 may be made.

13 (2) The business or organization shall notify the applicant of the
14 background check response within ten days after receipt by the business
15 or organization. The business or organization shall provide a copy of
16 the response to the applicant and shall notify the applicant of such
17 availability.

18 (3) Further dissemination or use of the record is prohibited.

19 (4) A business or organization violating this subsection is subject
20 to a civil action for damages.

21 (5) For purposes of this section:

22 (a) "Private data broker" means a business entity which for
23 monetary fees, dues, or on a cooperative nonprofit basis, regularly
24 engages, in whole or in part, in the practice of collecting,
25 transmitting, or otherwise providing personally identifiable
26 information on individuals who are not the customers or employees of
27 the business entity or affiliate.

28 (b) "Applicant" means a prospective employee, volunteer, or tenant
29 for rental accommodations.

30 NEW SECTION. **Sec. 604.** On or before October 1, 2007, the
31 department of corrections and the department of licensing shall enter
32 into an agreement establishing expedited procedures to assist offenders
33 in obtaining a driver's license or identification card upon their
34 release from a department of corrections' institution.

1 NEW SECTION. **Sec. 605.** (1) By July 1, 2007, the director of the
2 department of licensing, or the director's designee, shall, within
3 existing resources, convene and chair a work group to review and
4 recommend changes to occupational licensing laws and policies to
5 encourage the employment of individuals with criminal convictions while
6 ensuring the safety of the public.

7 (2) In addition to the director of the department of licensing, the
8 following shall be members of the work group: A representative from
9 the employment security department, a representative from the
10 department of corrections, and up to five members appointed by the
11 governor from state agencies that issue occupational licenses. The
12 department shall also invite participation from victim service
13 agencies, the state board for community and technical colleges,
14 association of Washington business, nonprofit organizations providing
15 workforce training to released offenders, and legislative staff who
16 provide support to the human services and human services and
17 corrections committees. Members of the work group shall serve without
18 compensation.

19 (3) In conducting its review, the work group must:

20 (a) Review approaches used by other states and jurisdictions for
21 awarding occupational licenses to those with criminal convictions;

22 (b) Develop a process and standards by which the department of
23 licensing and licensing agencies will determine whether a criminal
24 conviction renders an applicant an unsuitable candidate for a license
25 or whether a conviction warrants revocation or suspension of a license
26 previously granted;

27 (c) Develop guidelines for potential applicants that reflect the
28 most common or well-known categories of crimes and their relation to
29 specific license types;

30 (d) Establish mechanisms for making information regarding the
31 process and guidelines easily accessible to potential applicants with
32 criminal histories.

33 (4) The department of licensing shall present a report of its
34 findings and recommendations to the governor and the appropriate
35 committees of the legislature, including any proposed legislation, by
36 November 15, 2007.

37 (5) This section expires December 15, 2007.

PART VII - HOUSING

NEW SECTION. **Sec. 701.** The legislature finds that, in order to improve the safety of our communities, more housing needs to be made available to offenders returning to the community. The legislature intends to increase the housing available to offenders by providing that landlords who rent to offenders shall be immune from civil liability for damages that may result from the criminal conduct of the tenant.

NEW SECTION. **Sec. 702.** A new section is added to chapter 59.18 RCW to read as follows:

A landlord who rents to an offender is not liable for civil damages arising from the criminal conduct of the tenant. In order for a landlord to be protected from liability as provided under this section, a landlord must disclose to residents of the property that he or she rents or has a policy of renting to offenders.

NEW SECTION. **Sec. 703.** A new section is added to chapter 35.82 RCW to read as follows:

The legislature recognizes that stable, habitable, and supportive housing is a critical factor that increases a previously incarcerated individual's access to treatment and services as well as the likelihood of success in the community. Housing authorities are therefore encouraged to formulate rental policies that are not unduly burdensome to previously incarcerated individuals attempting to reenter the community, particularly when the individual's family may already reside in government subsidized housing.

NEW SECTION. **Sec. 704.** A new section is added to chapter 43.185C RCW to read as follows:

(1) The offender reentry transitional housing assistance program is created in the department of community, trade, and economic development to assist homeless offenders secure and retain safe, decent, and affordable housing. Within funds appropriated under this section, the department shall provide grants to eligible organizations, as described in RCW 43.185.060, to provide assistance to program participants. The eligible organizations must use grant moneys for:

1 (a) Rental assistance, which includes security or utility deposits,
2 first and last month's rent assistance, and eligible moving expenses to
3 be determined by the department;

4 (b) Case management services designed to assist program
5 participants to secure and retain immediate housing and to transition
6 into permanent housing and greater levels of self-sufficiency;

7 (c) Contracts with supportive housing facilities to exclusively
8 provide housing for homeless offenders. Supportive housing is housing
9 that will provide a structured living environment for offenders to
10 assist an offender in developing the interpersonal and social survival
11 skills necessary to be independent and self-reliant in mainstream
12 society; and

13 (d) Administrative costs of the eligible organization, which must
14 not exceed limits prescribed by the department.

15 (2) Eligible to receive assistance up to twelve months through the
16 offender reentry transitional housing assistance program are offenders
17 who:

18 (a) Will be released or were released within the last six months
19 from a correctional facility operated by the department of corrections;

20 (b) Are homeless or at risk of becoming homeless and have household
21 incomes at or below fifty percent of the median household income for
22 their county;

23 (c) Have not been found to have violated conditions of his or her
24 supervision on two or more separate occasions.

25 (3) In providing assistance, priority shall be given to offenders
26 who are designated as high risk or high needs as well as those
27 determined not to have a viable release plan by the department of
28 corrections.

29 (4) All housing assistance recipients must be willing to create and
30 actively participate in a housing stability plan for achieving
31 permanent housing and greater levels of self-sufficiency.

32 (5) Data on all housing assistance recipients must be entered into
33 and tracked through the Washington homeless client management
34 information system as described in RCW 43.185C.180.

35 (6) The department of corrections shall cooperate with the
36 department in:

37 (a) Determining an appropriate formula for the distribution of
38 grant funds to counties or regions; and

1 (b) Developing rules, requirements, procedures, and guidelines as
2 necessary to implement and operate the offender reentry transitional
3 housing assistance program.

4 (7) The department of corrections shall collaborate with the
5 organization receiving grant funds to:

6 (a) Help identify appropriate housing solutions in the community
7 for offenders;

8 (b) Where possible, facilitate an offender's application for
9 housing prior to discharge;

10 (c) Identify enhancements to training provided to offenders prior
11 to discharge that may assist an offender in effectively transitioning
12 to the community;

13 (d) Maintain communication between the case manager, housing
14 provider, and corrections staff supervising the offender; and

15 (e) Assist the offender in accessing resources and services
16 available through the department of corrections and a community justice
17 center, if one is located in the area.

18 (8) The department shall produce an annual transitional housing
19 operating and rent program report that must be included in the
20 department's homeless housing strategic plan as described in RCW
21 43.185C.040. The report must include performance measures to be
22 determined by the department that address, at a minimum, the following
23 issue areas:

24 (a) The success of the program in helping housing assistance
25 recipients transition into permanent housing and increase their levels
26 of self-sufficiency;

27 (b) The financial performance of the program related to efficient
28 program administration by the department and program operation by
29 selected eligible organizations, including an analysis of the costs per
30 program participant served;

31 (c) The quality, completeness, and timeliness of the information on
32 housing assistance recipients provided to the Washington homeless
33 client management information system database; and

34 (d) The satisfaction of housing assistance recipients in the
35 assistance provided through the program.

36 (9) The state, department of community, trade, and economic
37 development, department of corrections, local governments, local
38 housing authorities, and its employees are not liable for civil damages

1 arising from the criminal conduct of an offender due to the placement
2 of an offender in housing provided under this section or the provision
3 of housing assistance.

4 NEW SECTION. **Sec. 705.** A new section is added to chapter 43.185C
5 RCW to read as follows:

6 The offender reentry transitional housing assistance account is
7 created in the custody of the state treasurer. All receipts from
8 sources directed to the offender reentry transitional housing
9 assistance program must be deposited into the account. Expenditures
10 from the account may be used solely for the purpose of the offender
11 reentry transitional housing assistance program as described in section
12 704 of this act. Only the director of the department of community,
13 trade and economic development or the director's designee may authorize
14 expenditures from the account. The account is subject to allotment
15 procedures under chapter 43.88 RCW, but an appropriation is not
16 required for expenditures.

17 NEW SECTION. **Sec. 706.** (1) The sum of three million eight hundred
18 thousand dollars, or as much thereof as may be necessary, is
19 appropriated for the fiscal year ending June 30, 2008, from the general
20 fund to the offender reentry transitional housing assistance account
21 created in section 705 of this act for the purpose of implementing and
22 operating the offender reentry transitional housing assistance program.

23 (2) The sum of three million eight hundred thousand dollars, or as
24 much thereof as may be necessary, is appropriated for the fiscal year
25 ending June 30, 2009, from the general fund to the offender reentry
26 transitional housing assistance account created in section 705 of this
27 act for the purpose of implementing and operating the offender reentry
28 transitional housing assistance program.

29 **PART VIII - APPROPRIATIONS**

30 NEW SECTION. **Sec. 801.** (1) The sum of five hundred thousand
31 dollars, or as much thereof as may be necessary, is appropriated for
32 the fiscal year ending June 30, 2008, and two million two hundred
33 ninety-two thousand dollars, or as much thereof as may be necessary, is

1 appropriated for the fiscal year ending June 30, 2009, from the general
2 fund to the department of corrections for the purposes of expanding
3 drug treatment programs in correctional institutions.

4 (2) The sum of five hundred thousand dollars, or as much thereof as
5 may be necessary, is appropriated for the fiscal year ending June 30,
6 2008, and one million five hundred eighty-four thousand dollars, or as
7 much thereof as may be necessary, is appropriated for the fiscal year
8 ending June 30, 2009, from the general fund to the department of
9 corrections for the purposes of expanding drug treatment programs for
10 offenders on community supervision.

11 (3) The sum of nine hundred fourteen thousand dollars, or as much
12 thereof as may be necessary, is appropriated for the fiscal year ending
13 June 30, 2008, and one million two hundred nineteen thousand dollars,
14 or as much thereof as may be necessary, for the fiscal year ending June
15 30, 2009, from the general fund to the department of corrections for
16 the purposes of expanding general education programs in correctional
17 institutions.

18 (4) The sum of one million seven hundred ninety-three thousand
19 dollars, or as much thereof as may be necessary, is appropriated for
20 the fiscal year ending June 30, 2008, and two million four hundred
21 eighty-seven thousand dollars, or as much thereof as may be necessary,
22 is appropriated for the fiscal year ending June 30, 2009, from the
23 general fund to the department of corrections for the purposes of
24 expanding life skills training in correctional institutions.

25 (5) The sum of one hundred fifty-nine thousand dollars, or as much
26 thereof as may be necessary, is appropriated for the fiscal year ending
27 June 30, 2008, and one hundred forty-eight thousand dollars, or as much
28 thereof as may be necessary, is appropriated for the fiscal year ending
29 June 30, 2009, from the general fund to the department of corrections
30 for the purposes of expanding life skills training for offenders on
31 community supervision.

32 (6) The sum of nine hundred thirty-three thousand dollars, or as
33 much thereof as may be necessary, is appropriated for the fiscal year
34 ending June 30, 2008, and one million eight hundred sixty-six thousand
35 dollars, or as much thereof as may be necessary, is appropriated for
36 the fiscal year ending June 30, 2009, from the general fund to the
37 department of corrections for the purposes of expanding vocational
38 education programs in correctional institutions.

1 (7) The sum of one million twelve thousand dollars, or as much
2 thereof as may be necessary, is appropriated for the fiscal year ending
3 June 30, 2008, and one million four hundred fifteen thousand dollars,
4 or as much thereof as may be necessary, is appropriated for the fiscal
5 year ending June 30, 2009, from the general fund to the department of
6 corrections for the purposes of expanding correctional industries
7 programs in correctional institutions.

8 (8) The sum of three hundred seventy-three thousand dollars, or as
9 much thereof as may be necessary, is appropriated for the fiscal year
10 ending June 30, 2008, and seven hundred thirteen thousand dollars, or
11 as much thereof as may be necessary, is appropriated for the fiscal
12 year ending June 30, 2009, from the general fund to the department of
13 corrections for the purposes of expanding employment and job training
14 for offenders on community supervision.

15 (9) The sum of seven hundred ninety-five thousand dollars, or as
16 much thereof as may be necessary, is appropriated for the fiscal year
17 ending June 30, 2008, and four hundred ninety-eight thousand dollars,
18 or as much thereof as may be necessary, is appropriated for the fiscal
19 year ending June 30, 2009, from the general fund to the department of
20 corrections for the purposes of establishing reception diagnostic
21 centers at the Washington corrections center and the Washington
22 corrections center for women.

23 (10) The sum of one million one hundred forty-one thousand dollars,
24 or as much thereof as may be necessary, is appropriated for the fiscal
25 year ending June 30, 2008, and nine hundred two thousand dollars, or as
26 much thereof as may be necessary, is appropriated for the fiscal year
27 ending June 30, 2009, from the general fund to the department of
28 corrections for the purposes of a violence reduction program and a
29 program of gradual custody level reduction for offenders.

30 (11) The sum of seven hundred thirty-four thousand dollars, or as
31 much thereof as may be necessary, is appropriated for the fiscal year
32 ending June 30, 2008, and seven hundred forty-five thousand dollars, or
33 as much thereof as may be necessary, is appropriated for the fiscal
34 year ending June 30, 2009, from the general fund to the department of
35 corrections for the purposes of family centered programming for
36 offenders in correctional institutions and on community supervision.

37 (12) The sum of seven hundred ninety-four thousand dollars, or as
38 much thereof as may be necessary, is appropriated for the fiscal year

1 ending June 30, 2008, and one million five hundred eighty-one thousand
2 dollars, or as much thereof as may be necessary, is appropriated for
3 the fiscal year ending June 30, 2009, from the general fund to the
4 department of corrections to establish community justice centers to
5 coordinate benefits for offenders on community supervision.

6 **PART IX - RESTORATION OF CIVIL RIGHTS**

7 **Sec. 901.** RCW 29A.04.079 and 2003 c 111 s 114 are each amended to
8 read as follows:

9 An "infamous crime" is a crime punishable by death in the state
10 penitentiary or imprisonment in a state correctional facility. The
11 definition of "infamous crime" does not include juvenile adjudications
12 pursuant to chapter 13.40 RCW or adult convictions for misdemeanors and
13 gross misdemeanors.

14 **Sec. 902.** RCW 29A.08.520 and 2005 c 246 s 15 are each amended to
15 read as follows:

16 ~~(1) ((Upon receiving official notice of a person's conviction of a~~
17 ~~felony in either state or federal court, if the convicted person is a~~
18 ~~registered voter in the county, the county auditor shall cancel the~~
19 ~~defendant's voter registration. Additionally, the secretary of state~~
20 ~~in conjunction with the department of corrections, the Washington state~~
21 ~~patrol, the office of the administrator for the courts, and other~~
22 ~~appropriate state agencies shall arrange for a quarterly comparison of~~
23 ~~a list of known felons with the statewide voter registration list.))~~
24 A person who has been convicted of a felony and who is under the
25 authority of the department of corrections as a result of that felony
26 conviction is ineligible to vote. Following conviction of a felony,
27 the right to vote is provisionally restored as long as the person is
28 not under the authority of the department of corrections.

29 (2)(a) Once the right to vote has been provisionally restored, the
30 sentencing court may revoke the provisional restoration of voting
31 rights if the sentencing court determines that a person has willfully
32 failed to comply with the terms of his or her order to pay legal
33 financial obligations.

34 (b) If the person has failed to make three payments in a twelve-

1 month period and the county clerk or restitution recipient requests,
2 the prosecutor shall seek revocation of the provisional restoration of
3 voting rights from the court.

4 (c) To the extent practicable, the prosecutor and county clerk
5 shall inform a restitution recipient of the recipient's right to ask
6 for the revocation of the provisional restoration of voting rights.

7 (3) If the court revokes the provisional restoration of voting
8 rights, the revocation shall remain in effect until, upon motion by the
9 person whose provisional voting rights have been revoked, the person
10 shows that he or she has made a good faith effort to pay as defined in
11 RCW 10.82.090.

12 (4) The county clerk shall enter into a database maintained by the
13 administrator for the courts the names of all persons whose provisional
14 voting rights have been revoked, and update the database for any person
15 whose voting rights have subsequently been restored pursuant to
16 subsection (6) of this section.

17 (5) At least twice a year, the secretary of state shall compare the
18 list of registered voters to a list of felons who are not eligible to
19 vote as provided in subsections (1) and (3) of this section. If a
20 (~~person is found on a felon list and the statewide voter registration~~
21 list)) registered voter is not eligible to vote as provided in this
22 section, the secretary of state or county auditor shall confirm the
23 match through a date of birth comparison and suspend the voter
24 registration from the official state voter registration list. The
25 canceling authority shall send to the person at his or her last known
26 voter registration address a notice of the proposed cancellation and an
27 explanation of the requirements for provisionally and permanently
28 restoring the right to vote (~~once all terms of sentencing have been~~
29 completed)) and reregistering. If the person does not respond within
30 thirty days, the registration must be canceled. To the extent
31 possible, the secretary of state shall time the comparison required by
32 this subsection to allow notice and cancellation of voting rights for
33 ineligible voters prior to a primary or general election.

34 (~~(2)~~) (6) The right to vote may be permanently restored by(~~(, for~~
35 each ~~felony conviction,~~) one of the following for each felony
36 conviction:

37 (a) A certificate of discharge issued by the sentencing court, as
38 provided in RCW 9.94A.637;

- 1 (b) A court order restoring the right, as provided in RCW 9.92.066;
- 2 (c) A final order of discharge issued by the indeterminate sentence
- 3 review board, as provided in RCW 9.96.050; or
- 4 (d) A certificate of restoration issued by the governor, as
- 5 provided in RCW 9.96.020.

6 **Sec. 903.** RCW 9.92.066 and 2003 c 66 s 2 are each amended to read
7 as follows:

8 (1) Upon termination of any suspended sentence under RCW 9.92.060
9 or 9.95.210, such person may apply to the court for restoration of his
10 or her civil rights not already restored by RCW 29A.08.520. Thereupon
11 the court may in its discretion enter an order directing that such
12 defendant shall thereafter be released from all penalties and
13 disabilities resulting from the offense or crime of which he or she has
14 been convicted.

15 (2)(a) Upon termination of a suspended sentence under RCW 9.92.060
16 or 9.95.210, the person may apply to the sentencing court for a
17 vacation of the person's record of conviction under RCW 9.94A.640. The
18 court may, in its discretion, clear the record of conviction if it
19 finds the person has met the equivalent of the tests in RCW
20 9.94A.640(2) as those tests would be applied to a person convicted of
21 a crime committed before July 1, 1984.

22 (b) The clerk of the court in which the vacation order is entered
23 shall immediately transmit the order vacating the conviction to the
24 Washington state patrol identification section and to the local police
25 agency, if any, which holds criminal history information for the person
26 who is the subject of the conviction. The Washington state patrol and
27 any such local police agency shall immediately update their records to
28 reflect the vacation of the conviction, and shall transmit the order
29 vacating the conviction to the federal bureau of investigation. A
30 conviction that has been vacated under this section may not be
31 disseminated or disclosed by the state patrol or local law enforcement
32 agency to any person, except other criminal justice enforcement
33 agencies.

34 **Sec. 904.** RCW 9.94A.637 and 2004 c 121 s 2 are each amended to
35 read as follows:

36 (1)(a) When an offender has completed all requirements of the

1 sentence, including any and all legal financial obligations, and while
2 under the custody and supervision of the department, the secretary or
3 the secretary's designee shall notify the sentencing court, which shall
4 discharge the offender and provide the offender with a certificate of
5 discharge by issuing the certificate to the offender in person or by
6 mailing the certificate to the offender's last known address.

7 (b)(i) When an offender has reached the end of his or her
8 supervision with the department and has completed all the requirements
9 of the sentence except his or her legal financial obligations, the
10 secretary's designee shall provide the county clerk with a notice that
11 the offender has completed all nonfinancial requirements of the
12 sentence.

13 (ii) When the department has provided the county clerk with notice
14 that an offender has completed all the requirements of the sentence and
15 the offender subsequently satisfies all legal financial obligations
16 under the sentence, the county clerk shall notify the sentencing court,
17 including the notice from the department, which shall discharge the
18 offender and provide the offender with a certificate of discharge by
19 issuing the certificate to the offender in person or by mailing the
20 certificate to the offender's last known address.

21 (c) When an offender who is subject to requirements of the sentence
22 in addition to the payment of legal financial obligations either is not
23 subject to supervision by the department or does not complete the
24 requirements while under supervision of the department, it is the
25 offender's responsibility to provide the court with verification of the
26 completion of the sentence conditions other than the payment of legal
27 financial obligations. When the offender satisfies all legal financial
28 obligations under the sentence, the county clerk shall notify the
29 sentencing court that the legal financial obligations have been
30 satisfied. When the court has received both notification from the
31 clerk and adequate verification from the offender that the sentence
32 requirements have been completed, the court shall discharge the
33 offender and provide the offender with a certificate of discharge by
34 issuing the certificate to the offender in person or by mailing the
35 certificate to the offender's last known address.

36 (2) The court shall send a copy of every signed certificate of
37 discharge to the auditor for the county in which the court resides and
38 to the department. The department shall create and maintain a database

1 containing the names of all felons who have been issued certificates of
2 discharge, the date of discharge, and the date of conviction and
3 offense.

4 (3) An offender who is not convicted of a violent offense or a sex
5 offense and is sentenced to a term involving community supervision may
6 be considered for a discharge of sentence by the sentencing court prior
7 to the completion of community supervision, provided that the offender
8 has completed at least one-half of the term of community supervision
9 and has met all other sentence requirements.

10 (4) Except as provided in subsection (5) of this section, the
11 discharge shall have the effect of restoring all civil rights (~~lost by~~
12 ~~operation of law upon conviction~~) not already restored by RCW
13 29A.08.520, and the certificate of discharge shall so state. Nothing
14 in this section prohibits the use of an offender's prior record for
15 purposes of determining sentences for later offenses as provided in
16 this chapter. Nothing in this section affects or prevents use of the
17 offender's prior conviction in a later criminal prosecution either as
18 an element of an offense or for impeachment purposes. A certificate of
19 discharge is not based on a finding of rehabilitation.

20 (5) Unless otherwise ordered by the sentencing court, a certificate
21 of discharge shall not terminate the offender's obligation to comply
22 with an order issued under chapter 10.99 RCW that excludes or prohibits
23 the offender from having contact with a specified person or coming
24 within a set distance of any specified location that was contained in
25 the judgment and sentence. An offender who violates such an order
26 after a certificate of discharge has been issued shall be subject to
27 prosecution according to the chapter under which the order was
28 originally issued.

29 (6) Upon release from custody, the offender may apply to the
30 department for counseling and help in adjusting to the community. This
31 voluntary help may be provided for up to one year following the release
32 from custody.

33 **Sec. 905.** RCW 9.96.050 and 2002 c 16 s 3 are each amended to read
34 as follows:

35 When a prisoner on parole has performed all obligations of his or
36 her release, including any and all legal financial obligations, for
37 such time as shall satisfy the indeterminate sentence review board that

1 his or her final release is not incompatible with the best interests of
2 society and the welfare of the paroled individual, the board may make
3 a final order of discharge and issue a certificate of discharge to the
4 prisoner. The certificate of discharge shall be issued to the offender
5 in person or by mail to the prisoner's last known address.

6 The board shall send a copy of every signed certificate of
7 discharge (~~to the auditor for the county in which the offender was~~
8 ~~sentenced and~~) to the department of corrections. The department shall
9 create and maintain a database containing the names of all felons who
10 have been issued certificates of discharge, the date of discharge, and
11 the date of conviction and offense.

12 The board retains the jurisdiction to issue a certificate of
13 discharge after the expiration of the prisoner's or parolee's maximum
14 statutory sentence. If not earlier granted, the board shall make a
15 final order of discharge three years from the date of parole unless the
16 parolee is on suspended or revoked status at the expiration of the
17 three years. Such discharge, regardless of when issued, shall have the
18 effect of restoring all civil rights (~~lost by operation of law upon~~
19 ~~conviction~~) not already restored by RCW 29A.08.520, and the
20 certification of discharge shall so state. This restoration of civil
21 rights shall not restore the right to receive, possess, own, or
22 transport firearms.

23 The discharge provided for in this section shall be considered as
24 a part of the sentence of the convicted person and shall not in any
25 manner be construed as affecting the powers of the governor to pardon
26 any such person.

27 **Sec. 906.** RCW 10.64.140 and 2005 c 246 s 1 are each amended to
28 read as follows:

29 When a person is convicted of a felony, the court shall require the
30 defendant to sign a statement acknowledging that:

31 (1) The defendant's right to vote has been lost due to the felony
32 conviction;

33 (2) (~~If the defendant is registered to vote, the voter~~
34 ~~registration will be canceled~~) The right to vote is provisionally
35 restored as long as the defendant is not under the authority of the
36 department of corrections;

1 (3) The provisional right to vote may be revoked if the defendant
2 fails to comply with all the terms of his or her legal financial
3 obligations or an agreement for the payment of legal financial
4 obligations;

5 ~~((+3))~~ (4) The right to vote may be permanently restored by one of
6 the following for each felony conviction:

7 (a) A certificate of discharge issued by the sentencing court, as
8 provided in RCW 9.94A.637;

9 (b) A court order issued by the sentencing court restoring the
10 right, as provided in RCW 9.92.066;

11 (c) A final order of discharge issued by the indeterminate sentence
12 review board, as provided in RCW 9.96.050; or

13 (d) A certificate of restoration issued by the governor, as
14 provided in RCW 9.96.020; and

15 ~~((+4))~~ (5) Voting before the right is restored is a class C felony
16 under RCW 29A.84.660.

17 NEW SECTION. Sec. 907. The following acts or parts of acts are
18 each repealed:

19 (1) RCW 10.64.021 (Notice of conviction) and 1994 c 57 s 1; and

20 (2) RCW 29A.08.660 (Felony offender--Completion of sentence) and
21 2005 c 246 s 12.

22 **PART X - OVERSIGHT COMMITTEE**

23 NEW SECTION. Sec. 1001. A new section is added to chapter 72.09
24 RCW to read as follows:

25 (1) There is created the legislative corrections oversight
26 committee for the purpose of monitoring and ensuring compliance with
27 administrative acts, relevant statutes, rules, and policies pertaining
28 to the department of corrections and the treatment and supervision of
29 offenders under the authority of the department. The committee shall
30 consist of three senators and three representatives from the
31 legislature. The senate members of the committee shall be appointed by
32 the president of the senate. The house members of the committee shall
33 be appointed by the speaker of the house of representatives. Not more
34 than two members from each chamber shall be from the same political

1 party. Members shall be appointed before the close of each regular
2 session of the legislature during an odd-numbered year.

3 (2) The committee shall have the following powers:

4 (a) Selection of its officers and adoption of rules for orderly
5 procedure;

6 (b) Request and receive status reports from the department related
7 to its progress on the recommendations of the joint task force on
8 offenders programs, sentencing and supervision authorized by chapter
9 267, Laws of 2006, implementation of the provisions of this act, and
10 other topics as appropriate;

11 (c) Monitor coordination and collaboration between local government
12 and the department and efforts to share resources and reduce the
13 duplication of services;

14 (d) Request investigations by the corrections ombudsman of
15 administrative acts;

16 (e) Receive reports of the ombudsman;

17 (f)(i) Obtain access to all relevant records in the possession of
18 the department or ombudsman, except as prohibited by law; and (ii) make
19 recommendations to all branches of government;

20 (g) Request legislation;

21 (h) Conduct hearings into such matters as it deems necessary.

22 (3) Upon receipt of records from the department or ombudsman, the
23 committee is subject to the same confidentiality restrictions as the
24 department or ombudsman under Senate Bill No. 5295.

25 (4) The committee will receive the necessary staff support from
26 both the senate and house of representatives staff resources.

27 (5) The members of the committee shall serve without additional
28 compensation, but will be reimbursed for their travel expenses, in
29 accordance with RCW 44.04.120, incurred while attending sessions of the
30 committee or meetings of a subcommittee of the committee, while engaged
31 on other committee business authorized by the committee, and while
32 going to and coming from committee sessions or committee meetings.

33 (6) This section expires July 1, 2012.

34 **PART XI - MISCELLANEOUS**

35 NEW SECTION. **Sec. 1101.** Part headings used in this act are not
36 any part of the law.

1 NEW SECTION. **Sec. 1102.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

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