
ENGROSSED SECOND SUBSTITUTE SENATE BILL 5070

State of Washington

60th Legislature

2007 Regular Session

By Senate Committee on Ways & Means (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 03/05/07.

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, 72.09.111, 29A.04.079, 29A.08.520, 9.92.066,
4 9.94A.637, 9.96.050, and 10.64.140; adding new sections to chapter 4.24
5 RCW; 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 59.18 RCW; adding a new section to chapter 35.82
8 RCW; adding new sections to chapter 43.185C RCW; adding a new chapter
9 to Title 72 RCW; creating new sections; repealing RCW 10.64.021 and
10 29A.08.660; and providing expiration dates.

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

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

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

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

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

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

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

34 (1) A "community transition coordination network" is a system of
35 coordination that facilitates partnerships between supervision and
36 service providers. It is anticipated that an offender who is released

1 to the community will be able to utilize a community transition
2 coordination network to be connected directly to the supervision and/or
3 services needed for successful reentry.

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

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

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

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

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

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

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

35 (2) In conducting its inventory, the county or group of counties
36 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 assistance, employment assistance, education, vocational training,
- 23 parenting education, financial literacy, treatment for substance abuse,
- 24 mental health, anger management, life skills training, specialized
- 25 treatment programs such as batterers treatment and sex offender
- 26 treatment, and any other service or program that will assist the former
- 27 offender to successfully 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, as well as
29 timely and effective responses to an offender's failure to comply with
30 the terms of 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 offenders 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 or allow imposition of civil liability where none existed
6 previously.

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

9 (2) Counties receiving state funds must:

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

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

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

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

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

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

34 NEW SECTION. **Sec. 106.** (1) The community transition coordination
35 network account is created in the state treasury. The account may

1 receive legislative appropriations, gifts, and grants. Moneys in the
2 account may be spent only after appropriation. Expenditures from the
3 account may be used only for the purposes of section 103 of this act.

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

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

11 **Sec. 108.** RCW 72.09.300 and 1996 c 232 s 7 are each amended to
12 read as follows:

13 (1) Every county legislative authority shall by resolution or
14 ordinance establish a local law and justice council. The county
15 legislative authority shall determine the size and composition of the
16 council, which shall include the county sheriff and a representative of
17 the municipal police departments within the county, the county
18 prosecutor and a representative of the municipal prosecutors within the
19 county, a representative of the city legislative authorities within the
20 county, a representative of the county's superior, juvenile, district,
21 and municipal courts, the county jail administrator, the county clerk,
22 the county risk manager, and the secretary of corrections and his or
23 her designees. Officials designated may appoint representatives.

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

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

32 (a) Maximizing local resources including personnel and facilities,
33 (~~reduce~~) reducing duplication of services, and (~~share~~) sharing
34 resources between local and state government in order to accomplish
35 local efficiencies without diminishing effectiveness(~~. The plan shall~~

1 also include a section on jail management. This section may include
2 the following elements:

3 (a) A description of current jail conditions, including whether the
4 jail is overcrowded;

5 (b) A description of potential alternatives to incarceration;

6 (c) A description of current jail resources;

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

9 (e) A description of projected future resource requirements;

10 (f) A proposed action plan, which shall include recommendations to
11 maximize resources, maximize the use of intermediate sanctions,
12 minimize overcrowding, avoid duplication of services, and effectively
13 manage the jail and the offender population;

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

16 (h) A proposed plan to collect, synthesize, and disseminate
17 technical information concerning local criminal justice activities,
18 facilities, and procedures;

19 (i) A description of existing and potential services for offenders
20 including employment services, substance abuse treatment, mental health
21 services, and housing referral services.

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

25 (5))));

26 (b) Jail management;

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

29 (d) Partnerships between the department and local community
30 policing and supervision programs to facilitate supervision of
31 offenders under the respective jurisdictions of each and timely
32 response to an offender's failure to comply with the terms of
33 supervision.

34 (4) The county legislative authority may request technical
35 assistance in ((developing or implementing the plan from)) coordinating
36 services with other units or agencies of state or local government,
37 which shall include the department, the office of financial management,
38 and the Washington association of sheriffs and police chiefs.

1 ~~((+6))~~ (5) Upon receiving a request for assistance from a county,
2 the department may provide the requested assistance.

3 ~~((+7))~~ (6) The secretary may adopt rules for the submittal,
4 review, and approval of all requests for assistance made to the
5 department. ~~((The secretary may also appoint an advisory committee of
6 local and state government officials to recommend policies and
7 procedures relating to the state and local correctional systems and to
8 assist the department in providing technical assistance to local
9 governments. The committee shall include representatives of the county
10 sheriffs, the police chiefs, the county prosecuting attorneys, the
11 county and city legislative authorities, and the jail administrators.
12 The secretary may contract with other state and local agencies and
13 provide funding in order to provide the assistance requested by
14 counties.~~

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

20 ~~(9) The council shall establish an advisory committee on juvenile
21 justice proportionality. The council shall appoint the county juvenile
22 court administrator and at least five citizens as advisory committee
23 members. The citizen advisory committee members shall be
24 representative of the county's ethnic and geographic diversity. The
25 advisory committee members shall serve two year terms and may be
26 reappointed. The duties of the advisory committee include:~~

27 ~~(a) Monitoring and reporting to the sentencing guidelines
28 commission on the proportionality, effectiveness, and cultural
29 relevance of:~~

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

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

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

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

1 The definitions in this section apply throughout this chapter.

2 (1) "Adult basic education" means education or instruction designed
3 to achieve general competence of skills in reading, writing, and oral
4 communication, including English as a second language and preparation
5 and testing services for obtaining a high school diploma or a general
6 equivalency diploma.

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

10 ((+2)) (3) "Contraband" means any object or communication the
11 secretary determines shall not be allowed to be: (a) Brought into; (b)
12 possessed while on the grounds of; or (c) sent from any institution
13 under the control of the secretary.

14 ((+3)) (4) "County" means a county or combination of counties.

15 ((+4)) (5) "Department" means the department of corrections.

16 ((+5)) (6) "Earned early release" means earned release as
17 authorized by RCW 9.94A.728.

18 ((+6)) (7) "Evidence-based" means a program or practice that has
19 had multiple-site random controlled trials across heterogeneous
20 populations demonstrating that the program or practice is effective in
21 reducing recidivism for the population.

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

26 ((+7)) (9) "Good conduct" means compliance with department rules
27 and policies.

28 ((+8)) (10) "Good performance" means successful completion of a
29 program required by the department, including an education, work, or
30 other program.

31 ((+9)) (11) "Immediate family" means the inmate's children,
32 stepchildren, grandchildren, great grandchildren, parents, stepparents,
33 grandparents, great grandparents, siblings, and a person legally
34 married to an inmate. "Immediate family" does not include an inmate
35 adopted by another inmate or the immediate family of the adopted or
36 adopting inmate.

37 ((+10)) (12) "Indigent inmate," "indigent," and "indigency" mean

1 an inmate who has less than a ten-dollar balance of disposable income
2 in his or her institutional account on the day a request is made to
3 utilize funds and during the thirty days previous to the request.

4 ~~((+11+))~~ (13) "Individual reentry plan" means the plan to prepare
5 an offender for release into the community. It must be developed
6 collaboratively between the department and the offender and based on an
7 assessment of the offender using a standardized and comprehensive tool
8 to identify the offenders' risks and needs. The individual reentry
9 plan describes actions that must occur to prepare individual offenders
10 for release from prison or jail and specifies the supervision and
11 services they will experience in the community. An individual reentry
12 plan must be updated throughout the period of an offender's
13 incarceration and supervision to be relevant to the offender's current
14 needs and risks.

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

20 ~~((+12+))~~ (15) "Privilege" means any goods or services, education or
21 work programs, or earned early release days, the receipt of which are
22 directly linked to an inmate's (a) good conduct; and (b) good
23 performance. Privileges do not include any goods or services the
24 department is required to provide under the state or federal
25 Constitution or under state or federal law.

26 ~~((+13+))~~ (16) "Promising practice" means a practice that presents,
27 based on preliminary information, potential for becoming a
28 research-based or consensus-based practice.

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

32 (18) "Secretary" means the secretary of corrections or his or her
33 designee.

34 ~~((+14+))~~ (19) "Significant expansion" includes any expansion into
35 a new product line or service to the class I business that results from
36 an increase in benefits provided by the department, including a
37 decrease in labor costs, rent, or utility rates (for water, sewer,

1 electricity, and disposal), an increase in work program space, tax
2 advantages, or other overhead costs.

3 ~~((+15+))~~ (20) "Superintendent" means the superintendent of a
4 correctional facility under the jurisdiction of the Washington state
5 department of corrections, or his or her designee.

6 ~~((+16+))~~ (21) "Unfair competition" means any net competitive
7 advantage that a business may acquire as a result of a correctional
8 industries contract, including labor costs, rent, tax advantages,
9 utility rates (water, sewer, electricity, and disposal), and other
10 overhead costs. To determine net competitive advantage, the
11 correctional industries board shall review and quantify any expenses
12 unique to operating a for-profit business inside a prison.

13 ~~((+17+))~~ (22) "Vocational training" or "vocational education" means
14 "vocational education" as defined in RCW 72.62.020.

15 (23) "Washington business" means an in-state manufacturer or
16 service provider subject to chapter 82.04 RCW existing on June 10,
17 2004.

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

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

22 (1) The department shall develop an individual reentry plan for
23 every offender who is committed to the jurisdiction of the department
24 of corrections except:

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

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

28 (2) In developing individual reentry plans, the department shall
29 assess all offenders using standardized and comprehensive tools to
30 identify the criminogenic risks, programmatic needs, employability, and
31 educational and vocational skill levels for each offender.

32 (3) Individual reentry plans must address:

33 (a) The offender's ability to participate in programming or
34 activities due to a mental or physical disability or mental illness;

35 (b) If appropriate, ways for the offender to maintain contact with
36 his or her children and family and the need for parenting classes or
37 other family oriented services; and

1 (c) Victim safety concerns and no contact provisions of the
2 judgment and sentence.

3 (4) The initial assessment shall be conducted, whenever possible,
4 within the first six weeks of being sentenced to the jurisdiction of
5 the department of corrections and shall be periodically reviewed and
6 updated as appropriate.

7 (5)(a) Prior to discharge of any offender, the department shall:

8 (i) Evaluate the offender's needs and, to the extent possible,
9 connect the offender with existing services and resources that meet
10 those needs; and

11 (ii) Connect the offender with a community justice center and/or
12 community transition coordination network in the area in which the
13 offender will be residing once released from the correctional system if
14 one exists.

15 (b) If the department recommends partial confinement in an
16 offender's individual reentry plan, the department shall maximize the
17 period of partial confinement for the offender as allowed pursuant to
18 section 402 of this act to facilitate the offender's transition to the
19 community.

20 (6) The department shall establish mechanisms for sharing
21 information from individual reentry plans to those persons involved
22 with the offender's treatment, programming, and reentry, when deemed
23 appropriate. When technologically feasible, this information shall be
24 shared electronically.

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

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

28 NEW SECTION. **Sec. 401.** (1) The legislature intends that
29 Washington's work release centers be transformed into residential
30 reentry centers with the capacity to provide or connect offenders with
31 the full range of reentry services to achieve measurable outcomes. The
32 Washington state institute for public policy shall conduct a
33 comprehensive analysis and evaluation of residential reentry centers
34 and work release facilities to identify evidence-based, research-based,
35 and promising practices or programs for the state of Washington and the
36 necessary performance measures that show the greatest quality,

1 effectiveness, and efficiency of the program on key outcomes. The
2 research should include an examination of reentry and work release
3 practices in both urban and rural areas and both inside and outside of
4 the state of Washington. The institute should identify what services
5 or combination of services should be provided to participants of
6 residential reentry centers and the length of time services should be
7 provided to optimize the successful transition of an offender back into
8 society.

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

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

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

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

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

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

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

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

7 (f) Victim and community safety concerns are given priority when
8 determining appropriate placement in residential reentry centers for
9 individual offenders;

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

12 (h) Programs have the necessary performance measures needed to
13 effectively monitor the quality, effectiveness, and efficiency of the
14 programs.

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

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

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

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

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

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

35 (a) A violator program to allow the department to utilize a range
36 of available sanctions for offenders who violate conditions of their
37 supervision;

1 (b) An employment opportunity program to assist an offender in
2 finding employment; and

3 (c) Resources for connecting offenders with services such as
4 treatment, transportation, training, family reunification, and
5 community services.

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

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

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

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

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

33 (b) Coordinating access to the existing services with the community
34 providers and provide offenders with information regarding how to
35 access the various type of services and resources that are available in
36 the community.

37 (6)(a) A minimum of six community justice centers shall be

1 operational by December 1, 2009. The six community justice centers
2 include those in operation on the effective date of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 No person serving a sentence imposed pursuant to this chapter and
22 committed to the custody of the department shall leave the confines of
23 the correctional facility or be released prior to the expiration of the
24 sentence except as follows:

25 (1) Except as otherwise provided for in subsection (2) of this
26 section, the term of the sentence of an offender committed to a
27 correctional facility operated by the department may be reduced by
28 earned release time in accordance with procedures that shall be
29 developed and promulgated by the correctional agency having
30 jurisdiction in which the offender is confined. The earned release
31 time shall be for good behavior and good performance, as determined by
32 the correctional agency having jurisdiction. The correctional agency
33 shall not credit the offender with earned release credits in advance of
34 the offender actually earning the credits. Any program established
35 pursuant to this section shall allow an offender to earn early release
36 credits for presentence incarceration. If an offender is transferred

1 from a county jail to the department, the administrator of a county
2 jail facility shall certify to the department the amount of time spent
3 in custody at the facility and the amount of earned release time. An
4 offender who has been convicted of a felony committed after July 23,
5 1995, that involves any applicable deadly weapon enhancements under RCW
6 9.94A.533 (3) or (4), or both, shall not receive any good time credits
7 or earned release time for that portion of his or her sentence that
8 results from any deadly weapon enhancements.

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

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

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

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

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

26 (I) A sex offense;

27 (II) A violent offense;

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

29 (IV) A felony that is domestic violence as defined in RCW
30 10.99.020;

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

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

35 (VII) A violation of, or an attempt, solicitation, or conspiracy to
36 violate, RCW 69.50.406 (delivery of a controlled substance to a minor);
37 ((and))

38 (C) Has no prior conviction for:

1 (I) A sex offense;
2 (II) A violent offense;
3 (III) A crime against persons as defined in RCW 9.94A.411;
4 (IV) A felony that is domestic violence as defined in RCW
5 10.99.020;
6 (V) A violation of RCW 9A.52.025 (residential burglary);
7 (VI) A violation of, or an attempt, solicitation, or conspiracy to
8 violate, RCW 69.50.401 by manufacture or delivery or possession with
9 intent to deliver methamphetamine; or
10 (VII) A violation of, or an attempt, solicitation, or conspiracy to
11 violate, RCW 69.50.406 (delivery of a controlled substance to a minor);
12 (D) Participates in programming or activities as directed by the
13 offender's individual reentry plan as provided under section 302 of
14 this act to the extent that such programming or activities are made
15 available by the department; and
16 (E) Has not committed a new felony after the effective date of this
17 act while under community supervision, community restitution, community
18 placement, or community custody.
19 (iii) For purposes of determining an offender's eligibility under
20 this subsection (1)(b), the department shall perform a risk assessment
21 of every offender committed to a correctional facility operated by the
22 department who has no current or prior conviction for a sex offense, a
23 violent offense, a crime against persons as defined in RCW 9.94A.411,
24 a felony that is domestic violence as defined in RCW 10.99.020, a
25 violation of RCW 9A.52.025 (residential burglary), a violation of, or
26 an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by
27 manufacture or delivery or possession with intent to deliver
28 methamphetamine, or a violation of, or an attempt, solicitation, or
29 conspiracy to violate, RCW 69.50.406 (delivery of a controlled
30 substance to a minor). The department must classify each assessed
31 offender in one of four risk categories between highest and lowest
32 risk.
33 (iv) The department shall recalculate the earned release time and
34 reschedule the expected release dates for each qualified offender under
35 this subsection (1)(b).
36 (v) This subsection (1)(b) applies retroactively to eligible
37 offenders serving terms of total confinement in a state correctional
38 facility as of July 1, 2003.

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

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

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

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

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

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

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

8 (f) An offender serving a term of confinement imposed under RCW
9 9.94A.670(4)(a) is not eligible for earned release credits under this
10 section;

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

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

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

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

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

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

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

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

36 (5) The governor, upon recommendation from the clemency and pardons
37 board, may grant an extraordinary release for reasons of serious health

1 problems, senility, advanced age, extraordinary meritorious acts, or
2 other extraordinary circumstances;

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

9 (7) The governor may pardon any offender;

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

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

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

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

25 (1) If an offender violates any condition or requirement of
26 community custody, the department may transfer the offender to a more
27 restrictive confinement status to serve up to the remaining portion of
28 the sentence, less credit for any period actually spent in community
29 custody or in detention awaiting disposition of an alleged violation
30 and subject to the limitations of subsection ((+2)) (3) of this
31 section.

32 (2) If an offender has not completed his or her maximum term of
33 total confinement and commits a third violation of any condition of
34 community custody, the department shall return the offender to total
35 confinement in a state correctional facility to serve up to the
36 remaining portion of his or her sentence, unless it is determined that
37 returning the offender to a state correctional facility would

1 substantially interfere with the offender's ability to maintain
2 necessary community supports or to participate in necessary treatment
3 or programming and would substantially increase the offender's
4 likelihood of reoffending. At the completion of any term of total
5 confinement under this subsection, an offender shall be subject to not
6 less than twelve months of community custody if the offender was
7 originally sentenced on or after the effective date of this section.

8 (3)(a) For a sex offender sentenced to a term of community custody
9 under RCW 9.94A.670 who violates any condition of community custody,
10 the department may impose a sanction of up to sixty days' confinement
11 in a local correctional facility for each violation. If the department
12 imposes a sanction, the department shall submit within seventy-two
13 hours a report to the court and the prosecuting attorney outlining the
14 violation or violations and the sanctions imposed.

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

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

33 (d) For an offender sentenced to a term of community placement
34 under RCW 9.94A.705 who violates any condition of community placement
35 after having completed his or her maximum term of total confinement,
36 including time served on community custody in lieu of earned release,
37 the department may impose a sanction of up to sixty days in total
38 confinement for each violation. The department may impose sanctions

1 such as work release, home detention with electronic monitoring, work
2 crew, community restitution, inpatient treatment, daily reporting,
3 curfew, educational or counseling sessions, supervision enhanced
4 through electronic monitoring, or any other sanctions available in the
5 community.

6 ~~((+3))~~ (4) If an offender has been arrested for a new felony
7 offense, the department shall hold the offender in total confinement
8 until a hearing before the department as provided in this section or
9 until the offender has been formally charged for the new felony
10 offense, whichever is earlier. Nothing in this subsection shall be
11 construed as to permit the department to hold an offender past his or
12 her maximum term of total confinement if the offender has not completed
13 the maximum term of total confinement or to permit the department to
14 hold an offender past the offender's term of community custody.

15 (5) Any offender sanctioned to total confinement under this section
16 shall serve the entire term of the sanction in total confinement as
17 defined in RCW 9.94A.030.

18 (6) The department shall be financially responsible for any portion
19 of the sanctions authorized by this section that are served in a local
20 correctional facility.

21 (7) If an offender is accused of violating any condition or
22 requirement of community custody, he or she is entitled to a hearing
23 before the department prior to the imposition of sanctions. The
24 hearing shall be considered as offender disciplinary proceedings and
25 shall not be subject to chapter 34.05 RCW. The department shall
26 develop hearing procedures and a structure of graduated sanctions.

27 ~~((+4))~~ (8) The hearing procedures required under subsection
28 ~~((+3))~~ (7) of this section shall be developed by rule and include the
29 following:

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

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

1 (c) The hearing shall be held unless waived by the offender, and
2 shall be electronically recorded. For offenders not in total
3 confinement, the hearing shall be held within fifteen working days, but
4 not less than twenty-four hours, after notice of the violation. For
5 offenders in total confinement, the hearing shall be held within five
6 working days, but not less than twenty-four hours, after notice of the
7 violation;

8 (d) The offender shall have the right to: (i) Be present at the
9 hearing; (ii) have the assistance of a person qualified to assist the
10 offender in the hearing, appointed by the hearing officer if the
11 offender has a language or communications barrier; (iii) testify or
12 remain silent; (iv) call witnesses and present documentary evidence;
13 and (v) question witnesses who appear and testify; and

14 (e) The sanction shall take effect if affirmed by the hearing
15 officer. Within seven days after the hearing officer's decision, the
16 offender may appeal the decision to a panel of three reviewing officers
17 designated by the secretary or by the secretary's designee. The
18 sanction shall be reversed or modified if a majority of the panel finds
19 that the sanction was not reasonably related to any of the following:
20 (i) The crime of conviction; (ii) the violation committed; (iii) the
21 offender's risk of reoffending; or (iv) the safety of the community.

22 ~~((+5))~~ (9) For purposes of this section, no finding of a violation
23 of conditions may be based on unconfirmed or unconfirmable allegations.

24 ~~((+6))~~ (10) The department shall work with the Washington
25 association of sheriffs and police chiefs to establish and operate an
26 electronic monitoring program for low-risk offenders who violate the
27 terms of their community custody. Between January 1, 2006, and
28 December 31, 2006, the department shall endeavor to place at least one
29 hundred low-risk community custody violators on the electronic
30 monitoring program per day if there are at least that many low-risk
31 offenders who qualify for the electronic monitoring program.

32 ~~((+7))~~ (11) Local governments, their subdivisions and employees,
33 the department and its employees, and the Washington association of
34 sheriffs and police chiefs and its employees shall be immune from civil
35 liability for damages arising from incidents involving low-risk
36 offenders who are placed on electronic monitoring unless it is shown
37 that an employee acted with gross negligence or bad faith.

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

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

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

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

10 (c) Review the workloads of community corrections officers and
11 other staff associated with supervision activities and explore
12 mechanisms to allow for greater emphasis on field supervision;

13 (d) Review the supervision violation hearings and sanctions
14 process, including the offender behavior response guide, to:

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

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

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

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

24 (f) Standardize and implement consistent quality assurance
25 standards for community corrections staff; and

26 (g) Review mechanisms to provide better access to information by
27 community corrections officers about the offenders they are supervising
28 including statutory changes to confidentiality provisions and
29 utilization of automation and technology.

30 (3) The department of corrections shall present a progress report
31 of the findings and recommendations to the governor and the appropriate
32 committees of the legislature by November 15, 2007, with a final report
33 due by November 15, 2008.

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

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

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

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

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

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

9 (ii) The intent of the legislature to emphasize confinement for the
10 violent offender and alternatives to confinement for the nonviolent
11 offender.

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

15 (b) Recommend to the legislature revisions or modifications to the
16 standard sentence ranges, state sentencing policy, prosecuting
17 standards, and other standards. If implementation of the revisions or
18 modifications would result in exceeding the capacity of correctional
19 facilities, then the commission shall accompany its recommendation with
20 an additional list of standard sentence ranges which are consistent
21 with correction capacity;

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

24 (d)(i) Serve as a clearinghouse and information center for the
25 collection, preparation, analysis, and dissemination of information on
26 state and local adult and juvenile sentencing practices; (ii) develop
27 and maintain a computerized adult and juvenile sentencing information
28 system by individual superior court judge consisting of offender,
29 offense, history, and sentence information entered from judgment and
30 sentence forms for all adult felons; and (iii) conduct ongoing research
31 regarding adult and juvenile sentencing guidelines, use of total
32 confinement and alternatives to total confinement, plea bargaining, and
33 other matters relating to the improvement of the adult criminal justice
34 system and the juvenile justice system;

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

37 (f) Evaluate the effectiveness of existing disposition standards
38 and related statutes in implementing policies set forth in RCW

1 13.40.010 generally, specifically review the guidelines relating to the
2 confinement of minor and first-time offenders as well as the use of
3 diversion, and review the application of current and proposed juvenile
4 sentencing standards and guidelines for potential adverse impacts on
5 the sentencing outcomes of racial and ethnic minority youth;

6 (g) Solicit the comments and suggestions of the juvenile justice
7 community concerning disposition standards, and make recommendations to
8 the legislature regarding revisions or modifications of the standards.
9 The evaluations shall be submitted to the legislature on December 1 of
10 each odd-numbered year. The department of social and health services
11 shall provide the commission with available data concerning the
12 implementation of the disposition standards and related statutes and
13 their effect on the performance of the department's responsibilities
14 relating to juvenile offenders, and with recommendations for
15 modification of the disposition standards. The administrative office
16 of the courts shall provide the commission with available data on
17 diversion, including the use of youth court programs, and dispositions
18 of juvenile offenders under chapter 13.40 RCW; and

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

22 (i) Racial disproportionality in juvenile and adult sentencing,
23 and, if available, the impact that diversions, such as youth courts,
24 have on racial disproportionality in juvenile prosecution,
25 adjudication, and sentencing;

26 (ii) The capacity of state and local juvenile and adult facilities
27 and resources; and

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

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

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

35 (a) If the maximum term in the range is one year or less, the
36 minimum term in the range shall be no less than one-third of the
37 maximum term in the range, except that if the maximum term in the range

1 is ninety days or less, the minimum term may be less than one-third of
2 the maximum;

3 (b) If the maximum term in the range is greater than one year, the
4 minimum term in the range shall be no less than seventy-five percent of
5 the maximum term in the range, except that for murder in the second
6 degree in seriousness level XIV under RCW 9.94A.510, the minimum term
7 in the range shall be no less than fifty percent of the maximum term in
8 the range; and

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

11 (5)(a) Not later than December 31, 1999, the commission shall
12 propose to the legislature the initial community custody ranges to be
13 included in sentences under RCW 9.94A.715 for crimes committed on or
14 after July 1, 2000. Not later than December 31 of each year, the
15 commission may propose modifications to the ranges. The ranges shall
16 be based on the principles in RCW 9.94A.010, and shall take into
17 account the funds available to the department for community custody.
18 The minimum term in each range shall not be less than one-half of the
19 maximum term.

20 (b) The legislature may, by enactment of a legislative bill, adopt
21 or modify the community custody ranges proposed by the commission. If
22 the legislature fails to adopt or modify the initial ranges in its next
23 regular session after they are proposed, the proposed ranges shall take
24 effect without legislative approval for crimes committed on or after
25 July 1, 2000.

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

32 (6) The commission shall review state sentencing laws and policy in
33 order to simplify supervision requirements and allow community
34 corrections officers to more easily identify statutory requirements
35 associated with an offender's sentence. Not later than December 31,
36 2007, the commission shall report to the legislature on any
37 recommendations for changes to existing statutes.

1 ~~((a))~~ (i) Achievement of basic academic skills through obtaining
2 a high school diploma or its equivalent ~~((and))~~;

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

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

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

8 ~~(4) The department shall establish, by rule, objective medical
9 standards to determine when an inmate is physically or mentally unable
10 to participate in available education or work programs. When the
11 department determines an inmate is permanently unable to participate in
12 any available education or work program due to a medical condition, the
13 inmate is exempt from the requirement under subsection (1) of this
14 section. When the department determines an inmate is temporarily
15 unable to participate in an education or work program due to a medical
16 condition, the inmate is exempt from the requirement of subsection (1)
17 of this section for the period of time he or she is temporarily
18 disabled. The department shall periodically review the medical
19 condition of all temporarily disabled inmates to ensure the earliest
20 possible entry or reentry by inmates into available programming.~~

21 ~~(5) The department shall establish, by rule, standards for
22 participation in department approved education and work programs. The
23 standards shall address the following areas:~~

24 ~~(a) Assessment. The department shall assess all inmates for their
25 basic academic skill levels using a professionally accepted method of
26 scoring reading, math, and language skills as grade level equivalents.
27 The department shall determine an inmate's education history, work
28 history, and vocational or work skills. The initial assessment shall
29 be conducted, whenever possible, within the first thirty days of an
30 inmate's entry into the correctional system, except that initial
31 assessments are not required for inmates who are sentenced to life
32 without the possibility of release, assigned to an intensive management
33 unit within the first thirty days after entry into the correctional
34 system, are returning to the correctional system within one year of a
35 prior release, or whose physical or mental condition renders them
36 unable to complete the assessment process. The department shall track
37 and record changes in the basic academic skill levels of all inmates~~

1 ~~reflected in any testing or assessment performed as part of their~~
2 ~~education programming;~~

3 ~~(b) Placement. The department shall follow the policies set forth~~
4 ~~in subsection (1) of this section in establishing criteria for placing~~
5 ~~inmates in education and work programs. The department shall, to the~~
6 ~~extent possible, place all inmates whose composite grade level score~~
7 ~~for basic academic skills is below the eighth grade level in a combined~~
8 ~~education and work program. The placement criteria shall include at~~
9 ~~least the following factors))~~ (iii) Additional work and education

10 programs necessary for compliance with an offender's individual reentry
11 plan under section 302 of this act with the exception of postsecondary
12 education degree programs as provided in section 502 of this act; and

13 (iv) Other appropriate vocational, work, or education programs that
14 are not necessary for compliance with an offender's individual reentry
15 plan under section 302 of this act with the exception of postsecondary
16 education degree programs as provided in section 502 of this act.

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

21 (c) If programming is provided pursuant to (a)(iv) of this
22 subsection, inmates shall be required to pay all or a portion of the
23 costs, including books, fees, and tuition, for participation in any
24 vocational, work, or education program as provided in department
25 policies. Department policies shall include a formula for determining
26 how much an offender shall be required to pay. The formula shall
27 include steps which correlate to an offender average monthly income or
28 average available balance in a personal inmate savings account and
29 which are correlated to a prorated portion or percent of the per credit
30 fee for tuition, books, or other ancillary costs. The formula shall be
31 reviewed every two years. A third party may pay directly to the
32 department all or a portion of costs and tuition for any programming
33 provided pursuant to (a)(iv) of this subsection on behalf of an inmate.
34 Such payments shall not be subject to any of the deductions as provided
35 in this chapter.

36 (d) The department may accept any and all donations and grants of
37 money, equipment, supplies, materials, and services from any third

1 party, including but not limited to nonprofit entities, and may
2 receive, utilize, and dispose of same to complete the purposes of this
3 section.

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

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

21 (5)(a) In addition to the policies set forth in this section, the
22 department shall consider the following factors in establishing
23 criteria for assessing the inclusion of education and work programs in
24 an inmate's individual reentry plan and in placing inmates in education
25 and work programs:

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

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

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

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

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

1 ~~((c) Performance and goals.)~~ (b) The department shall establish,
2 and periodically review, inmate behavior standards and program goals
3 for all education and work programs. Inmates shall be notified of
4 applicable behavior standards and program goals prior to placement in
5 an education or work program and shall be removed from the education or
6 work program if they consistently fail to meet the standards or
7 goals(;

8 ~~(d) Financial responsibility. (i) The department shall establish
9 a formula by which inmates, based on their ability to pay, shall pay
10 all or a portion of the costs or tuition of certain programs. Inmates
11 shall, based on the formula, pay a portion of the costs or tuition of
12 participation in:~~

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

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

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

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

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

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

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

30 ~~(i) Shall not be required to participate in education programming;
31 and~~

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

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

37 ~~(6) The department shall coordinate education and work programs
38 among its institutions, to the greatest extent possible, to facilitate~~

1 continuity of programming among inmates transferred between
2 institutions. Before transferring an inmate enrolled in a program, the
3 department shall consider the effect the transfer will have on the
4 inmate's ability to continue or complete a program. This subsection
5 shall not be used to delay or prohibit a transfer necessary for
6 legitimate safety or security concerns.

7 (7) Before construction of a new correctional institution or
8 expansion of an existing correctional institution, the department shall
9 adopt a plan demonstrating how cable, closed circuit, and satellite
10 television will be used for education and training purposes in the
11 institution. The plan shall specify how the use of television in the
12 education and training programs will improve inmates' preparedness for
13 available work programs and job opportunities for which inmates may
14 qualify upon release.

15 (8) The department shall adopt a plan to reduce the per pupil cost
16 of instruction by, among other methods, increasing the use of volunteer
17 instructors and implementing technological efficiencies. The plan
18 shall be adopted by December 1996 and shall be transmitted to the
19 legislature upon adoption. The department shall, in adoption of the
20 plan, consider distance learning, satellite instruction, video tape
21 usage, computer aided instruction, and flexible scheduling of offender
22 instruction.

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

28 (6) Eligible inmates who refuse to participate in available
29 education or work programs available at no charge to the inmates shall
30 lose privileges according to the system established under RCW
31 72.09.130. Eligible inmates who are required to contribute financially
32 to an education or work program and refuse to contribute shall be
33 placed in another work program. Refusal to contribute shall not result
34 in a loss of privileges.

35 (7) The department shall establish, by rule, objective medical
36 standards to determine when an inmate is physically or mentally unable
37 to participate in available education or work programs. When the
38 department determines an inmate is permanently unable to participate in

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

11 (8) The department shall establish policies requiring an offender
12 to pay all or a portion of the costs and tuition for any vocational
13 training or postsecondary education program if the offender completed
14 more than two hundred hours in the program and then withdrew from
15 participation without approval from the department. Department
16 policies shall include a formula for determining how much an offender
17 shall be required to pay. The formula shall include steps which
18 correlate to an offender average monthly income or average available
19 balance in a personal inmate savings account and which are correlated
20 to a prorated portion or percent of the per credit fee for tuition,
21 books, or other ancillary costs. The formula shall be reviewed every
22 two years. A third party may pay directly to the department all or a
23 portion of costs and tuition for any program on behalf of an inmate
24 under this subsection. Such payments shall not be subject to any of
25 the deductions as provided in this chapter.

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

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

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

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

36 (d) Shall be subject to the applicable provisions of this chapter
37 relating to inmate financial responsibility for programming except the

1 postsecondary education degree loan program as provided in section
2 502(3) of this act.

3 NEW SECTION. **Sec. 502.** A new section is added to chapter 72.09
4 RCW to read as follows:

5 (1) The department shall, if funds are appropriated for the
6 specific purpose, implement postsecondary education degree programs
7 within state correctional institutions, including the state
8 correctional institution with the largest population of female inmates.
9 The department shall consider for inclusion in any postsecondary
10 education degree program, any postsecondary education degree program
11 from an accredited community college, college, or university that is
12 part of an associate of arts, baccalaureate, masters of arts, or other
13 graduate degree program.

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

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

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

25 (c) The inmate who is participating in the postsecondary education
26 degree program shall provide the required payment or payments to the
27 department using loan funds obtained from the department's
28 postsecondary education degree loan program created pursuant to
29 subsection (3) of this section.

30 (3) The department shall, if funds are appropriated for the
31 specific purpose, establish by rule a postsecondary education degree
32 loan program for inmates seeking to participate in available
33 postsecondary education degree programs. The department shall
34 establish a process for awarding loans to inmates, including an
35 application process and criteria for awarding loans. The department
36 shall collect repayment as provided in section 504 of this act. A
37 third party may pay directly to the department all or a portion of any

1 loan on behalf of an inmate. Such payments shall not be subject to any
2 of the deductions as provided in this chapter. Inmates under RCW
3 72.09.460(9) are not eligible to participate in the postsecondary
4 education degree loan program.

5 (4) The department may accept any and all donations and grants of
6 money, equipment, supplies, materials, and services from any third
7 party, including but not limited to nonprofit entities, and may
8 receive, utilize, and dispose of same to complete the purposes of this
9 section.

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

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

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

17 (a) "Cost of incarceration" means the cost of providing an inmate
18 with shelter, food, clothing, transportation, supervision, and other
19 services and supplies as may be necessary for the maintenance and
20 support of the inmate while in the custody of the department, based on
21 the average per inmate costs established by the department and the
22 office of financial management.

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

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

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

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

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

1 (c) Twenty percent to the department to contribute to the cost of
2 incarceration;

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

6 (e) Fifteen percent for any child support owed under a support
7 order.

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

13 (4) The amount deducted from an inmate's funds under subsection (2)
14 of this section shall not exceed the department's total cost of
15 incarceration for the inmate incurred during the inmate's minimum or
16 actual term of confinement, whichever is longer.

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

23 ~~An inmate may, prior to the completion of the fee based education~~
24 ~~or vocational program authorized under this subsection, apply to a~~
25 ~~person designated by the secretary for permission to make a change in~~
26 ~~his or her program. The secretary, or his or her designee, may approve~~
27 ~~the application based solely on the following criteria: (a) The inmate~~
28 ~~has been transferred to another institution by the department for~~
29 ~~reasons unrelated to education or a change to a higher security~~
30 ~~classification and the offender's current program is unavailable in the~~
31 ~~offender's new placement; (b) the inmate entered an academic program as~~
32 ~~an undeclared major and wishes to declare a major. No inmate may apply~~
33 ~~for more than one change to his or her major and receive the exemption~~
34 ~~from deductions specified in this subsection; (c) the educational or~~
35 ~~vocational institution is terminating the inmate's current program; or~~
36 ~~(d) the offender's training or education has demonstrated that the~~
37 ~~current program is not the appropriate program to assist the offender~~
38 ~~to achieve a placement decision made by the department under RCW~~

1 ~~72.09.460 to prepare the inmate for work upon release)) or~~
2 postsecondary education degree programs as provided in RCW 72.09.460
3 and section 502 of this act.

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

9 (6) The deductions required under subsection (2) of this section
10 shall not apply to any money received by the department, on behalf of
11 an inmate, from family or other outside sources for the payment of
12 postage expenses. Money received under this subsection may only be
13 used for the payment of postage expenses and may not be transferred to
14 any other account or purpose. Money that remains unused in the
15 inmate's postage fund at the time of release shall be subject to the
16 deductions outlined in subsection (2) of this section.

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

25 (8) When an inmate sentenced to life imprisonment without
26 possibility of release or parole, or to death under chapter 10.95 RCW,
27 receives any funds from a settlement or award resulting from a legal
28 action in addition to his or her gratuities, the additional funds shall
29 be subject to: Deductions of five percent to the public safety and
30 education account for the purpose of crime victims' compensation and
31 twenty percent to the department to contribute to the cost of
32 incarceration.

33 (9) The interest earned on an inmate savings account created as a
34 result of the plan in section 4, chapter 325, Laws of 1999 shall be
35 exempt from the mandatory deductions under this section and RCW
36 72.09.111.

37 (10) Nothing in this section shall limit the authority of the
38 department of social and health services division of child support from

1 taking collection action against an inmate's moneys, assets, or
2 property pursuant to chapter 26.23, 74.20, or 74.20A RCW including, but
3 not limited to, the collection of moneys received by the inmate from
4 settlements or awards resulting from legal action.

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

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

10 (2) The department shall record all lawfully authorized assessments
11 for services or supplies as a debt to the department. The department
12 shall recoup the assessments when the inmate's institutional account
13 exceeds the indigency standard, and may pursue other remedies to recoup
14 the assessments after the period of incarceration.

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

21 (4) The department shall record as a debt any loan recorded against
22 an inmate participating in the postsecondary education degree loan
23 program as provided under section 502 of this act. The department
24 shall attempt to recoup the debt not sooner than two years from an
25 inmate's date of release from total or partial confinement and any loan
26 made under this subsection shall not accrue interest at any time. The
27 department may pursue collection of the debt as provided in subsection
28 (5) of this section.

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

32 (a) Use the collection services available through the department of
33 general administration, or (b) notwithstanding any provision of chapter
34 41.06 RCW, contract with collection agencies for collection of the
35 debts. The costs for general administration or collection agency
36 services shall be paid by the debtor. Any contract with a collection
37 agency shall only be awarded after competitive bidding. Factors the

1 department shall consider in awarding a collection contract include but
2 are not limited to a collection agency's history and reputation in the
3 community; and the agency's access to a local database that may
4 increase the efficiency of its collections. The servicing of an unpaid
5 obligation to the department does not constitute assignment of a debt,
6 and no contract with a collection agency may remove the department's
7 control over unpaid obligations owed to the department.

8 NEW SECTION. **Sec. 505.** (1) The department of corrections and the
9 state board for community and technical colleges, in cooperation with
10 the unions representing academic employees in corrections education
11 programs, shall investigate and review methods to optimize educational
12 and vocational programming opportunities to meet the needs of each
13 offender as identified in his or her individual reentry plan while an
14 offender is under the jurisdiction of the department.

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

17 (a) Technological advances which could serve to expand educational
18 programs and vocational training including, but not limited to,
19 distance learning, satellite instruction, videotape usage, computer
20 aided instruction, and flexible scheduling and also considering the
21 infrastructure, resources, and security that would be needed to
22 implement the program or training. These advances shall be assessed
23 for their ability to provide the most cost-efficient and effective
24 programming for offenders;

25 (b) Methods to ensure that educational programs and vocational
26 training are relevant to enhance the employability of offenders upon
27 release; and

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

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

33 NEW SECTION. **Sec. 506.** (1) The Washington state institute for
34 public policy shall conduct a comprehensive analysis and evaluation of
35 evidence-based, research-based, and promising correctional education
36 programs and the extent to which Washington's programs are in accord

1 with these practices. In gathering data regarding correctional
2 education programs, the institute may consult with academic employees
3 from correctional education programs.

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

6 **PART VI - EMPLOYMENT BARRIERS**

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

9 (1) Subject to the limits in this section, a credit is authorized
10 against the tax otherwise due under this chapter for persons that
11 employ one or more qualifying ex-offenders.

12 (2) In order to qualify for the tax credit, the person must, within
13 twenty-eight days of the ex-offender's hire date, submit a completed
14 application to the employment security department for certification of
15 the employee as a qualifying ex-offender under this section.

16 (3) The employment security department shall adopt rules and make
17 forms available to persons employing ex-offenders to apply for
18 certification under this section.

19 (4) Credit is only earned when:

20 (a) The person claiming a credit has received certification from
21 the employment security department that the employee is a qualifying
22 ex-offender; and

23 (b) The qualifying ex-offender has worked at least seven hundred
24 eighty hours in the first twelve months following the date the
25 individual was hired by the person claiming the credit under this
26 section.

27 (5) The amount of the credit is equal to one thousand dollars per
28 qualifying ex-offender and may be used against any tax due under this
29 chapter. Credit may only be claimed against taxes due for reporting
30 periods ending after the credit is earned. Unused credit earned in one
31 calendar year may be carried over and claimed against taxes due for the
32 subsequent calendar year. No refunds may be granted for credits under
33 this section that are in excess of taxes due and payable for the
34 reporting period.

35 (6) Submittal of the certification to the department is not

1 required to claim the credit under this section. The person claiming
2 the credit must keep a copy of the certification on file to allow the
3 department to verify eligibility under this section if necessary.

4 (7) A person claiming credit under this section shall not claim
5 credit under section 602 of this act with respect to the same
6 qualifying ex-offender.

7 (8) As used in this section, "qualifying ex-offender" means an
8 individual who: (a) Has been convicted of a felony under any statute
9 of the United States or any state; and (b) is hired by the person
10 claiming the credit under this section within one year of being
11 convicted of the felony or, if the individual served a prison sentence
12 for the conviction, of being released from confinement.

13 NEW SECTION. Sec. 602. A new section is added to chapter 82.16
14 RCW to read as follows:

15 (1) A credit is authorized against the tax otherwise due under this
16 chapter for persons that employ one or more qualifying ex-offenders.

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

19 (3) A person claiming credit under this section may not claim
20 credit under section 601 of this act with respect to the same
21 qualifying ex-offender.

22 NEW SECTION. Sec. 603. On or before October 1, 2007, the
23 department of corrections and the department of licensing shall enter
24 into an agreement establishing expedited procedures to assist offenders
25 in obtaining a driver's license or identification card upon their
26 release from a department of corrections' institution.

27 NEW SECTION. Sec. 604. (1) The director of the department of
28 licensing, or the director's designee, shall, within existing
29 resources, convene and chair a work group to review and recommend
30 changes to occupational licensing laws and policies to encourage the
31 employment of individuals with criminal convictions while ensuring the
32 safety of the public.

33 (2) In addition to the director of the department of licensing, the
34 following shall be members of the work group: A representative from
35 the employment security department, a representative from the

1 department of corrections, a representative from the Washington state
2 association of prosecuting attorneys, and up to five members appointed
3 by the governor from state agencies that issue occupational licenses.
4 The department shall also invite participation from victim service
5 agencies, the state board for community and technical colleges,
6 association of Washington business, nonprofit organizations providing
7 workforce training to released offenders, and legislative staff who
8 provide support to the human services and human services and
9 corrections committees. Members of the work group shall serve without
10 compensation.

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

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

14 (b) Develop a process and standards by which the department of
15 licensing and licensing agencies will determine whether a criminal
16 conviction renders an applicant an unsuitable candidate for a license
17 or whether a conviction warrants revocation or suspension of a license
18 previously granted;

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

22 (d) Establish mechanisms for making information regarding the
23 process and guidelines easily accessible to potential applicants with
24 criminal histories.

25 (4) The department of licensing shall present a report of its
26 findings and recommendations to the governor and the appropriate
27 committees of the legislature, including any proposed legislation, by
28 November 15, 2008.

29 (5) This section expires December 15, 2008.

30 **PART VII - HOUSING**

31 NEW SECTION. **Sec. 701.** The legislature finds that, in order to
32 improve the safety of our communities, more housing needs to be made
33 available to offenders returning to the community. The legislature
34 intends to increase the housing available to offenders by providing
35 that landlords who rent to offenders shall be immune from civil

1 liability for damages that may result from the criminal conduct of the
2 tenant.

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

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

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

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

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

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

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

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

1 (c) Contracts with supportive housing facilities to exclusively
2 provide housing for homeless offenders. Supportive housing is housing
3 that will provide a structured living environment for offenders to
4 assist an offender in developing the interpersonal and social survival
5 skills necessary to be independent and self-reliant in mainstream
6 society; and

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

9 (2) Eligible to receive assistance up to twelve months through the
10 offender reentry transitional housing assistance program are offenders
11 who:

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

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

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

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

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

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

29 (6) The department of corrections shall cooperate with the
30 department in:

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

33 (b) Developing rules, requirements, procedures, and guidelines as
34 necessary to implement and operate the offender reentry transitional
35 housing assistance program.

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

1 (a) Help identify appropriate housing solutions in the community
2 for offenders;

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

5 (c) Identify enhancements to training provided to offenders prior
6 to discharge that may assist an offender in effectively transitioning
7 to the community;

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

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

13 (8) The department shall produce an annual transitional housing
14 operating and rent program report that must be included in the
15 department's homeless housing strategic plan as described in RCW
16 43.185C.040. The report must include performance measures to be
17 determined by the department that address, at a minimum, the following
18 issue areas:

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

22 (b) The financial performance of the program related to efficient
23 program administration by the department and program operation by
24 selected eligible organizations, including an analysis of the costs per
25 program participant served;

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

29 (d) The satisfaction of housing assistance recipients in the
30 assistance provided through the program.

31 (9) The state, department of community, trade, and economic
32 development, department of corrections, local governments, local
33 housing authorities, and its employees are not liable for civil damages
34 arising from the criminal conduct of an offender due to the placement
35 of an offender in housing provided under this section or the provision
36 of housing assistance.

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

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

14 **Sec. 706.** RCW 72.09.111 and 2004 c 167 s 7 are each amended to
15 read as follows:

16 (1) The secretary shall deduct taxes and legal financial
17 obligations from the gross wages, gratuities, or workers' compensation
18 benefits payable directly to the inmate under chapter 51.32 RCW, of
19 each inmate working in correctional industries work programs, or
20 otherwise receiving such wages, gratuities, or benefits. The secretary
21 shall also deduct child support payments from the gratuities of each
22 inmate working in class II through class IV correctional industries
23 work programs. The secretary shall develop a formula for the
24 distribution of offender wages, gratuities, and benefits. The formula
25 shall not reduce the inmate account below the indigency level, as
26 defined in RCW 72.09.015.

27 (a) The formula shall include the following minimum deductions from
28 class I gross wages and from all others earning at least minimum wage:

29 (i) Five percent to the public safety and education account for the
30 purpose of crime victims' compensation;

31 (ii) Ten percent to a department personal inmate savings account;

32 (iii) Twenty percent to the department to contribute to the cost of
33 incarceration; and

34 (iv) Twenty percent for payment of legal financial obligations for
35 all inmates who have legal financial obligations owing in any
36 Washington state superior court.

1 (b) The formula shall include the following minimum deductions from
2 class II gross gratuities:

3 (i) Five percent to the public safety and education account for the
4 purpose of crime victims' compensation;

5 (ii) Ten percent to a department personal inmate savings account;

6 (iii) Fifteen percent to the department to contribute to the cost
7 of incarceration;

8 (iv) Twenty percent for payment of legal financial obligations for
9 all inmates who have legal financial obligations owing in any
10 Washington state superior court; and

11 (v) Fifteen percent for any child support owed under a support
12 order.

13 (c) The formula shall include the following minimum deductions from
14 any workers' compensation benefits paid pursuant to RCW 51.32.080:

15 (i) Five percent to the public safety and education account for the
16 purpose of crime victims' compensation;

17 (ii) Ten percent to a department personal inmate savings account;

18 (iii) Twenty percent to the department to contribute to the cost of
19 incarceration; and

20 (iv) An amount equal to any legal financial obligations owed by the
21 inmate established by an order of any Washington state superior court
22 up to the total amount of the award.

23 (d) The formula shall include the following minimum deductions from
24 class III gratuities:

25 (i) Five percent for the purpose of crime victims' compensation;
26 and

27 (ii) Fifteen percent for any child support owed under a support
28 order.

29 (e) The formula shall include the following minimum deduction from
30 class IV gross gratuities:

31 (i) Five percent to the department to contribute to the cost of
32 incarceration; and

33 (ii) Fifteen percent for any child support owed under a support
34 order.

35 (2) Any person sentenced to life imprisonment without possibility
36 of release or parole under chapter 10.95 RCW or sentenced to death
37 shall be exempt from the requirement under subsection (1)(a)(ii),
38 (b)(ii), or (c)(ii).

1 (3)(a) The department personal inmate savings account, together
2 with any accrued interest, shall only be available to an inmate at the
3 following times:

4 (i) The time of his or her release from confinement(~~(, unless)~~);

5 (ii) Prior to his or her release from confinement in order to
6 secure approved housing; or

7 (iii) When the secretary determines that an emergency exists for
8 the inmate(~~(, at which time the funds can be)~~).

9 (b) If funds are made available pursuant to (a)(ii) or (iii) of
10 this subsection, the funds shall be made available to the inmate in an
11 amount determined by the secretary.

12 (c) The management of classes I, II, and IV correctional industries
13 may establish an incentive payment for offender workers based on
14 productivity criteria. This incentive shall be paid separately from
15 the hourly wage/gratuity rate and shall not be subject to the specified
16 deduction for cost of incarceration.

17 (4)(a) Subject to availability of funds for the correctional
18 industries program, the expansion of inmate employment in class I and
19 class II correctional industries shall be implemented according to the
20 following schedule:

21 (i) Not later than June 30, 2005, the secretary shall achieve a net
22 increase of at least two hundred in the number of inmates employed in
23 class I or class II correctional industries work programs above the
24 number so employed on June 30, 2003;

25 (ii) Not later than June 30, 2006, the secretary shall achieve a
26 net increase of at least four hundred in the number of inmates employed
27 in class I or class II correctional industries work programs above the
28 number so employed on June 30, 2003;

29 (iii) Not later than June 30, 2007, the secretary shall achieve a
30 net increase of at least six hundred in the number of inmates employed
31 in class I or class II correctional industries work programs above the
32 number so employed on June 30, 2003;

33 (iv) Not later than June 30, 2008, the secretary shall achieve a
34 net increase of at least nine hundred in the number of inmates employed
35 in class I or class II correctional industries work programs above the
36 number so employed on June 30, 2003;

37 (v) Not later than June 30, 2009, the secretary shall achieve a net

1 increase of at least one thousand two hundred in the number of inmates
2 employed in class I or class II correctional industries work programs
3 above the number so employed on June 30, 2003;

4 (vi) Not later than June 30, 2010, the secretary shall achieve a
5 net increase of at least one thousand five hundred in the number of
6 inmates employed in class I or class II correctional industries work
7 programs above the number so employed on June 30, 2003.

8 (b) Failure to comply with the schedule in this subsection does not
9 create a private right of action.

10 (5) In the event that the offender worker's wages, gratuity, or
11 workers' compensation benefit is subject to garnishment for support
12 enforcement, the crime victims' compensation, savings, and cost of
13 incarceration deductions shall be calculated on the net wages after
14 taxes, legal financial obligations, and garnishment.

15 (6) The department shall explore other methods of recovering a
16 portion of the cost of the inmate's incarceration and for encouraging
17 participation in work programs, including development of incentive
18 programs that offer inmates benefits and amenities paid for only from
19 wages earned while working in a correctional industries work program.

20 (7) The department shall develop the necessary administrative
21 structure to recover inmates' wages and keep records of the amount
22 inmates pay for the costs of incarceration and amenities. All funds
23 deducted from inmate wages under subsection (1) of this section for the
24 purpose of contributions to the cost of incarceration shall be
25 deposited in a dedicated fund with the department and shall be used
26 only for the purpose of enhancing and maintaining correctional
27 industries work programs.

28 (8) It shall be in the discretion of the secretary to apportion the
29 inmates between class I and class II depending on available contracts
30 and resources.

31 (9) Nothing in this section shall limit the authority of the
32 department of social and health services division of child support from
33 taking collection action against an inmate's moneys, assets, or
34 property pursuant to chapter 26.23, 74.20, or 74.20A RCW.

35 **PART VIII - RESTORATION OF CIVIL RIGHTS**

1 **Sec. 801.** RCW 29A.04.079 and 2003 c 111 s 114 are each amended to
2 read as follows:

3 An "infamous crime" is a crime punishable by death in the state
4 penitentiary or imprisonment in a state correctional facility. The
5 definition of "infamous crime" does not include juvenile adjudications
6 pursuant to chapter 13.40 RCW or adult convictions for misdemeanors and
7 gross misdemeanors.

8 **Sec. 802.** RCW 29A.08.520 and 2005 c 246 s 15 are each amended to
9 read as follows:

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

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

28 (b) If the person has failed to make three payments in a twelve-
29 month period and the county clerk or restitution recipient requests,
30 the prosecutor shall seek revocation of the provisional restoration of
31 voting rights from the court.

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

35 (3) If the court revokes the provisional restoration of voting
36 rights, the revocation shall remain in effect until, upon motion by the

1 person whose provisional voting rights have been revoked, the person
2 shows that he or she has made a good faith effort to pay as defined in
3 RCW 10.82.090.

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

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

26 (~~(2)~~) (6) The right to vote may be permanently restored by(~~(, for~~
27 each ~~felony conviction,~~) one of the following for each felony
28 conviction:

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

31 (b) A court order restoring the right, as provided in RCW 9.92.066;

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

34 (d) A certificate of restoration issued by the governor, as
35 provided in RCW 9.96.020.

36 **Sec. 803.** RCW 9.92.066 and 2003 c 66 s 2 are each amended to read
37 as follows:

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

8 (2)(a) Upon termination of a suspended sentence under RCW 9.92.060
9 or 9.95.210, the person may apply to the sentencing court for a
10 vacation of the person's record of conviction under RCW 9.94A.640. The
11 court may, in its discretion, clear the record of conviction if it
12 finds the person has met the equivalent of the tests in RCW
13 9.94A.640(2) as those tests would be applied to a person convicted of
14 a crime committed before July 1, 1984.

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

27 **Sec. 804.** RCW 9.94A.637 and 2004 c 121 s 2 are each amended to
28 read as follows:

29 (1)(a) When an offender has completed all requirements of the
30 sentence, including any and all legal financial obligations, and while
31 under the custody and supervision of the department, the secretary or
32 the secretary's designee shall notify the sentencing court, which shall
33 discharge the offender and provide the offender with a certificate of
34 discharge by issuing the certificate to the offender in person or by
35 mailing the certificate to the offender's last known address.

36 (b)(i) When an offender has reached the end of his or her
37 supervision with the department and has completed all the requirements

1 of the sentence except his or her legal financial obligations, the
2 secretary's designee shall provide the county clerk with a notice that
3 the offender has completed all nonfinancial requirements of the
4 sentence.

5 (ii) When the department has provided the county clerk with notice
6 that an offender has completed all the requirements of the sentence and
7 the offender subsequently satisfies all legal financial obligations
8 under the sentence, the county clerk shall notify the sentencing court,
9 including the notice from the department, which shall discharge the
10 offender and provide the offender with a certificate of discharge by
11 issuing the certificate to the offender in person or by mailing the
12 certificate to the offender's last known address.

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

28 (2) The court shall send a copy of every signed certificate of
29 discharge to the auditor for the county in which the court resides and
30 to the department. The department shall create and maintain a database
31 containing the names of all felons who have been issued certificates of
32 discharge, the date of discharge, and the date of conviction and
33 offense.

34 (3) An offender who is not convicted of a violent offense or a sex
35 offense and is sentenced to a term involving community supervision may
36 be considered for a discharge of sentence by the sentencing court prior
37 to the completion of community supervision, provided that the offender

1 has completed at least one-half of the term of community supervision
2 and has met all other sentence requirements.

3 (4) Except as provided in subsection (5) of this section, the
4 discharge shall have the effect of restoring all civil rights (~~lost by~~
5 ~~operation of law upon conviction~~) not already restored by RCW
6 29A.08.520, and the certificate of discharge shall so state. Nothing
7 in this section prohibits the use of an offender's prior record for
8 purposes of determining sentences for later offenses as provided in
9 this chapter. Nothing in this section affects or prevents use of the
10 offender's prior conviction in a later criminal prosecution either as
11 an element of an offense or for impeachment purposes. A certificate of
12 discharge is not based on a finding of rehabilitation.

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

22 (6) Upon release from custody, the offender may apply to the
23 department for counseling and help in adjusting to the community. This
24 voluntary help may be provided for up to one year following the release
25 from custody.

26 **Sec. 805.** RCW 9.96.050 and 2002 c 16 s 3 are each amended to read
27 as follows:

28 When a prisoner on parole has performed all obligations of his or
29 her release, including any and all legal financial obligations, for
30 such time as shall satisfy the indeterminate sentence review board that
31 his or her final release is not incompatible with the best interests of
32 society and the welfare of the paroled individual, the board may make
33 a final order of discharge and issue a certificate of discharge to the
34 prisoner. The certificate of discharge shall be issued to the offender
35 in person or by mail to the prisoner's last known address.

36 The board shall send a copy of every signed certificate of
37 discharge (~~to the auditor for the county in which the offender was~~

1 ~~sentenced and~~) to the department of corrections. The department shall
2 create and maintain a database containing the names of all felons who
3 have been issued certificates of discharge, the date of discharge, and
4 the date of conviction and offense.

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

16 The discharge provided for in this section shall be considered as
17 a part of the sentence of the convicted person and shall not in any
18 manner be construed as affecting the powers of the governor to pardon
19 any such person.

20 **Sec. 806.** RCW 10.64.140 and 2005 c 246 s 1 are each amended to
21 read as follows:

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

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

26 (2) (~~If the defendant is registered to vote, the voter~~
27 ~~registration will be canceled~~) The right to vote is provisionally
28 restored as long as the defendant is not under the jurisdiction of the
29 department of corrections;

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

34 (~~(+3)~~) (4) The right to vote may be permanently restored by one of
35 the following for each felony conviction:

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

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

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

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

7 ((4)) (5) Voting before the right is restored is a class C felony
8 under RCW 29A.84.660.

9 NEW SECTION. **Sec. 807.** The following acts or parts of acts are
10 each repealed:

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

12 (2) RCW 29A.08.660 (Felony offender--Completion of sentence) and
13 2005 c 246 s 12.

14 **PART IX - OVERSIGHT COMMITTEE**

15 NEW SECTION. **Sec. 901.** A new section is added to chapter 72.09
16 RCW to read as follows:

17 (1) There is created the legislative corrections oversight
18 committee for the purpose of monitoring and ensuring compliance with
19 administrative acts, relevant statutes, rules, and policies pertaining
20 to the department of corrections and the treatment and supervision of
21 offenders under the jurisdiction of the department. The committee
22 shall consist of three senators and three representatives from the
23 legislature. The senate members of the committee shall be appointed by
24 the president of the senate. The house members of the committee shall
25 be appointed by the speaker of the house of representatives. Not more
26 than two members from each chamber shall be from the same political
27 party. Members shall be appointed before the close of each regular
28 session of the legislature during an odd-numbered year.

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

30 (a) Selection of its officers and adoption of rules for orderly
31 procedure;

32 (b) Request and receive status reports from the department related
33 to its progress on the recommendations of the joint task force on
34 offenders programs, sentencing and supervision authorized by chapter

1 267, Laws of 2006, implementation of the provisions of this act, and
2 other topics as appropriate;

3 (c) Monitor coordination and collaboration between local government
4 and the department and efforts to share resources and reduce the
5 duplication of services;

6 (d) Request investigations by the corrections ombudsman of
7 administrative acts;

8 (e) Receive reports of the ombudsman;

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

12 (g) Request legislation;

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

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

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

19 (5) The members of the committee shall serve without additional
20 compensation, but will be reimbursed for their travel expenses, in
21 accordance with RCW 44.04.120, incurred while attending sessions of the
22 committee or meetings of a subcommittee of the committee, while engaged
23 on other committee business authorized by the committee, and while
24 going to and coming from committee sessions or committee meetings.

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

26 **PART X - MISCELLANEOUS**

27 NEW SECTION. **Sec. 1001.** Part headings used in this act are not
28 any part of the law.

29 NEW SECTION. **Sec. 1002.** If any provision of this act or its
30 application to any person or circumstance is held invalid, the
31 remainder of the act or the application of the provision to other
32 persons or circumstances is not affected.

33 NEW SECTION. **Sec. 1003.** If specific funding for the purposes of

1 this act, referencing this act by bill or chapter number, is not
2 provided by June 30, 2007, in the omnibus appropriations act, this act
3 is null and void.

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