

**E2SSB 5304** - H COMM AMD

By Committee on Health Care & Wellness

**ADOPTED AND ENGROSSED 04/09/2021**

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

3 "NEW SECTION. **Sec. 1.** The legislature finds that when  
4 considering releasing persons from state and local institutions,  
5 realizing the safety of the public is the primary concern. The  
6 legislature also finds that the success of persons with behavioral  
7 health needs being released from confinement in a prison, jail,  
8 juvenile rehabilitation facility, state hospital, and other state and  
9 local institutions can be increased with access to continuity of  
10 medical assistance, supportive services, and other targeted  
11 assistance. The legislature finds that this act provides strategies  
12 to prevent interruption of medical assistance benefits and to allow  
13 for a seamless transfer between systems of care. The legislature  
14 further finds that this act removes stigmatizing language from the  
15 program created under RCW 72.09.370 and 71.24.470 and creates a work  
16 group to study how to expand the cost-effective strategies of this  
17 program to other populations and settings to enhance recovery, reduce  
18 recidivism, and improve safety.

19 **Sec. 2.** RCW 74.09.670 and 2016 c 154 s 2 are each amended to  
20 read as follows:

21 ~~((The))~~ When the authority receives information that a person  
22 enrolled in medical assistance is confined in a setting in which  
23 federal financial participation is disallowed by the state's  
24 agreements with the federal government, the authority ~~((is directed~~  
25 ~~to))~~ shall suspend, rather than terminate, medical assistance  
26 benefits ~~((by July 1, 2017,))~~ for these persons, including those  
27 are incarcerated in a correctional institution as defined in RCW  
28 9.94.049, or committed to a state hospital or other treatment  
29 facility. ~~((This must include the ability for a))~~ A person who is not  
30 currently enrolled in medical assistance must be allowed to apply for  
31 medical assistance in suspense status during ~~((incarceration))~~

1 confinement, and the ability to apply may not depend upon knowledge  
2 of the release or discharge date of the person. (~~The authority must~~  
3 ~~provide a progress report describing program design and a detailed~~  
4 ~~fiscal estimate to the governor and relevant committees of the~~  
5 ~~legislature by December 1, 2016.~~)

6 **Sec. 3.** RCW 74.09.555 and 2019 c 325 s 4005 are each amended to  
7 read as follows:

8 (1) The authority shall adopt rules and policies providing that  
9 when persons (~~with a mental disorder,~~) who were enrolled in medical  
10 assistance immediately prior to confinement, or who become enrolled  
11 in medical assistance in suspense status during the period of  
12 confinement, are released from confinement, their medical assistance  
13 coverage (~~will~~) shall be fully reinstated (~~on the day~~) no later  
14 than at the moment of their release, subject to any expedited review  
15 of their continued eligibility for medical assistance coverage that  
16 is required under federal or state law. The authority may reinstate  
17 medical assistance prior to the day of release provided that no  
18 federal funds are expended for any purpose that is not authorized by  
19 the state's agreements with the federal government.

20 (2) The authority, in collaboration with the Washington  
21 association of sheriffs and police chiefs, the department of  
22 corrections, the department of children, youth, and families, managed  
23 care organizations, and behavioral health administrative services  
24 organizations, shall establish procedures for coordination between  
25 the authority and department field offices, institutions for mental  
26 disease, and correctional institutions, as defined in RCW 9.94.049,  
27 that result in prompt reinstatement of eligibility and speedy  
28 eligibility determinations for (~~persons who are likely to be~~  
29 ~~eligible for~~) medical assistance services upon release from  
30 confinement. Procedures developed under this subsection must address:

31 (a) Mechanisms for receiving medical assistance services  
32 applications on behalf of confined persons in anticipation of their  
33 release from confinement;

34 (b) Expeditious review of applications filed by or on behalf of  
35 confined persons and, to the extent practicable, completion of the  
36 review before the person is released;

37 (c) Mechanisms for providing medical assistance services identity  
38 cards to persons eligible for medical assistance services  
39 (~~immediately upon~~) before their release from confinement; (~~and~~)

1 (d) Coordination with the federal social security administration,  
2 through interagency agreements or otherwise, to expedite processing  
3 of applications for federal supplemental security income or social  
4 security disability benefits, including federal acceptance of  
5 applications on behalf of confined persons; and

6 (e) Assuring that notification of the person's release date,  
7 current location, and other appropriate information is provided to  
8 the person's managed care organization before the person's scheduled  
9 release from confinement, or as soon as practicable thereafter.

10 (3) Where medical or psychiatric examinations during a person's  
11 confinement indicate that the person is disabled, the correctional  
12 institution or institution for mental diseases shall provide the  
13 authority with that information for purposes of making medical  
14 assistance eligibility and enrollment determinations prior to the  
15 person's release from confinement. The authority shall, to the  
16 maximum extent permitted by federal law, use the examination in  
17 making its determination whether the person is disabled and eligible  
18 for medical assistance.

19 (4) For purposes of this section, "confined" or "confinement"  
20 means incarcerated in a correctional institution, as defined in RCW  
21 9.94.049, or admitted to an institute for mental disease, as defined  
22 in 42 C.F.R. part 435, Sec. 1009 on July 24, 2005.

23 ~~(5) ((For purposes of this section, "likely to be eligible" means~~  
24 ~~that a person:~~

25 ~~(a) Was enrolled in medicaid or supplemental security income or~~  
26 ~~the medical care services program immediately before he or she was~~  
27 ~~confined and his or her enrollment was terminated during his or her~~  
28 ~~confinement; or~~

29 ~~(b) Was enrolled in medicaid or supplemental security income or~~  
30 ~~the medical care services program at any time during the five years~~  
31 ~~before his or her confinement, and medical or psychiatric~~  
32 ~~examinations during the person's confinement indicate that the person~~  
33 ~~continues to be disabled and the disability is likely to last at~~  
34 ~~least twelve months following release.~~

35 ~~(6))~~ The economic services administration within the department  
36 shall adopt standardized statewide screening and application  
37 practices and forms designed to facilitate the application of a  
38 confined person (~~who is likely to be eligible~~) for medicaid.

1        NEW SECTION.    **Sec. 4.**    (1) The health care authority shall apply  
2 for a waiver allowing the state to provide medicaid services to  
3 persons who are confined in a correctional institution as defined in  
4 RCW 9.94.049 or confined in a state hospital or other treatment  
5 facility up to 30 days prior to the person's release or discharge to  
6 the community. The purpose is to create continuity of care and  
7 provide reentry services.

8        (2) The health care authority shall consult with the work group  
9 established under section 9 of this act about how to optimize the  
10 waiver application and its chance of success, including by limiting  
11 its scope if deemed appropriate.

12        (3) The health care authority shall inform the governor and  
13 relevant committees of the legislature in writing when the waiver  
14 application is submitted and update them as to progress of the waiver  
15 at appropriate points.

16        (4) No provision of this section may be interpreted to require  
17 the health care authority to provide medicaid services to persons who  
18 are confined in a correctional institution, state hospital, or other  
19 treatment facility up to 30 days prior to the person's release or  
20 discharge unless the health care authority obtains final approval for  
21 its waiver application from the centers for medicare and medicaid  
22 services.

23        **Sec. 5.**    RCW 9.94.049 and 1995 c 314 s 6 are each amended to read  
24 as follows:

25        (1) For the purposes of this chapter, the term "correctional  
26 institution" means any place designated by law for the keeping of  
27 persons held in custody under process of law, or under lawful arrest,  
28 including state prisons, county and local jails, juvenile detention  
29 centers, and other facilities operated by the department of  
30 corrections, department of children, youth, and families, or local  
31 governmental units primarily for the purposes of punishment,  
32 correction, or rehabilitation following conviction or adjudication of  
33 a criminal offense.

34        (2) For the purposes of RCW 9.94.043 and 9.94.045, "state  
35 correctional institution" means all state correctional facilities  
36 under the supervision of the secretary of the department of  
37 corrections used solely for the purpose of confinement of convicted  
38 felons.

1       **Sec. 6.** RCW 72.09.370 and 2019 c 325 s 5025 are each amended to  
2 read as follows:

3       (1) The ~~((offender))~~ reentry community ~~((safety))~~ services  
4 program is established to provide intensive services to ~~((offenders))~~  
5 persons identified under this subsection and to thereby promote  
6 successful reentry, public safety, and recovery. The secretary shall  
7 identify ~~((offenders))~~ persons in confinement or partial confinement  
8 who: (a) Are reasonably believed to ~~((be dangerous))~~ present a danger  
9 to themselves or others if released to the community without  
10 supportive services; and (b) have a mental disorder. In ~~((determining~~  
11 ~~an offender's dangerousness))~~ evaluating these criteria, the  
12 secretary shall consider behavior known to the department and  
13 factors, based on research, that are linked to ~~((an increased))~~ risk  
14 ~~((for))~~ of dangerousness ~~((of offenders))~~ for persons with mental  
15 illnesses within the criminal justice system and shall include  
16 consideration of ~~((an offender's))~~ the person's history of substance  
17 use disorder or abuse.

18       (2) Prior to release of ~~((an offender))~~ a person identified under  
19 this section, a team consisting of representatives of the department  
20 of corrections, the health care authority, and, as necessary, the  
21 indeterminate sentence review board, divisions or administrations  
22 within the department of social and health services, specifically  
23 including the division of developmental disabilities, the appropriate  
24 managed care organization ~~((contracted with the health care~~  
25 ~~authority, the appropriate))~~ or behavioral health administrative  
26 services organization, and ~~((the))~~ reentry community services  
27 providers, as appropriate, shall develop a plan, as determined  
28 necessary by the team, for delivery of treatment and support services  
29 to the ~~((offender))~~ person upon release. In developing the plan, the  
30 ~~((offender))~~ person shall be offered assistance in executing a mental  
31 health advance directive under chapter 71.32 RCW, after being fully  
32 informed of the benefits, scope, and purposes of such directive. The  
33 team may include a school district representative for ~~((offenders))~~  
34 persons under the age of ~~((twenty-one))~~ 21. The team shall consult  
35 with the ~~((offender's))~~ person's counsel, if any, and, as  
36 appropriate, the ~~((offender's))~~ person's family and community. The  
37 team shall notify the crime victim/witness program, which shall  
38 provide notice to all people registered to receive notice under RCW  
39 72.09.712 of the proposed release plan developed by the team.  
40 Victims, witnesses, and other interested people notified by the

1 department may provide information and comments to the department on  
2 potential safety risk to specific individuals or classes of  
3 individuals posed by the specific (~~(offender)~~) person. The team may  
4 recommend: (a) That the (~~(offender)~~) person be evaluated by (~~(the)~~) a  
5 designated crisis responder, as defined in chapter 71.05 RCW; (b)  
6 department-supervised community treatment; or (c) voluntary community  
7 mental health or substance use disorder or abuse treatment.

8 (3) Prior to release of (~~(an offender)~~) a person identified under  
9 this section, the team shall determine whether or not an evaluation  
10 by a designated crisis responder is needed. If an evaluation is  
11 recommended, the supporting documentation shall be immediately  
12 forwarded to the appropriate designated crisis responder. The  
13 supporting documentation shall include the (~~(offender's)~~) person's  
14 criminal history, history of judicially required or administratively  
15 ordered involuntary antipsychotic medication while in confinement,  
16 and any known history of involuntary civil commitment.

17 (4) If an evaluation by a designated crisis responder is  
18 recommended by the team, such evaluation shall occur not more than  
19 ten days, nor less than five days, prior to release.

20 (5) A second evaluation by a designated crisis responder shall  
21 occur on the day of release if requested by the team, based upon new  
22 information or a change in the (~~(offender's)~~) person's mental  
23 condition, and the initial evaluation did not result in an emergency  
24 detention or a summons under chapter 71.05 RCW.

25 (6) If the designated crisis responder determines an emergency  
26 detention under chapter 71.05 RCW is necessary, the department shall  
27 release the (~~(offender)~~) person only to a state hospital or to a  
28 consenting evaluation and treatment facility or secure withdrawal  
29 management and stabilization facility. The department shall arrange  
30 transportation of the (~~(offender)~~) person to the hospital or  
31 facility.

32 (7) If the designated crisis responder believes that a less  
33 restrictive alternative treatment is appropriate, he or she shall  
34 seek a summons, pursuant to the provisions of chapter 71.05 RCW, to  
35 require the (~~(offender)~~) person to appear at an evaluation and  
36 treatment facility or secure withdrawal management and stabilization  
37 facility. If a summons is issued, the (~~(offender)~~) person shall  
38 remain within the corrections facility until completion of his or her  
39 term of confinement and be transported, by corrections personnel on

1 the day of completion, directly to the identified (~~evaluation and~~  
2 ~~treatment~~) facility.

3 (8) The secretary shall adopt rules to implement this section.

4 **Sec. 7.** RCW 71.24.470 and 2019 c 325 s 1030 are each amended to  
5 read as follows:

6 (1) The director shall contract, to the extent that funds are  
7 appropriated for this purpose, for case management services and such  
8 other services as the director deems necessary to assist  
9 (~~offenders~~) persons identified under RCW 72.09.370 for  
10 participation in the (~~offender~~) reentry community (~~safety~~)  
11 services program. The contracts may be with any qualified and  
12 appropriate entities. The director shall ensure the authority has  
13 coverage in all counties of the state for the purposes of providing  
14 reentry community services program services.

15 (2) The case manager has the authority to assist these  
16 (~~offenders~~) persons in obtaining the services, as set forth in the  
17 plan created under RCW 72.09.370(2), for up to five years. The  
18 services may include coordination of mental health services,  
19 assistance with unfunded medical expenses, assistance obtaining  
20 substance use disorder treatment, housing, employment services,  
21 educational or vocational training, independent living skills,  
22 parenting education, anger management services, peer services, and  
23 such other services as the case manager deems necessary.

24 (3) The legislature intends that funds appropriated for the  
25 purposes of RCW 72.09.370, 71.05.145, and 71.05.212, and this section  
26 are to supplement and not to supplant general funding. Funds  
27 appropriated to implement RCW 72.09.370, 71.05.145, and 71.05.212,  
28 and this section are not to be considered available resources as  
29 defined in RCW 71.24.025 and are not subject to the priorities,  
30 terms, or conditions in the appropriations act established pursuant  
31 to RCW 71.24.035.

32 (4) The (~~offender~~) reentry community (~~safety~~) services  
33 program was formerly known as the community integration assistance  
34 program.

35 **Sec. 8.** RCW 71.24.480 and 2019 c 325 s 1031 are each amended to  
36 read as follows:

37 (1) A licensed or certified behavioral health agency acting in  
38 the course of the (~~provider's~~) agency's duties under this

1 chapter(~~(, is)~~) and its individual employees are not liable for civil  
2 damages resulting from the injury or death of another caused by a  
3 participant in the (~~(offender)~~) reentry community (~~(safety)~~) services  
4 program who is a client of the (~~(provider or organization)~~) agency,  
5 unless the act or omission of the (~~(provider or organization)~~) agency  
6 or employee constitutes:

7 (a) Gross negligence;

8 (b) Willful or wanton misconduct; or

9 (c) A breach of the duty to warn of and protect from a client's  
10 threatened violent behavior if the client has communicated a serious  
11 threat of physical violence against a reasonably ascertainable victim  
12 or victims.

13 (2) In addition to any other requirements to report violations,  
14 the licensed or certified behavioral health agency shall report (~~(an~~  
15 ~~offender's)~~) a reentry community services program participant's  
16 expressions of intent to harm or other predatory behavior, regardless  
17 of whether there is an ascertainable victim, in progress reports and  
18 other established processes that enable courts and supervising  
19 entities to assess and address the progress and appropriateness of  
20 treatment.

21 (3) A licensed or certified behavioral health agency's mere act  
22 of treating a participant in the (~~(offender)~~) reentry community  
23 (~~(safety)~~) services program is not negligence. Nothing in this  
24 subsection alters the licensed or certified behavioral health  
25 agency's normal duty of care with regard to the client.

26 (4) The limited liability provided by this section applies only  
27 to the conduct of licensed or certified behavioral health agencies  
28 and their employees and does not apply to conduct of the state.

29 (5) For purposes of this section, "participant in the  
30 (~~(offender)~~) reentry community (~~(safety)~~) services program" means a  
31 person who has been identified under RCW 72.09.370 as (~~(an offender)~~)  
32 a person who: (a) Is reasonably believed to (~~(be dangerous)~~) present  
33 a danger to himself or herself or others if released to the community  
34 without supportive services; and (b) has a mental disorder.

35 NEW SECTION. Sec. 9. A new section is added to chapter 71.24  
36 RCW to read as follows:

37 (1) The authority shall convene a reentry services work group to  
38 consider ways to improve reentry services for persons with an  
39 identified behavioral health services need. The work group shall:



1 (a) Advise the authority on its waiver application under section  
2 4 of this act;

3 (b) Develop a plan to assure notifications of the person's  
4 release date, current location, and other appropriate information are  
5 provided to the person's managed care organization before the  
6 person's scheduled release from confinement, or as soon as  
7 practicable thereafter, in accordance with RCW 74.09.555;

8 (c) Consider the value of expanding, replicating, or adapting the  
9 essential elements of the reentry community services program under  
10 RCW 72.09.370 and 71.24.470 to benefit new populations, such as:

11 (i) A larger group of incarcerated persons in the department of  
12 corrections than those who currently have the opportunity to  
13 participate;

14 (ii) State hospital patients committed under criminal insanity  
15 laws under chapter 10.77 RCW;

16 (iii) Involuntary treatment patients committed under chapter  
17 71.05 RCW;

18 (iv) Persons committed to juvenile rehabilitation;

19 (v) Persons confined in jail; and

20 (vi) Other populations recommended by the work group;

21 (d) Consider whether modifications should be made to the reentry  
22 community services program;

23 (e) Identify potential costs and savings for the state and local  
24 governments which could be realized through the use of telehealth  
25 technology to provide behavioral health services, expansion or  
26 replication of the reentry community services program, or other  
27 reentry programs which are supported by evidence;

28 (f) Consider the sustainability of reentry or diversion services  
29 provided by pilot programs funded by contempt fines in *Trueblood, et*  
30 *al., v. Washington State DSHS*, No. 15-35462;

31 (g) Recommend a means of funding expanded reentry services; and

32 (h) Consider incorporation of peer services into the reentry  
33 community services programs.

34 (2)(a) In addition, the authority shall convene a subcommittee of  
35 the work group consisting of a representative of the authority, one  
36 representative of each managed care organization contracted with the  
37 authority under chapter 74.09 RCW, representatives of the Washington  
38 association of sheriffs and police chiefs, representatives of jails,  
39 and other members that the work group determines are appropriate to  
40 inform the tasks of the work group.

1 (b) The subcommittee must:

2 (i) Determine and make progress toward implementing a process for  
3 transmitting real-time location information related to incarcerated  
4 individuals to the managed care organization in which the individual  
5 is enrolled;

6 (ii) Develop a process to transmit patient health information  
7 between jails and managed care organizations to ensure high quality  
8 health care for incarcerated individuals enrolled in a managed care  
9 organization; and

10 (iii) Improve collaboration between the authority, the managed  
11 care organizations, and the jails as it pertains to care coordination  
12 both when an individual enters custody and upon release.

13 (c) The subcommittee must submit an initial report to the  
14 relevant committees of the legislature by December 1, 2021, and a  
15 final report by December 1, 2022. The reports shall evaluate the  
16 progress of managed care organizations with respect to meeting their  
17 contractual obligations regarding clinical coordination when an  
18 individual enters custody as well as care coordination and connection  
19 to reentry services upon release, including any corrective action  
20 taken by the authority against a managed care organization related to  
21 noncompliance. The reports shall also identify any barriers to  
22 effective care coordination for individuals in jail and  
23 recommendations to overcome those barriers.

24 (3) The authority shall invite participation in the work group by  
25 stakeholders including but not limited to representatives from:  
26 Disability rights Washington; behavioral health advocacy  
27 organizations; behavioral health peers; reentry community services  
28 providers; community behavioral health agencies; advocates for  
29 persons with developmental disabilities; the department of  
30 corrections; the department of children, youth, and families; the  
31 Washington association of sheriffs and police chiefs; prosecutors;  
32 defense attorneys; the Washington state association of counties; King  
33 county behavioral health and recovery division; the department of  
34 social and health services; state hospital employees who serve  
35 patients committed under chapters 10.77 and 71.05 RCW; the public  
36 safety review panel under RCW 10.77.270; managed care organizations;  
37 behavioral health administrative services organizations; jail  
38 administrators; the Washington statewide reentry council; the  
39 Washington state senate; the Washington state house of

1 representatives; and the Washington state institute for public  
2 policy.

3 (4) The work group must provide a progress report to the governor  
4 and appropriate committees of the legislature by July 1, 2022, and a  
5 final report by December 1, 2023.

6 NEW SECTION. **Sec. 10.** The Washington state institute for public  
7 policy shall update its previous evaluations of the reentry community  
8 services program under RCW 72.09.370 and 71.24.470, and broaden its  
9 cost-benefit analysis to include impacts on the use of public  
10 services, and other factors. The institute shall collaborate with the  
11 work group established under section 9 of this act to determine  
12 research parameters and help the work group answer additional  
13 research questions including, but not limited to, the potential cost,  
14 benefit, and risks involved in expanding or replicating the reentry  
15 community services program; and what modifications to the program are  
16 most likely to prove advantageous based on the current state of  
17 knowledge about evidence-based, research-based, and promising  
18 programs. The department of corrections, health care authority,  
19 administrative office of the courts, King county, and department of  
20 social and health services must cooperate with the institute to  
21 facilitate access to data or other resources necessary to complete  
22 this work. The institute must provide a preliminary report by July 1,  
23 2022, and a final report by November 1, 2023, to the governor and  
24 relevant committees of the legislature.

25 **Sec. 11.** RCW 72.09.270 and 2008 c 231 s 48 are each amended to  
26 read as follows:

27 (1) The department of corrections shall develop an individual  
28 reentry plan as defined in RCW 72.09.015 for every (~~offender~~)  
29 person who is committed to the jurisdiction of the department except:

30 (a) (~~Offenders~~) Persons who are sentenced to life without the  
31 possibility of release or sentenced to death under chapter 10.95 RCW;  
32 and

33 (b) (~~Offenders~~) Persons who are subject to the provisions of 8  
34 U.S.C. Sec. 1227.

35 (2) The individual reentry plan may be one document, or may be a  
36 series of individual plans that combine to meet the requirements of  
37 this section.

1 (3) In developing individual reentry plans, the department shall  
2 assess all ~~((offenders))~~ persons using standardized and comprehensive  
3 tools to identify the criminogenic risks, programmatic needs, and  
4 educational and vocational skill levels for each ~~((offender))~~ person.  
5 The assessment tool should take into account demographic biases, such  
6 as culture, age, and gender, as well as the needs of the ~~((offender))~~  
7 person, including any learning disabilities, substance abuse or  
8 mental health issues, and social or behavior deficits.

9 (4)(a) The initial assessment shall be conducted as early as  
10 sentencing, but, whenever possible, no later than ~~((forty-five))~~ 45  
11 days of being sentenced to the jurisdiction of the department of  
12 corrections.

13 (b) The ~~((offender's))~~ person's individual reentry plan shall be  
14 developed as soon as possible after the initial assessment is  
15 conducted, but, whenever possible, no later than ~~((sixty))~~ 60 days  
16 after completion of the assessment, and shall be periodically  
17 reviewed and updated as appropriate.

18 (5) The individual reentry plan shall, at a minimum, include:

19 (a) A plan to maintain contact with the inmate's children and  
20 family, if appropriate. The plan should determine whether parenting  
21 classes, or other services, are appropriate to facilitate successful  
22 reunification with the ~~((offender's))~~ person's children and family;

23 (b) An individualized portfolio for each ~~((offender))~~ person that  
24 includes the ~~((offender's))~~ person's education achievements,  
25 certifications, employment, work experience, skills, and any training  
26 received prior to and during incarceration; and

27 (c) A plan for the ~~((offender))~~ person during the period of  
28 incarceration through reentry into the community that addresses the  
29 needs of the ~~((offender))~~ person including education, employment,  
30 substance abuse treatment, mental health treatment, family  
31 reunification, and other areas which are needed to facilitate a  
32 successful reintegration into the community.

33 (6)(a) Prior to discharge of any ~~((offender))~~ person, the  
34 department shall:

35 (i) Evaluate the ~~((offender's))~~ person's needs and, to the extent  
36 possible, connect the ~~((offender))~~ person with existing services and  
37 resources that meet those needs; and

38 (ii) Connect the ~~((offender))~~ person with a community justice  
39 center and/or community transition coordination network in the area

1 in which the (~~offender~~) person will be residing once released from  
2 the correctional system if one exists.

3 (b) If the department recommends partial confinement in (~~an~~  
4 ~~offender's~~) a person's individual reentry plan, the department shall  
5 maximize the period of partial confinement for the (~~offender~~)  
6 person as allowed pursuant to RCW 9.94A.728 to facilitate the  
7 (~~offender's~~) person's transition to the community.

8 (7) The department shall establish mechanisms for sharing  
9 information from individual reentry plans to those persons involved  
10 with the (~~offender's~~) person's treatment, programming, and reentry,  
11 when deemed appropriate. When feasible, this information shall be  
12 shared electronically.

13 (8) (a) In determining the county of discharge for (~~an offender~~)  
14 a person released to community custody, the department may (~~not~~)  
15 approve a residence location that is not in the (~~offender's~~)  
16 person's county of origin (~~unless it is determined by the~~) if the  
17 department determines that the (~~offender's return to his or her~~  
18 ~~county of origin would be inappropriate considering~~) residence  
19 location would be appropriate based on any court-ordered condition of  
20 the (~~offender's~~) person's sentence, victim safety concerns,  
21 (~~negative influences on the offender in the community, or the~~) and  
22 factors that increase opportunities for successful reentry and long-  
23 term support including, but not limited to, location of family or  
24 other sponsoring persons or organizations that will support the  
25 (~~offender~~) person, availability of appropriate programming or  
26 treatment, and access to housing, employment, and prosocial  
27 influences on the person in the community.

28 (b) In implementing the provisions of this subsection, the  
29 department shall approve residence locations in a manner that will  
30 not cause any one county to be disproportionately impacted.

31 (c) If the (~~offender~~) person is not returned to his or her  
32 county of origin, the department shall provide the law and justice  
33 council of the county in which the (~~offender~~) person is placed with  
34 a written explanation.

35 (~~e~~) (d) (i) For purposes of this section, except as provided  
36 in (d) (ii) of this subsection, the (~~offender's~~) person's county of  
37 origin means the county of the (~~offender's~~) person's residence at  
38 the time of the person's first felony conviction in Washington state.

39 (ii) If the person is a homeless person as defined in RCW  
40 43.185C.010, or the person's residence is unknown, then the person's

1 county of origin means the county of the person's first felony  
2 conviction in Washington state.

3 (9) Nothing in this section creates a vested right in  
4 programming, education, or other services.

5 **Sec. 12.** RCW 43.380.020 and 2019 c 415 s 976 are each amended to  
6 read as follows:

7 (1) Subject to the availability of amounts appropriated for this  
8 specific purpose, the Washington statewide reentry council is created  
9 and located within the department for the purpose of promoting  
10 successful reentry of offenders after incarceration.

11 (2) Through the executive director that may be appointed by the  
12 council, the department shall administer the council by:

13 (a) Providing the council and its executive director use of the  
14 department's facilities; and

15 (b) Managing grants and other funds received, used, and disbursed  
16 by the council.

17 (~~(3) Except during the 2019-2021 fiscal biennium, the department~~  
18 ~~may not designate additional full-time staff to the administration of~~  
19 ~~the council beyond the executive director.)) "~~

20 Correct the title.

--- END ---