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## Public Safety Committee

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### ESSB 5121

**Brief Description:** Expanding eligibility for the graduated reentry program.

**Sponsors:** Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Senators Darneille, Das, Dhingra, Hasegawa, Mullet, Nguyen and Wilson, C.; by request of Department of Corrections).

#### Brief Summary of Engrossed Substitute Bill

- Modifies the maximum length of participation and minimum total confinement requirements for the Department of Corrections' Graduated Reentry Program based on the nature of the offense committed by an individual.
- Requires the Department of Corrections to publish a monthly report on its website and submit an annual report to the Legislature with the number of individuals who were transferred to home detention as part of the Graduated Reentry Program.

**Hearing Date:** 3/16/21

**Staff:** Corey Patton (786-7388).

#### Background:

An individual serving a term of confinement as total confinement at a state correctional facility may serve up to the final six months of the term in partial confinement as home detention through the Graduated Reentry Program (program) operated by the Department of Corrections (DOC). An individual may only participate in the program if:

- the individual has served at least 12 months of the term of confinement in total confinement at a state correctional facility;

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- the DOC determines that the program is an appropriate placement for the individual; and
- the individual provides an approved residence and living arrangement prior to transfer to home detention.

While an individual is participating in the program, the DOC must:

- assist the individual with transitioning from confinement to the community;
- require the individual to be on electronic home monitoring;
- require the individual to participate in programming and treatment based on the individual's assessed need; and
- assign a community corrections officer who will monitor the individual's compliance.

The DOC may issue rental vouchers to a program participant for up to 6 months if an approved address cannot be obtained without the assistance of a voucher. The DOC may return a program participant to total confinement for any reason, including the participant's noncompliance with any sentence requirement. In administering the program, the DOC is performing a quasi-judicial function. The DOC is not liable for the acts of a program participant unless the DOC acts with willful and wanton disregard.

Under certain conditions, an individual may not qualify for transfer to partial confinement programs such as the Graduated Reentry Program. For example, an individual serving a sentence that includes mandatory minimums or sentencing enhancements may be required to serve all or a greater portion of the term of confinement in total confinement.

"Partial confinement" is confinement for up to one year in a facility operated or contracted by the state or other unit of government, or in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement may include work release, home detention, work crew, or electronic monitoring.

"Total confinement" is confinement inside the physical boundaries of a state facility or institution for 24 hours a day.

### **Summary of Engrossed Substitute Bill:**

The maximum length of participation and minimum total confinement requirements for the Graduated Reentry Program (program) operated by the Department of Corrections (DOC) are modified to impose different restrictions based on the nature of the offense committed by an individual as follows:

- An individual serving a term of confinement as total confinement at a state correctional facility for an offense other than a sex offense, a violent offense, or a crime against persons, may serve the remaining term in partial confinement as home detention through the program if the individual has served at least four months in total confinement and is not subject to a deportation order or the jurisdiction of the Indeterminate Sentence Review Board.
- An individual serving a term of confinement as total confinement at a state correctional

facility for any other type of offense may serve up to the final five months of the term in partial confinement as home detention through the program if the individual has served at least six months in total confinement and the individual is not subject to a deportation order, civil commitment, or the Interstate Compact for Adult Offender Supervision.

The modifications to the program apply prospectively and retroactively to any individual currently serving a sentence in any facility or institution either operated by the state or utilized under contract.

The DOC must publish a monthly report on its website with the number of individuals who were transferred during the month to home detention as part of the program. The DOC must submit an annual report by December 1 to the appropriate committees of the Legislature with the number of individuals who were transferred to home detention as part of the program during the prior year.

**Appropriation:** None.

**Fiscal Note:** Available.

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