

SENATE BILL REPORT

2SHB 1818

As of February 17, 2022

Title: An act relating to promoting successful reentry and rehabilitation of persons convicted of criminal offenses.

Brief Description: Promoting successful reentry and rehabilitation of persons convicted of criminal offenses.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Simmons, Caldier, Davis, Macri, Peterson, Santos, Wylie and Ormsby).

Brief History: Passed House: 2/12/22, 87-10.

Committee Activity: Human Services, Reentry & Rehabilitation: 2/17/22.

Brief Summary of Bill

- Extends the period for which the Department of Corrections (DOC) may provide rental vouchers from three months to six months.
- Allows DOC to provide rental vouchers to any person releasing from a state correctional facility if a voucher will support the person's release by preventing housing instability or homelessness.
- Requires the Washington State Institute for Public Policy to conduct an outcome evaluation and benefit-cost analysis of the expanded housing voucher program and submit a report by November 1, 2025.
- Repeals fees related to DOC supervision and eliminates the cost of supervision fund.

SENATE COMMITTEE ON HUMAN SERVICES, REENTRY & REHABILITATION

Staff: Kelsey-anne Fung (786-7479)

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

Background: Rental Vouchers. Generally, individuals incarcerated under the jurisdiction of the Washington State Department of Corrections (DOC) may earn early release time for good behavior and good performance. A person who is eligible for earned early release and who will be supervised by DOC after confinement must be transferred to community custody in lieu of earned release time. These individuals must propose a release plan with an approved residence and living arrangement prior to release, and DOC may deny transfer if the release plan violates supervision or sentence conditions, presents a risk to victim or community safety, or places the individual at risk to reoffend or violate sentence conditions. If DOC is unable to approve the release plan, DOC may transfer the person to partial confinement for up to three months and may provide rental vouchers for up to three months if rental assistance will result in an approved release plan.

Vouchers must be provided in conjunction with additional transition support programming or services, including but not limited to, substance abuse treatment, mental health treatment, sex offender treatment, educational programming, or employment programming.

Other Rental Voucher Authority. Within existing resources, DOC is authorized to provide rental vouchers for persons releasing from the Washington Corrections Center for Women (WCCW) and Mission Creek Corrections Center for Women (MCCCW) for up to three months if such assistance will support the person's release into the community. This authority is separate from DOC's authority to provide rental vouchers for those transferring to community custody in lieu of earned release time.

Supervision Fees. *Interstate Compact for Adult Offender Supervision.* The Interstate Compact for Adult Offender Supervision governs the supervision of offenders who move from one state to another. Sending states must notify receiving states and obtain their approval before sending an offender, and receiving states must accept offenders when the reasons for the move are appropriate and supervise the offender for the sending state. DOC is authorized to charge a reasonable fee for processing applications for transfer of supervision out-of-state. The transfer request fee is \$100.

Supervision Intake Fees. When a sentence requires supervision, the person must pay a supervision intake fee to DOC, which is considered payment toward the cost of establishing supervision. DOC may exempt or defer all or partial payment of intake fees based on factors that include, among others, inability to obtain employment, age, student status, and other extenuating circumstances as determined by DOC. If the offense date is before October 1, 2011, the supervision intake fee is a one-time fee based on a calculation of remaining supervision time left to serve, not to exceed \$600. If the offense date is on or after October 1, 2011, DOC must assess a supervision intake fee of \$475 for each judgment and sentence imposed by the court in which supervision by DOC is required. All fees collected by DOC must be deposited in the Cost of Supervision Fund, a dedicated fund in the custody of the state treasurer.

Misdemeanor Probation. When a defendant is convicted of a misdemeanor or gross

misdemeanor, placed on probation, and is supervised by DOC, DOC may collect supervision intake fees.

Parolee Supervision Intake Fees. Persons who committed crimes prior to July 1, 1984, were sentenced to an indeterminate term of incarceration with a maximum prison term. The Indeterminate Sentence Review Board (ISRB) is responsible for determining when the person is fit for release, and the parolee must follow the supervision terms set by the court, DOC, and ISRB and pay a one-time supervision intake fee. DOC may exempt a person from all or partial payment based on specified factors. All collected fees must be deposited in the cost of supervision fund.

Summary of Bill: Rental Vouchers. For persons who will be transferring to community custody in lieu of earned release time, if rental assistance will result in an approved release plan, the period for which DOC may provide rental vouchers is extended from three months to six months.

The separate authority of DOC to issue rental vouchers to persons releasing from WCCW and MCCCW is expanded. DOC may provide rental vouchers for any person releasing from any state correctional facility for up to six months if DOC finds that such assistance will support the person's release into the community by preventing housing instability or homelessness. Language requiring the vouchers be provided within existing resources is removed. While this authority is independent of DOC's authority to provide vouchers to those transferring to community custody, a person may not receive a combined total of rental vouchers in excess of six months for each release from a state correctional facility. DOC must establish policies for prioritizing funds available for housing vouchers for persons at risk of releasing homeless or becoming homeless without assistance while taking into account risk to reoffend.

Subject to appropriations, the Washington State Institute for Public Policy (WSIPP) must conduct an outcome evaluation and benefit-cost analysis of the state's housing voucher program to account for the expansion of the program under the bill. The analysis should take into account impacts on homelessness, recidivism, criminal justice costs, use of public services, and other appropriate factors determined by WSIPP. DOC must cooperate with WSIPP to facilitate access to data or other necessary resources to complete the analysis. WSIPP must submit a final report to the Governor and appropriate committees of the Legislature by November 1, 2025.

Supervision Fees. DOC's authority to charge a fee for processing applications to transfer supervision out-of-state is removed. Any requirement to pay or collect supervision intake fees is repealed. All other statutory references and cross-references to the supervision intake fee are removed. The cost of supervision fund is repealed effective June 30, 2022, and the state treasurer shall transfer all residual funds in the cost of supervision fund to the general fund on June 30, 2022.

Appropriation: The bill contains a null and void clause requiring specific funding be provided in an omnibus appropriation act.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill contains several effective dates. Please refer to the bill.

Staff Summary of Public Testimony: PRO: Rental vouchers give persons releasing from DOC a leg up as they reenter society. Ensuring persons have housing stability when they come out of prison promotes public safety and minimizes the chances they will commit new crimes or return to prison. Reentering is hard to do, and providing up to six months of rental vouchers will allow persons to save up money to buy a car or pay for other things needed to be able to work and turn a job into a career. Housing is critical to success and even six months of rental vouchers may not be enough to overcome the stigma of incarceration. Currently, incarcerated persons have to be transferring into community custody in order to be eligible to receive up to three months of rental vouchers, and this bill expands voucher access by allowing DOC to provide a voucher to any person released from a state correctional facility, regardless of whether the person is required to serve a term of community custody after confinement. This will reduce the number of persons being released homeless.

The bill also removes costs charged to those on community supervision who are already struggling financially. These costs are an impediment to reentry since people are already trying to secure gainful employment and meet other requirements of supervision.

Persons Testifying: PRO: Representative Tarra Simmons, Prime Sponsor; Darrell Pryor; Kelly Olson.

Persons Signed In To Testify But Not Testifying: No one.