

# SENATE BILL REPORT

## SB 5121

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As of January 14, 2021

**Title:** An act relating to expanding eligibility for the graduated reentry program.

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

**Sponsors:** Senators Darneille, Das, Dhingra, Hasegawa, Mullet, Nguyen and Wilson, C.; by request of Department of Corrections.

**Brief History:**

**Committee Activity:** Human Services, Reentry & Rehabilitation: 1/14/21.

**Brief Summary of Bill**

- Expands eligibility for the Graduated Reentry Program by removing the requirement that an incarcerated individual serve at least twelve months in total confinement in a state correctional facility.
- Removes the six-month maximum on an individual's participation in the program.

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### SENATE COMMITTEE ON HUMAN SERVICES, REENTRY & REHABILITATION

**Staff:** Kelsey-anne Fung (786-7479)

**Background:** Graduated Reentry Program. The Graduated Reentry Program at the Washington State Department of Corrections (DOC) was established in law in 2018. According to DOC, the intent of the program is to improve public safety by targeting interventions and programs for incarcerated individuals' successful transition into the community.

The program allows incarcerated individuals to serve up to the last six months of their sentence in the community in partial confinement on electronic home monitoring under the

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*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.*

jurisdiction of DOC. To participate in the program, the incarcerated individual must have served at least 12 months in total confinement at a state correctional facility and the individual must have an approved residence and living arrangement prior to transfer to home detention. DOC administers the program and must find that the program is an appropriate placement for the incarcerated individual and assist the individual's transition from confinement to the community.

While participating in the program, DOC must:

- require the individual be placed on electronic home monitoring;
- require the person to participate in programming and treatment that DOC must assign based on the person's assessed need; and
- assign a community corrections officer who will monitor the person's compliance with conditions of partial confinement and programming requirements.

DOC may issue rental vouchers for up to six months if an approved address cannot be obtained without the assistance of a rental voucher.

A participant in the program may be returned to total confinement by DOC for any reason including, but not limited to, the person's noncompliance with any sentence requirement.

DOC performs a quasi-judicial function by selecting incarcerated individuals to participate in the program and setting, modifying, and enforcing the requirements of the program. DOC is not liable for the acts of participants in the program unless DOC acted with willful and wanton disregard.

Release Prior to Expiration of Sentence. Generally, a person sentenced to DOC custody may not leave the correctional facility or be released prior to the expiration of the sentence unless a statutory exception applies. Partial confinement is one such exception for qualifying incarcerated individuals, and partial confinement refers to work release, home detention, work crew, electronic home monitoring, or a combination of these programs.

Certain incarcerated individuals may not qualify for transfer to partial confinement programs. For instance, individuals serving sentences for offenses with mandatory minimums cannot be released from total confinement prior to serving the minimum prescribed sentence.

**Summary of Bill:** The requirement that an incarcerated individual serve at least twelve months in total confinement in a state correctional facility in order to be eligible to participate in DOC's Graduated Reentry Program is removed. The six-month maximum on length of participation in the program is also removed.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This expands upon the success of an already established program at DOC and gives DOC flexibility to make individualized assessments about the applicability of different forms of supervision, and determine how long a person needs to stay inside prison and how quickly a person can be returned to the community with reentry supports and intensive supervision. This is in line with DOC's mission to improve public safety by positively changing lives and will contribute to people successfully reentering the community. Program participants are required to do programming and treatment based on their individualized assessed needs, and could include mental health services, substance abuse treatment, positive behavioral interventions, classes and life skills, and job training. This allows for connections with education, jobs, family, and community supports to create a seamless transition from DOC to the community. These kinds of structured transition opportunities improve public safety, maintain accountability, and provide rehabilitative services designed to break the cycle of incarcerated and reduce systemic socioeconomic disadvantages.

CON: The bill as drafted leaves out many details and guardrails on how DOC would use its authority to implement the program. The Legislature should provide investments and supports to help individuals with successful reentry, but I would like to see good data on how the existing program is working, whether the supervision provided to participants under this program is effective, and whether community corrections officers are able to provide effective supervision with their current caseloads. Savings from this bill should be statutorily captured and reinvested into productive reentry programs.

**Persons Testifying:** PRO: Senator Jeannie Darneille, Prime Sponsor; Stephen Sinclair, Department of Corrections; Danielle Armbruster, Department of Corrections; Mac Pevey, Department of Corrections; Kehaulani Walker, Families of the Incarcerated.

CON: James McMahan, Washington Association Sheriffs & Police Chiefs; Russell Brown, Washington Association of Prosecuting Attorneys.

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