

# FINAL BILL REPORT

## ESSB 5121

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Synopsis as Enacted

**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).

**Senate Committee on Human Services, Reentry & Rehabilitation**  
**House Committee on Public Safety**  
**House Committee on Appropriations**

**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 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.

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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.*

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:** Two participation tracks are created for persons to be eligible for the Graduated Reentry Program at DOC. For track one, individuals who are not subject to deportation order, civil commitment, or interstate compact for adult offender supervision must serve at least six months in total confinement in a state correctional facility to be eligible to serve up to the final five months of the person's term of confinement in the Graduated Reentry Program. For track two, individuals who are not currently serving a sentence for a sex, violent, or crime against a person offense, and who are not subject to a deportation order or the jurisdiction of the Indeterminate Sentence Review Board, must serve at least 4 months in total confinement at a state correctional facility to be eligible to serve up to the final 18 months of the person's term of confinement in the Graduated Reentry Program.

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

Changes to partial confinement and the Graduated Reentry Program apply prospectively and retroactively to persons currently serving a sentence in any facility or institution either operated by the state or utilized under contract.

**Votes on Final Passage:**

Senate	28	21	
House	57	41	(House amended)
Senate	28	21	(Senate concurred)

**Effective:** July 25, 2021