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**SUBSTITUTE SENATE BILL 5118**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** Senate Human Services, Reentry & Rehabilitation (originally sponsored by Senators Darneille, Das, Hasegawa, Lias, Mullet, Nguyen, Saldaña, and Wilson, C.)

READ FIRST TIME 01/25/21.

1 AN ACT Relating to supporting successful reentry; amending RCW  
2 9.98.010; reenacting and amending RCW 36.70A.200; and adding a new  
3 section to chapter 13.40 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 9.98.010 and 2011 c 336 s 345 are each amended to  
6 read as follows:

7 (1) Whenever a person has entered upon a term of imprisonment in  
8 a penal ~~((or)),~~ correctional, or juvenile rehabilitation institution  
9 of this state, and whenever during the continuance of the term of  
10 imprisonment there is pending in this state any untried indictment,  
11 information, or complaint against the ~~((prisoner))~~ person, he or she  
12 shall be brought to trial within ~~((one hundred twenty))~~ 120 days  
13 after he or she shall have caused to be delivered to the prosecuting  
14 attorney and the ~~((superior))~~ court ~~((of the county))~~ in which the  
15 indictment, information, or complaint is pending written notice of  
16 the place of his or her imprisonment and his or her request for a  
17 final disposition to be made of the indictment, information, or  
18 complaint ~~((: PROVIDED, That for))~~. The following time periods shall  
19 be excluded from the 120-day calculation:

1 (a) Arraignment, pretrial proceedings, trial, and sentencing on  
2 an unrelated charge in a different county than the court where the  
3 charge is pending;

4 (b) Proceedings related to competency to stand trial on the  
5 pending charge, from the entry of an evaluation order to the entry of  
6 a court order finding the person competent to proceed; and

7 (c) Time during which the person is detained in a federal jail or  
8 prison and subject to conditions of release not imposed by the state  
9 of Washington.

10 (2) The superintendent or the superintendent's designee who  
11 provides the certificate under subsection (4) of this section shall  
12 inform any prosecuting attorney or court requesting transportation of  
13 the person to resolve an untried indictment, information, or  
14 complaint of the person's current location and availability for  
15 trial. If the person is unavailable for transportation due to court  
16 proceedings in another county, the superintendent shall inform the  
17 prosecuting attorney or court when the person becomes available for  
18 transportation and provide a new certificate containing the  
19 information under subsection (4) of this section.

20 (3) For good cause shown in open court, with the ((prisoner))  
21 person or his or her counsel ((shall have)) having the right to be  
22 present, the court having jurisdiction of the matter may grant any  
23 necessary or reasonable continuance.

24 (4) The request of the ((prisoner)) person shall be accompanied  
25 by a certificate of the superintendent or the superintendent's  
26 designee having custody of the ((prisoner)) person, stating the term  
27 of commitment under which the ((prisoner)) person is being held, the  
28 time already served, the time remaining to be served on the sentence,  
29 the amount of good time earned, the ((time of parole eligibility))  
30 earned release date of the ((prisoner)) person, and any decisions of  
31 the indeterminate sentence review board relating to the ((prisoner))  
32 person.

33 ((+2)) (5) The written notice and request for final disposition  
34 referred to in subsection (1) of this section shall be given or sent  
35 by the ((prisoner)) person to the superintendent or the  
36 superintendent's designee having custody of him or her, who shall  
37 promptly forward it together with the certificate to the appropriate  
38 prosecuting attorney and superior, district, municipal, or juvenile  
39 court by certified mail, return receipt requested.

1        ~~((3))~~ (6) The superintendent or the superintendent's designee  
2 having custody of the ~~((prisoner))~~ person shall promptly inform him  
3 or her in writing of the source and contents of any untried  
4 indictment, information, or complaint against him or her concerning  
5 which the superintendent or the superintendent's designee has  
6 knowledge and of his or her right to make a request for final  
7 disposition thereof.

8        ~~((4))~~ (7) Escape from custody by the ~~((prisoner))~~ person  
9 subsequent to his or her execution of the request for final  
10 disposition referred to in subsection (1) of this section shall void  
11 the request.

12        **Sec. 2.** RCW 36.70A.200 and 2020 c 128 s 1 and 2020 c 20 s 1027  
13 are each reenacted and amended to read as follows:

14        (1)(a) The comprehensive plan of each county and city that is  
15 planning under RCW 36.70A.040 shall include a process for identifying  
16 and siting essential public facilities. Essential public facilities  
17 include those facilities that are typically difficult to site, such  
18 as airports, state education facilities and state or regional  
19 transportation facilities as defined in RCW 47.06.140, regional  
20 transit authority facilities as defined in RCW 81.112.020, state and  
21 local correctional facilities, solid waste handling facilities, and  
22 inpatient facilities including substance abuse facilities, mental  
23 health facilities, group homes, community facilities as defined in  
24 RCW 72.05.020, and secure community transition facilities as defined  
25 in RCW 71.09.020.

26        (b) Unless a facility is expressly listed in (a) of this  
27 subsection, essential public facilities do not include facilities  
28 that are operated by a private entity in which persons are detained  
29 in custody under process of law pending the outcome of legal  
30 proceedings but are not used for punishment, correction, counseling,  
31 or rehabilitation following the conviction of a criminal offense.  
32 Facilities included under this subsection (1)(b) shall not include  
33 facilities detaining persons under RCW 71.09.020 (6) or (15) or  
34 chapter 10.77 or 71.05 RCW.

35        (2) Each county and city planning under RCW 36.70A.040 shall, not  
36 later than September 1, 2002, establish a process, or amend its  
37 existing process, for identifying and siting essential public  
38 facilities and adopt or amend its development regulations as  
39 necessary to provide for the siting of secure community transition

1 facilities consistent with statutory requirements applicable to these  
2 facilities.

3 (3) Any city or county not planning under RCW 36.70A.040 shall,  
4 not later than September 1, 2002, establish a process for siting  
5 secure community transition facilities and adopt or amend its  
6 development regulations as necessary to provide for the siting of  
7 such facilities consistent with statutory requirements applicable to  
8 these facilities.

9 (4) The office of financial management shall maintain a list of  
10 those essential state public facilities that are required or likely  
11 to be built within the next six years. The office of financial  
12 management may at any time add facilities to the list.

13 (5) No local comprehensive plan or development regulation may  
14 preclude the siting of essential public facilities.

15 (6) No person may bring a cause of action for civil damages based  
16 on the good faith actions of any county or city to provide for the  
17 siting of secure community transition facilities in accordance with  
18 this section and with the requirements of chapter 12, Laws of 2001  
19 2nd sp. sess. For purposes of this subsection, "person" includes, but  
20 is not limited to, any individual, agency as defined in RCW  
21 42.17A.005, corporation, partnership, association, and limited  
22 liability entity.

23 (7) Counties or cities siting facilities pursuant to subsection  
24 (2) or (3) of this section shall comply with RCW 71.09.341.

25 (8) The failure of a county or city to act by the deadlines  
26 established in subsections (2) and (3) of this section is not:

27 (a) A condition that would disqualify the county or city for  
28 grants, loans, or pledges under RCW 43.155.070 or 70A.135.070;

29 (b) A consideration for grants or loans provided under RCW  
30 43.17.250(3); or

31 (c) A basis for any petition under RCW 36.70A.280 or for any  
32 private cause of action.

33 NEW SECTION. **Sec. 3.** A new section is added to chapter 13.40  
34 RCW to read as follows:

35 (1) At least 30 days before release from a residential facility,  
36 the secretary shall send written notice of the planned release to the  
37 person's health care insurance provider. The notice shall include the  
38 person's current location and contact information as well as the  
39 person's expected location and contact information upon release. The

1 notice shall not disclose the person's incarceration status unless  
2 their consent is given.

3 (2) If the person is not enrolled in a health insurance program,  
4 the secretary and the health care authority shall assist the person  
5 in obtaining coverage for which they are eligible in accordance with  
6 the time frames specified in subsection (1) of this section.

7 (3) The secretary may share with the health insurance provider  
8 additional health information related to the person to assist with  
9 care coordination and continuity of care consistent with RCW  
10 70.02.230(2)(u) and other provisions of chapter 70.02 RCW.

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