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SENATE BILL 5118

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State of Washington

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2021 Regular Session

By Senators Darneille, Das, Hasegawa, Lias, Mullet, Nguyen, Saldaña, and Wilson, C.

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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 who provides the certificate under  
11 subsection (4) of this section shall inform any prosecuting attorney  
12 or court requesting transportation of the person to resolve an  
13 untried indictment, information, or complaint of the person's current  
14 location and availability for trial. If the person is unavailable for  
15 transportation due to court proceedings in another county, the  
16 superintendent shall inform the prosecuting attorney or court when  
17 the person becomes available for transportation and provide a new  
18 certificate containing the information under subsection (4) of this  
19 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 having custody of the  
26 ((prisoner)) person, stating the term of commitment under which the  
27 ((prisoner)) person is being held, the time already served, the time  
28 remaining to be served on the sentence, the amount of good time  
29 earned, the ((time of parole eligibility)) earned release date of the  
30 ((prisoner)) person, and any decisions of the indeterminate sentence  
31 review board relating to the ((prisoner)) person.

32 ((+2)) (5) The written notice and request for final disposition  
33 referred to in subsection (1) of this section shall be given or sent  
34 by the ((prisoner)) person to the superintendent having custody of  
35 him or her, who shall promptly forward it together with the  
36 certificate to the appropriate prosecuting attorney and superior,  
37 district, municipal, or juvenile court by certified mail, return  
38 receipt requested.

39 ((+3)) (6) The superintendent having custody of the ((prisoner))  
40 person shall promptly inform him or her in writing of the source and

1 contents of any untried indictment, information, or complaint against  
2 him or her concerning which the superintendent has knowledge and of  
3 his or her right to make a request for final disposition thereof.

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

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

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

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

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

38 (3) Any city or county not planning under RCW 36.70A.040 shall,  
39 not later than September 1, 2002, establish a process for siting

1 secure community transition facilities and adopt or amend its  
2 development regulations as necessary to provide for the siting of  
3 such facilities consistent with statutory requirements applicable to  
4 these facilities.

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

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

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

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

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

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

25 (b) A consideration for grants or loans provided under RCW  
26 43.17.250(3); or

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

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

31 (1) At least 30 days before final release from custody, by  
32 discharge, parole, or other means, the secretary shall send written  
33 notice of the planned release to the person's health care insurance  
34 provider. The notice shall include the person's current location and  
35 contact information as well as the person's expected location and  
36 contact information upon release.

37 (2) If the person is not enrolled in a health insurance program,  
38 the secretary shall assist the person in obtaining coverage for which  
39 they are eligible.

1           (3) The secretary may share with the health insurance provider  
2 additional health information related to the person to assist with  
3 care coordination and continuity of care consistent with RCW  
4 70.02.230(2)(u) and other provisions of chapter 70.02 RCW.

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