AN ACT Relating to expanding eligibility for the graduated reentry program; amending RCW 9.94A.733 and 9.94A.728; and creating a new section.

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

Sec. 1. RCW 9.94A.733 and 2018 c 166 s 1 are each amended to read as follows:

(1) ((No more than the final six months of the offender's term of confinement may be served in partial confinement as home detention as part of the graduated reentry program developed by the department. However, an offender may not participate in the graduated reentry program under this section unless he or she has served at least twelve months in total confinement in a state correctional facility.)) (a) Except as provided in (b) of this subsection, an offender may not participate in the graduated reentry program under this subsection unless he or she has served at least six months in total confinement in a state correctional facility.

(i) An offender subject to (a) of this subsection may serve no more than the final five months of the offender's term of confinement in partial confinement as home detention as part of the graduated reentry program developed by the department.
(ii) Home detention under (a) of this subsection may not be imposed for individuals subject to a deportation order, civil commitment, or the interstate compact for adult offender supervision under RCW 9.94A.745.

(b) For offenders who meet the requirements of (b)(iii) of this subsection, an offender may not participate in the graduated reentry program unless he or she has served at least four months in total confinement in a state correctional facility.

(i) An offender under this subsection (1)(b) may serve the remaining period of the offender's term of confinement in partial confinement as home detention as part of the graduated reentry program developed by the department.

(ii) Home detention under this subsection (1)(b) may not be imposed for individuals subject to a deportation order or subject to the jurisdiction of the indeterminate sentence review board.

(iii) Home detention under this subsection (1)(b) may not be imposed for offenders currently serving a term of confinement for the following offenses:

(A) Any sex offense;
(B) Any violent offense; or
(C) Any crime against a person offense in accordance with the categorization of crimes against persons outlined in RCW 9.94A.411(2).

(2) The secretary of the department may transfer an offender from a department correctional facility to home detention in the community if it is determined that the graduated reentry program is an appropriate placement and must assist the offender's transition from confinement to the community.

(3) The department and its officers, agents, and employees are not liable for the acts of offenders participating in the graduated reentry program unless the department or its officers, agents, and employees acted with willful and wanton disregard.

(4) All offenders placed on home detention as part of the graduated reentry program must provide an approved residence and living arrangement prior to transfer to home detention.

(5) While in the community on home detention as part of the graduated reentry program, the department must:

(a) Require the offender to be placed on electronic home monitoring;
(b) Require the offender to participate in programming and
treatment that the department shall assign based on an offender's
assessed need; and

(c) Assign a community corrections officer who will monitor the
offender's compliance with conditions of partial confinement and
programming requirements.

(6) The department retains the authority to return any offender
serving partial confinement in the graduated reentry program to total
confinement for any reason including, but not limited to, the
offender's noncompliance with any sentence requirement.

(7) The department may issue rental vouchers for a period not to
exceed six months for those transferring to partial confinement under
this section if an approved address cannot be obtained without the
assistance of a voucher.

(8) In the selection of offenders to participate in the graduated
reentry program, and in setting, modifying, and enforcing the
requirements of the graduated ((release [reentry])) reentry program,
the department is deemed to be performing a quasi-judicial function.

(9) The department shall publish a monthly report on its website
with the number of offenders who were transferred during the month to
home detention as part of the graduated reentry program. The
department shall submit an annual report by December 1st to the
appropriate committees of the legislature with the number of
offenders who were transferred to home detention as part of the
graduated reentry program during the prior year.

Sec. 2. RCW 9.94A.728 and 2018 c 166 s 2 are each amended to
read as follows:

(1) No person serving a sentence imposed pursuant to this chapter
and committed to the custody of the department shall leave the
confines of the correctional facility or be released prior to the
expiration of the sentence except as follows:

(a) An offender may earn early release time as authorized by RCW
9.94A.729;

(b) An offender may leave a correctional facility pursuant to an
authorized furlough or leave of absence. In addition, offenders may
leave a correctional facility when in the custody of a corrections
officer or officers;

(c)(i) The secretary may authorize an extraordinary medical
placement for an offender when all of the following conditions exist:
(A) The offender has a medical condition that is serious and is expected to require costly care or treatment;

(B) The offender poses a low risk to the community because he or she is currently physically incapacitated due to age or the medical condition or is expected to be so at the time of release; and

(C) It is expected that granting the extraordinary medical placement will result in a cost savings to the state.

(ii) An offender sentenced to death or to life imprisonment without the possibility of release or parole is not eligible for an extraordinary medical placement.

(iii) The secretary shall require electronic monitoring for all offenders in extraordinary medical placement unless the electronic monitoring equipment interferes with the function of the offender's medical equipment or results in the loss of funding for the offender's medical care, in which case, an alternative type of monitoring shall be utilized. The secretary shall specify who shall provide the monitoring services and the terms under which the monitoring shall be performed.

(iv) The secretary may revoke an extraordinary medical placement under this subsection (1)(c) at any time.

(v) Persistent offenders are not eligible for extraordinary medical placement;

(d) The governor, upon recommendation from the clemency and pardons board, may grant an extraordinary release for reasons of serious health problems, senility, advanced age, extraordinary meritorious acts, or other extraordinary circumstances;

(e) No more than the final twelve months of the offender's term of confinement may be served in partial confinement for aiding the offender with: Finding work as part of the work release program under chapter 72.65 RCW; or reestablishing himself or herself in the community as part of the parenting program in RCW 9.94A.6551. This is in addition to that period of earned early release time that may be exchanged for partial confinement pursuant to RCW 9.94A.729(5)(d);

(f) ((No more than the final six months)) (i) No more than the final five months of the offender's term of confinement may be served in partial confinement as home detention as part of the graduated reentry program developed by the department under RCW 9.94A.733(1)(a);

(ii) For eligible offenders under RCW 9.94A.733(1)(b), after serving at least four months in total confinement in a state
correctional facility, an offender may serve the remaining portion of
the offender's term of confinement in partial confinement as home
detention as part of the graduated reentry program developed by the
department;

(g) The governor may pardon any offender;

(h) The department may release an offender from confinement any
time within ten days before a release date calculated under this
section;

(i) An offender may leave a correctional facility prior to
completion of his or her sentence if the sentence has been reduced as
provided in RCW 9.94A.870;

(j) Notwithstanding any other provisions of this section, an
offender sentenced for a felony crime listed in RCW 9.94A.540 as
subject to a mandatory minimum sentence of total confinement shall
not be released from total confinement before the completion of the
listed mandatory minimum sentence for that felony crime of conviction
unless allowed under RCW 9.94A.540; and

(k) Any person convicted of one or more crimes committed prior to
the person's eighteenth birthday may be released from confinement
pursuant to RCW 9.94A.730.

(2) Offenders residing in a juvenile correctional facility
placement pursuant to RCW 72.01.410(1)(a) are not subject to the
limitations in this section.

NEW SECTION.  Sec. 3. The changes to restrictions on partial
confinement and the graduated reentry program under sections 1 and 2
of this act apply prospectively and retroactively to persons
currently serving a sentence in any facility or institution either
operated by the state or utilized under contract.

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