

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE SENATE BILL 5304

Chapter 243, Laws of 2021

(partial veto)

67th Legislature
2021 Regular Session

RELEASE FROM CONFINEMENT—REENTRY SERVICES

EFFECTIVE DATE: July 25, 2021

Passed by the Senate April 21, 2021
Yeas 49 Nays 0

DENNY HECK

President of the Senate

Passed by the House April 9, 2021
Yeas 74 Nays 23

Laurie Jinkins

**Speaker of the House of
Representatives**

Approved May 10, 2021 3:39 PM with
the exception of section 11, which is
vetoed.

JAY INSLIE

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of
the Senate of the State of
Washington, do hereby certify that
the attached is **ENGROSSED SECOND
SUBSTITUTE SENATE BILL 5304** as
passed by the Senate and the House
of Representatives on the dates
hereon set forth.

BRAD HENDRICKSON

Secretary

FILED

May 10, 2021

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE SENATE BILL 5304

AS AMENDED BY THE HOUSE

Passed Legislature - 2021 Regular Session

State of Washington

67th Legislature

2021 Regular Session

By Senate Ways & Means (originally sponsored by Senators Wilson, C., Dhingra, Darneille, Das, Frockt, Hasegawa, Holy, Lovelett, Nguyen, Rivers, and Wellman)

READ FIRST TIME 02/22/21.

1 AN ACT Relating to providing reentry services to persons
2 releasing from state and local institutions; amending RCW 74.09.670,
3 74.09.555, 9.94.049, 72.09.370, 71.24.470, 71.24.480, 72.09.270, and
4 43.380.020; adding a new section to chapter 71.24 RCW; and creating
5 new sections.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that when
8 considering releasing persons from state and local institutions,
9 realizing the safety of the public is the primary concern. The
10 legislature also finds that the success of persons with behavioral
11 health needs being released from confinement in a prison, jail,
12 juvenile rehabilitation facility, state hospital, and other state and
13 local institutions can be increased with access to continuity of
14 medical assistance, supportive services, and other targeted
15 assistance. The legislature finds that this act provides strategies
16 to prevent interruption of medical assistance benefits and to allow
17 for a seamless transfer between systems of care. The legislature
18 further finds that this act removes stigmatizing language from the
19 program created under RCW 72.09.370 and 71.24.470 and creates a work
20 group to study how to expand the cost-effective strategies of this

1 program to other populations and settings to enhance recovery, reduce
2 recidivism, and improve safety.

3 **Sec. 2.** RCW 74.09.670 and 2016 c 154 s 2 are each amended to
4 read as follows:

5 ~~((The))~~ When the authority receives information that a person
6 enrolled in medical assistance is confined in a setting in which
7 federal financial participation is disallowed by the state's
8 agreements with the federal government, the authority ~~((is directed~~
9 ~~to))~~ shall suspend, rather than terminate, medical assistance
10 benefits ~~((by July 1, 2017,))~~ for these persons, including those who
11 are incarcerated in a correctional institution as defined in RCW
12 9.94.049, or committed to a state hospital or other treatment
13 facility. ~~((This must include the ability for a))~~ A person who is not
14 currently enrolled in medical assistance must be allowed to apply for
15 medical assistance in suspense status during ~~((incarceration))~~
16 confinement, and the ability to apply may not depend upon knowledge
17 of the release or discharge date of the person. ~~((The authority must~~
18 ~~provide a progress report describing program design and a detailed~~
19 ~~fiscal estimate to the governor and relevant committees of the~~
20 ~~legislature by December 1, 2016.))~~

21 **Sec. 3.** RCW 74.09.555 and 2019 c 325 s 4005 are each amended to
22 read as follows:

23 (1) The authority shall adopt rules and policies providing that
24 when persons ~~((with a mental disorder,))~~ who were enrolled in medical
25 assistance immediately prior to confinement, or who become enrolled
26 in medical assistance in suspense status during the period of
27 confinement, are released from confinement, their medical assistance
28 coverage ~~((will))~~ shall be fully reinstated ~~((on the day))~~ no later
29 than at the moment of their release, subject to any expedited review
30 of their continued eligibility for medical assistance coverage that
31 is required under federal or state law. The authority may reinstate
32 medical assistance prior to the day of release provided that no
33 federal funds are expended for any purpose that is not authorized by
34 the state's agreements with the federal government.

35 (2) The authority, in collaboration with the Washington
36 association of sheriffs and police chiefs, the department of
37 corrections, the department of children, youth, and families, managed
38 care organizations, and behavioral health administrative services

1 organizations, shall establish procedures for coordination between
2 the authority and department field offices, institutions for mental
3 disease, and correctional institutions, as defined in RCW 9.94.049,
4 that result in prompt reinstatement of eligibility and speedy
5 eligibility determinations for ~~((persons who are likely to be
6 eligible for))~~ medical assistance services upon release from
7 confinement. Procedures developed under this subsection must address:

8 (a) Mechanisms for receiving medical assistance services
9 applications on behalf of confined persons in anticipation of their
10 release from confinement;

11 (b) Expeditious review of applications filed by or on behalf of
12 confined persons and, to the extent practicable, completion of the
13 review before the person is released;

14 (c) Mechanisms for providing medical assistance services identity
15 cards to persons eligible for medical assistance services
16 ~~((immediately upon))~~ before their release from confinement; ~~((and))~~

17 (d) Coordination with the federal social security administration,
18 through interagency agreements or otherwise, to expedite processing
19 of applications for federal supplemental security income or social
20 security disability benefits, including federal acceptance of
21 applications on behalf of confined persons; and

22 (e) Assuring that notification of the person's release date,
23 current location, and other appropriate information is provided to
24 the person's managed care organization before the person's scheduled
25 release from confinement, or as soon as practicable thereafter.

26 (3) Where medical or psychiatric examinations during a person's
27 confinement indicate that the person is disabled, the correctional
28 institution or institution for mental diseases shall provide the
29 authority with that information for purposes of making medical
30 assistance eligibility and enrollment determinations prior to the
31 person's release from confinement. The authority shall, to the
32 maximum extent permitted by federal law, use the examination in
33 making its determination whether the person is disabled and eligible
34 for medical assistance.

35 (4) For purposes of this section, "confined" or "confinement"
36 means incarcerated in a correctional institution, as defined in RCW
37 9.94.049, or admitted to an institute for mental disease, as defined
38 in 42 C.F.R. part 435, Sec. 1009 on July 24, 2005.

39 ~~((For purposes of this section, "likely to be eligible" means
40 that a person:~~

1 ~~(a) Was enrolled in medicaid or supplemental security income or~~
2 ~~the medical care services program immediately before he or she was~~
3 ~~confined and his or her enrollment was terminated during his or her~~
4 ~~confinement; or~~

5 ~~(b) Was enrolled in medicaid or supplemental security income or~~
6 ~~the medical care services program at any time during the five years~~
7 ~~before his or her confinement, and medical or psychiatric~~
8 ~~examinations during the person's confinement indicate that the person~~
9 ~~continues to be disabled and the disability is likely to last at~~
10 ~~least twelve months following release.~~

11 ~~(6))~~ The economic services administration within the department
12 shall adopt standardized statewide screening and application
13 practices and forms designed to facilitate the application of a
14 confined person (~~who is likely to be eligible~~) for medicaid.

15 NEW SECTION. **Sec. 4.** (1) The health care authority shall apply
16 for a waiver allowing the state to provide medicaid services to
17 persons who are confined in a correctional institution as defined in
18 RCW 9.94.049 or confined in a state hospital or other treatment
19 facility up to 30 days prior to the person's release or discharge to
20 the community. The purpose is to create continuity of care and
21 provide reentry services.

22 (2) The health care authority shall consult with the work group
23 established under section 9 of this act about how to optimize the
24 waiver application and its chance of success, including by limiting
25 its scope if deemed appropriate.

26 (3) The health care authority shall inform the governor and
27 relevant committees of the legislature in writing when the waiver
28 application is submitted and update them as to progress of the waiver
29 at appropriate points.

30 (4) No provision of this section may be interpreted to require
31 the health care authority to provide medicaid services to persons who
32 are confined in a correctional institution, state hospital, or other
33 treatment facility up to 30 days prior to the person's release or
34 discharge unless the health care authority obtains final approval for
35 its waiver application from the centers for medicare and medicaid
36 services.

37 **Sec. 5.** RCW 9.94.049 and 1995 c 314 s 6 are each amended to read
38 as follows:

1 (1) For the purposes of this chapter, the term "correctional
2 institution" means any place designated by law for the keeping of
3 persons held in custody under process of law, or under lawful arrest,
4 including state prisons, county and local jails, juvenile detention
5 centers, and other facilities operated by the department of
6 corrections, department of children, youth, and families, or local
7 governmental units primarily for the purposes of punishment,
8 correction, or rehabilitation following conviction or adjudication of
9 a criminal offense.

10 (2) For the purposes of RCW 9.94.043 and 9.94.045, "state
11 correctional institution" means all state correctional facilities
12 under the supervision of the secretary of the department of
13 corrections used solely for the purpose of confinement of convicted
14 felons.

15 **Sec. 6.** RCW 72.09.370 and 2019 c 325 s 5025 are each amended to
16 read as follows:

17 (1) The ~~((offender))~~ reentry community ~~((safety))~~ services
18 program is established to provide intensive services to ~~((offenders))~~
19 persons identified under this subsection and to thereby promote
20 successful reentry, public safety, and recovery. The secretary shall
21 identify ~~((offenders))~~ persons in confinement or partial confinement
22 who: (a) Are reasonably believed to ~~((be dangerous))~~ present a danger
23 to themselves or others if released to the community without
24 supportive services; and (b) have a mental disorder. In ~~((determining~~
25 ~~an offender's dangerousness))~~ evaluating these criteria, the
26 secretary shall consider behavior known to the department and
27 factors, based on research, that are linked to ~~((an increased))~~ risk
28 ~~((for))~~ of dangerousness ~~((of offenders))~~ for persons with mental
29 illnesses within the criminal justice system and shall include
30 consideration of ~~((an offender's))~~ the person's history of substance
31 use disorder or abuse.

32 (2) Prior to release of ~~((an offender))~~ a person identified under
33 this section, a team consisting of representatives of the department
34 of corrections, the health care authority, and, as necessary, the
35 indeterminate sentence review board, divisions or administrations
36 within the department of social and health services, specifically
37 including the division of developmental disabilities, the appropriate
38 managed care organization ~~((contracted with the health care~~
39 ~~authority, the appropriate))~~ or behavioral health administrative

1 services organization, and ((the)) reentry community services
2 providers, as appropriate, shall develop a plan, as determined
3 necessary by the team, for delivery of treatment and support services
4 to the ((offender)) person upon release. In developing the plan, the
5 ((offender)) person shall be offered assistance in executing a mental
6 health advance directive under chapter 71.32 RCW, after being fully
7 informed of the benefits, scope, and purposes of such directive. The
8 team may include a school district representative for ((offenders))
9 persons under the age of ((~~twenty-one~~)) 21. The team shall consult
10 with the ((offender's)) person's counsel, if any, and, as
11 appropriate, the ((offender's)) person's family and community. The
12 team shall notify the crime victim/witness program, which shall
13 provide notice to all people registered to receive notice under RCW
14 72.09.712 of the proposed release plan developed by the team.
15 Victims, witnesses, and other interested people notified by the
16 department may provide information and comments to the department on
17 potential safety risk to specific individuals or classes of
18 individuals posed by the specific ((offender)) person. The team may
19 recommend: (a) That the ((offender)) person be evaluated by ((the)) a
20 designated crisis responder, as defined in chapter 71.05 RCW; (b)
21 department-supervised community treatment; or (c) voluntary community
22 mental health or substance use disorder or abuse treatment.

23 (3) Prior to release of ((~~an offender~~)) a person identified under
24 this section, the team shall determine whether or not an evaluation
25 by a designated crisis responder is needed. If an evaluation is
26 recommended, the supporting documentation shall be immediately
27 forwarded to the appropriate designated crisis responder. The
28 supporting documentation shall include the ((offender's)) person's
29 criminal history, history of judicially required or administratively
30 ordered involuntary antipsychotic medication while in confinement,
31 and any known history of involuntary civil commitment.

32 (4) If an evaluation by a designated crisis responder is
33 recommended by the team, such evaluation shall occur not more than
34 ten days, nor less than five days, prior to release.

35 (5) A second evaluation by a designated crisis responder shall
36 occur on the day of release if requested by the team, based upon new
37 information or a change in the ((offender's)) person's mental
38 condition, and the initial evaluation did not result in an emergency
39 detention or a summons under chapter 71.05 RCW.

1 (6) If the designated crisis responder determines an emergency
2 detention under chapter 71.05 RCW is necessary, the department shall
3 release the ~~((offender))~~ person only to a state hospital or to a
4 consenting evaluation and treatment facility or secure withdrawal
5 management and stabilization facility. The department shall arrange
6 transportation of the ~~((offender))~~ person to the hospital or
7 facility.

8 (7) If the designated crisis responder believes that a less
9 restrictive alternative treatment is appropriate, he or she shall
10 seek a summons, pursuant to the provisions of chapter 71.05 RCW, to
11 require the ~~((offender))~~ person to appear at an evaluation and
12 treatment facility or secure withdrawal management and stabilization
13 facility. If a summons is issued, the ~~((offender))~~ person shall
14 remain within the corrections facility until completion of his or her
15 term of confinement and be transported, by corrections personnel on
16 the day of completion, directly to the identified ~~((evaluation and~~
17 ~~treatment))~~ facility.

18 (8) The secretary shall adopt rules to implement this section.

19 **Sec. 7.** RCW 71.24.470 and 2019 c 325 s 1030 are each amended to
20 read as follows:

21 (1) The director shall contract, to the extent that funds are
22 appropriated for this purpose, for case management services and such
23 other services as the director deems necessary to assist
24 ~~((offenders))~~ persons identified under RCW 72.09.370 for
25 participation in the ~~((offender))~~ reentry community ~~((safety))~~
26 services program. The contracts may be with any qualified and
27 appropriate entities. The director shall ensure the authority has
28 coverage in all counties of the state for the purposes of providing
29 reentry community services program services.

30 (2) The case manager has the authority to assist these
31 ~~((offenders))~~ persons in obtaining the services, as set forth in the
32 plan created under RCW 72.09.370(2), for up to five years. The
33 services may include coordination of mental health services,
34 assistance with unfunded medical expenses, assistance obtaining
35 substance use disorder treatment, housing, employment services,
36 educational or vocational training, independent living skills,
37 parenting education, anger management services, peer services, and
38 such other services as the case manager deems necessary.

1 (3) The legislature intends that funds appropriated for the
2 purposes of RCW 72.09.370, 71.05.145, and 71.05.212, and this section
3 are to supplement and not to supplant general funding. Funds
4 appropriated to implement RCW 72.09.370, 71.05.145, and 71.05.212,
5 and this section are not to be considered available resources as
6 defined in RCW 71.24.025 and are not subject to the priorities,
7 terms, or conditions in the appropriations act established pursuant
8 to RCW 71.24.035.

9 (4) The ~~((offender))~~ reentry community ~~((safety))~~ services
10 program was formerly known as the community integration assistance
11 program.

12 **Sec. 8.** RCW 71.24.480 and 2019 c 325 s 1031 are each amended to
13 read as follows:

14 (1) A licensed or certified behavioral health agency acting in
15 the course of the ~~((provider's))~~ agency's duties under this
16 chapter~~((, is))~~ and its individual employees are not liable for civil
17 damages resulting from the injury or death of another caused by a
18 participant in the ~~((offender))~~ reentry community ~~((safety))~~ services
19 program who is a client of the ~~((provider or organization))~~ agency,
20 unless the act or omission of the ~~((provider or organization))~~ agency
21 or employee constitutes:

22 (a) Gross negligence;

23 (b) Willful or wanton misconduct; or

24 (c) A breach of the duty to warn of and protect from a client's
25 threatened violent behavior if the client has communicated a serious
26 threat of physical violence against a reasonably ascertainable victim
27 or victims.

28 (2) In addition to any other requirements to report violations,
29 the licensed or certified behavioral health agency shall report ~~((an~~
30 ~~offender's))~~ a reentry community services program participant's
31 expressions of intent to harm or other predatory behavior, regardless
32 of whether there is an ascertainable victim, in progress reports and
33 other established processes that enable courts and supervising
34 entities to assess and address the progress and appropriateness of
35 treatment.

36 (3) A licensed or certified behavioral health agency's mere act
37 of treating a participant in the ~~((offender))~~ reentry community
38 ~~((safety))~~ services program is not negligence. Nothing in this

1 subsection alters the licensed or certified behavioral health
2 agency's normal duty of care with regard to the client.

3 (4) The limited liability provided by this section applies only
4 to the conduct of licensed or certified behavioral health agencies
5 and their employees and does not apply to conduct of the state.

6 (5) For purposes of this section, "participant in the
7 (~~offender~~) reentry community (~~safety~~) services program" means a
8 person who has been identified under RCW 72.09.370 as (~~an offender~~)
9 a person who: (a) Is reasonably believed to (~~be dangerous~~) present
10 a danger to himself or herself or others if released to the community
11 without supportive services; and (b) has a mental disorder.

12 NEW SECTION. Sec. 9. A new section is added to chapter 71.24
13 RCW to read as follows:

14 (1) The authority shall convene a reentry services work group to
15 consider ways to improve reentry services for persons with an
16 identified behavioral health services need. The work group shall:

17 (a) Advise the authority on its waiver application under section
18 4 of this act;

19 (b) Develop a plan to assure notifications of the person's
20 release date, current location, and other appropriate information are
21 provided to the person's managed care organization before the
22 person's scheduled release from confinement, or as soon as
23 practicable thereafter, in accordance with RCW 74.09.555;

24 (c) Consider the value of expanding, replicating, or adapting the
25 essential elements of the reentry community services program under
26 RCW 72.09.370 and 71.24.470 to benefit new populations, such as:

27 (i) A larger group of incarcerated persons in the department of
28 corrections than those who currently have the opportunity to
29 participate;

30 (ii) State hospital patients committed under criminal insanity
31 laws under chapter 10.77 RCW;

32 (iii) Involuntary treatment patients committed under chapter
33 71.05 RCW;

34 (iv) Persons committed to juvenile rehabilitation;

35 (v) Persons confined in jail; and

36 (vi) Other populations recommended by the work group;

37 (d) Consider whether modifications should be made to the reentry
38 community services program;

1 (e) Identify potential costs and savings for the state and local
2 governments which could be realized through the use of telehealth
3 technology to provide behavioral health services, expansion or
4 replication of the reentry community services program, or other
5 reentry programs which are supported by evidence;

6 (f) Consider the sustainability of reentry or diversion services
7 provided by pilot programs funded by contempt fines in *Trueblood, et*
8 *al., v. Washington State DSHS*, No. 15-35462;

9 (g) Recommend a means of funding expanded reentry services; and

10 (h) Consider incorporation of peer services into the reentry
11 community services programs.

12 (2) (a) In addition, the authority shall convene a subcommittee of
13 the work group consisting of a representative of the authority, one
14 representative of each managed care organization contracted with the
15 authority under chapter 74.09 RCW, representatives of the Washington
16 association of sheriffs and police chiefs, representatives of jails,
17 and other members that the work group determines are appropriate to
18 inform the tasks of the work group.

19 (b) The subcommittee must:

20 (i) Determine and make progress toward implementing a process for
21 transmitting real-time location information related to incarcerated
22 individuals to the managed care organization in which the individual
23 is enrolled;

24 (ii) Develop a process to transmit patient health information
25 between jails and managed care organizations to ensure high quality
26 health care for incarcerated individuals enrolled in a managed care
27 organization; and

28 (iii) Improve collaboration between the authority, the managed
29 care organizations, and the jails as it pertains to care coordination
30 both when an individual enters custody and upon release.

31 (c) The subcommittee must submit an initial report to the
32 relevant committees of the legislature by December 1, 2021, and a
33 final report by December 1, 2022. The reports shall evaluate the
34 progress of managed care organizations with respect to meeting their
35 contractual obligations regarding clinical coordination when an
36 individual enters custody as well as care coordination and connection
37 to reentry services upon release, including any corrective action
38 taken by the authority against a managed care organization related to
39 noncompliance. The reports shall also identify any barriers to

1 effective care coordination for individuals in jail and
2 recommendations to overcome those barriers.

3 (3) The authority shall invite participation in the work group by
4 stakeholders including but not limited to representatives from:
5 Disability rights Washington; behavioral health advocacy
6 organizations; behavioral health peers; reentry community services
7 providers; community behavioral health agencies; advocates for
8 persons with developmental disabilities; the department of
9 corrections; the department of children, youth, and families; the
10 Washington association of sheriffs and police chiefs; prosecutors;
11 defense attorneys; the Washington state association of counties; King
12 county behavioral health and recovery division; the department of
13 social and health services; state hospital employees who serve
14 patients committed under chapters 10.77 and 71.05 RCW; the public
15 safety review panel under RCW 10.77.270; managed care organizations;
16 behavioral health administrative services organizations; jail
17 administrators; the Washington statewide reentry council; the
18 Washington state senate; the Washington state house of
19 representatives; and the Washington state institute for public
20 policy.

21 (4) The work group must provide a progress report to the governor
22 and appropriate committees of the legislature by July 1, 2022, and a
23 final report by December 1, 2023.

24 NEW SECTION. **Sec. 10.** The Washington state institute for public
25 policy shall update its previous evaluations of the reentry community
26 services program under RCW 72.09.370 and 71.24.470, and broaden its
27 cost-benefit analysis to include impacts on the use of public
28 services, and other factors. The institute shall collaborate with the
29 work group established under section 9 of this act to determine
30 research parameters and help the work group answer additional
31 research questions including, but not limited to, the potential cost,
32 benefit, and risks involved in expanding or replicating the reentry
33 community services program; and what modifications to the program are
34 most likely to prove advantageous based on the current state of
35 knowledge about evidence-based, research-based, and promising
36 programs. The department of corrections, health care authority,
37 administrative office of the courts, King county, and department of
38 social and health services must cooperate with the institute to
39 facilitate access to data or other resources necessary to complete

1 this work. The institute must provide a preliminary report by July 1,
2 2022, and a final report by November 1, 2023, to the governor and
3 relevant committees of the legislature.

4 ***Sec. 11. RCW 72.09.270 and 2008 c 231 s 48 are each amended to**
5 **read as follows:**

6 (1) **The department of corrections shall develop an individual**
7 **reentry plan as defined in RCW 72.09.015 for every ((offender))**
8 **person who is committed to the jurisdiction of the department except:**

9 (a) **((Offenders)) Persons who are sentenced to life without the**
10 **possibility of release or sentenced to death under chapter 10.95 RCW;**
11 **and**

12 (b) **((Offenders)) Persons who are subject to the provisions of 8**
13 **U.S.C. Sec. 1227.**

14 (2) **The individual reentry plan may be one document, or may be a**
15 **series of individual plans that combine to meet the requirements of**
16 **this section.**

17 (3) **In developing individual reentry plans, the department shall**
18 **assess all ((offenders)) persons using standardized and comprehensive**
19 **tools to identify the criminogenic risks, programmatic needs, and**
20 **educational and vocational skill levels for each ((offender)) person.**
21 **The assessment tool should take into account demographic biases, such**
22 **as culture, age, and gender, as well as the needs of the ((offender))**
23 **person, including any learning disabilities, substance abuse or**
24 **mental health issues, and social or behavior deficits.**

25 (4) (a) **The initial assessment shall be conducted as early as**
26 **sentencing, but, whenever possible, no later than ((forty-five)) 45**
27 **days of being sentenced to the jurisdiction of the department of**
28 **corrections.**

29 (b) **The ((offender's)) person's individual reentry plan shall be**
30 **developed as soon as possible after the initial assessment is**
31 **conducted, but, whenever possible, no later than ((sixty)) 60 days**
32 **after completion of the assessment, and shall be periodically**
33 **reviewed and updated as appropriate.**

34 (5) **The individual reentry plan shall, at a minimum, include:**

35 (a) **A plan to maintain contact with the inmate's children and**
36 **family, if appropriate. The plan should determine whether parenting**
37 **classes, or other services, are appropriate to facilitate successful**
38 **reunification with the ((offender's)) person's children and family;**

1 (b) An individualized portfolio for each ((offender)) person that
2 includes the ((offender's)) person's education achievements,
3 certifications, employment, work experience, skills, and any training
4 received prior to and during incarceration; and

5 (c) A plan for the ((offender)) person during the period of
6 incarceration through reentry into the community that addresses the
7 needs of the ((offender)) person including education, employment,
8 substance abuse treatment, mental health treatment, family
9 reunification, and other areas which are needed to facilitate a
10 successful reintegration into the community.

11 (6) (a) Prior to discharge of any ((offender)) person, the
12 department shall:

13 (i) Evaluate the ((offender's)) person's needs and, to the extent
14 possible, connect the ((offender)) person with existing services and
15 resources that meet those needs; and

16 (ii) Connect the ((offender)) person with a community justice
17 center and/or community transition coordination network in the area
18 in which the ((offender)) person will be residing once released from
19 the correctional system if one exists.

20 (b) If the department recommends partial confinement in ((an
21 offender's)) a person's individual reentry plan, the department shall
22 maximize the period of partial confinement for the ((offender))
23 person as allowed pursuant to RCW 9.94A.728 to facilitate the
24 ((offender's)) person's transition to the community.

25 (7) The department shall establish mechanisms for sharing
26 information from individual reentry plans to those persons involved
27 with the ((offender's)) person's treatment, programming, and reentry,
28 when deemed appropriate. When feasible, this information shall be
29 shared electronically.

30 (8) (a) In determining the county of discharge for ((an-offender))
31 a person released to community custody, the department may ((not))
32 approve a residence location that is not in the ((offender's))
33 person's county of origin ~~((unless it is determined by the))~~ if the
34 department determines that the ~~((offender's return to his or her~~
35 ~~county of origin would be inappropriate considering))~~ residence
36 location would be appropriate based on any court-ordered condition of
37 the ((offender's)) person's sentence, victim safety concerns,
38 ~~((negative influences on the offender in the community, or the))~~ and
39 factors that increase opportunities for successful reentry and long-
40 term support including, but not limited to, location of family or

1 other sponsoring persons or organizations that will support the
2 ((offender)) person, availability of appropriate programming or
3 treatment, and access to housing, employment, and prosocial
4 influences on the person in the community.

5 (b) In implementing the provisions of this subsection, the
6 department shall approve residence locations in a manner that will
7 not cause any one county to be disproportionately impacted.

8 (c) If the ((offender)) person is not returned to his or her
9 county of origin, the department shall provide the law and justice
10 council of the county in which the ((offender)) person is placed with
11 a written explanation.

12 ~~((e))~~ (d) (i) For purposes of this section, except as provided
13 in (d) (ii) of this subsection, the ((offender's)) person's county of
14 origin means the county of the ((offender's)) person's residence at
15 the time of the person's first felony conviction in Washington state.

16 (ii) If the person is a homeless person as defined in RCW
17 43.185C.010, or the person's residence is unknown, then the person's
18 county of origin means the county of the person's first felony
19 conviction in Washington state.

20 (9) Nothing in this section creates a vested right in
21 programming, education, or other services.

*Sec. 11 was vetoed. See message at end of chapter.

22 **Sec. 12.** RCW 43.380.020 and 2019 c 415 s 976 are each amended to
23 read as follows:

24 (1) Subject to the availability of amounts appropriated for this
25 specific purpose, the Washington statewide reentry council is created
26 and located within the department for the purpose of promoting
27 successful reentry of offenders after incarceration.

28 (2) Through the executive director that may be appointed by the
29 council, the department shall administer the council by:

30 (a) Providing the council and its executive director use of the
31 department's facilities; and

32 (b) Managing grants and other funds received, used, and disbursed
33 by the council.

34 ~~((3) Except during the 2019-2021 fiscal biennium, the department~~
35 ~~may not designate additional full-time staff to the administration of~~
36 ~~the council beyond the executive director.))~~

Passed by the Senate April 21, 2021.

Passed by the House April 9, 2021.

Approved by the Governor May 10, 2021, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State May 10, 2021.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Section 11, Engrossed Second Substitute Senate Bill No. 5304 entitled:

"AN ACT Relating to providing reentry services to persons releasing from state and local institutions."

Section 11 of E2SSB 5304 amends RCW 72.09.270 as it pertains to county of origin for individuals releasing from total confinement in the Department of Corrections. I support the policy changes made to this section, but some of these changes conflict with another bill that amends the same statute. Specifically, this bill changes the word "offender" to "person" in RCW 72.09.270, whereas E2SHB 1044 changes the word "offender" to "incarcerated individual" in the same statute. At the request of the prime sponsor, I am vetoing this section to remove the conflict.

For these reasons I have vetoed Section 11 of Engrossed Second Substitute Senate Bill No. 5304.

With the exception of Section 11, Engrossed Second Substitute Senate Bill No. 5304 is approved."

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