

HOUSE BILL REPORT

SB 5938

As Passed House:

March 1, 2024

Title: An act relating to modifying the community parenting alternative for eligible participants in the residential parenting program at the department of corrections.

Brief Description: Modifying the community parenting alternative for eligible participants in the residential parenting program at the department of corrections.

Sponsors: Senators Wilson, C., Lovelett, Frame, Hasegawa, Kuderer, Nguyen, Nobles and Wellman.

Brief History:

Committee Activity:

Community Safety, Justice, & Reentry: 2/19/24, 2/20/24 [DP].

Floor Activity:

Passed House: 3/1/24, 96-0.

Brief Summary of Bill

- Allows a person participating in the Residential Parenting Program at the Department of Corrections to serve up to the final 18 months of the person's term of confinement in partial confinement.

HOUSE COMMITTEE ON COMMUNITY SAFETY, JUSTICE, & REENTRY

Majority Report: Do pass. Signed by 9 members: Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis, Farivar, Fosse, Graham and Ramos.

Staff: Lena Langer (786-7192).

Background:

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.

Under certain circumstances, persons with minor children who have been convicted of a nonviolent, non-sex offense can receive intensive supervision as alternatives to incarceration. In 2010 the Legislature created the following two parenting alternatives:

- the Parenting Sentencing Alternative (PSA), authorizing the court to waive a sentence within the standard sentence range and impose 12 months of community custody along with conditions for treatment and programming; and
- the Community Parenting Alternative (CPA), allowing the Department of Corrections (DOC) to transfer an incarcerated person to home detention for up to the final 12 months of the person's term of confinement.

Community Parenting Alternative.

The CPA is a partial confinement program that allows a person to reside in the community on home detention. To be eligible for the CPA, the person must:

- not have a current conviction for a felony that is classified as a sex offense or serious violent offense;
- not have a current conviction for a violent offense, or where the person has a current conviction for a violent offense, not have been determined to be a high risk to reoffend;
- be a parent with guardianship or legal custody of a minor child; an expectant parent; or a biological parent, adoptive parent, custodian, or stepparent with a proven, established, ongoing, and substantial relationship with a minor child that existed at the time of the offense;
- be subject to a sentence range with a high end of greater than one year;
- sign a release of information waiver regarding current or prior child welfare involvement; and
- have it be determined by the DOC that the person's participation in the parenting program is in the best interests of the child.

A person must provide an approved residence and living arrangement prior to transfer to home detention. While on home detention, the person must be placed on electronic home monitoring and participate in programming and treatment. The DOC must assign a community corrections officer to monitor the person and collaborate and communicate with a social worker if the person has an open child welfare case with the Department of Children, Youth, and Families. If the person does not comply with any sentence requirements, the DOC may terminate participation and return the person to total confinement to serve the remaining portion of the sentence.

Residential Parenting Program.

The Residential Parenting Program (RPP) at the Washington Corrections Center for Women (WCCW) allows minimum security incarcerated persons with sentences of 30 months or less, who are pregnant upon arrival at the WCCW, to keep their newborns with them after giving birth. The RPP began in August 1999 through a partnership with the Puget Sound Education Service District Early Head Start. The on-site, licensed Early Head Start learning center at WCCW provides infant and toddler care while the mothers participate in

requirements including work, education, or training. To participate in the program, the incarcerated mother must be eligible for work release into the community before the child reaches 30 months old.

Graduated Reentry.

The Graduated Reentry Program (GRE) is a partial confinement program that allows incarcerated persons to serve part of their sentence on home detention in the community. There are two tracks with different eligibility requirements, minimum total confinement times, and maximum lengths of participation.

For track one, a person who is not subject to deportation order, civil commitment, or interstate compact for adult 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 a GRE. For track two, a person who is not currently serving a sentence for a sex, violent, or crime against a person offense, and who is not subject to a deportation order or the jurisdiction of the Indeterminate Sentence Review Board, must serve at least four 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 a GRE.

The GRE must be an appropriate placement for the incarcerated person. The person must have an approved residence and living arrangement prior to transfer to home detention, and may be eligible to receive a rental voucher for up to six months. Graduated Reentry Program participants must be placed on electronic home monitoring, participate in programming and treatment, and be monitored by a community corrections officer.

Summary of Bill:

The "Residential Parenting Program" is defined as a correctional nursery program administered by the DOC that allows pregnant, minimum security incarcerated persons that meet eligibility criteria to keep their newborn children with them after giving birth in a designated unit and receive support and education in alliance with skilled early childhood educators.

An incarcerated person not sentenced under the PSA, but otherwise eligible under the CPA, who is participating in the RPP, may serve up to the final 18 months of the person's term of confinement in partial confinement as home detention.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The RPP allows pregnant incarcerated individuals to keep their babies with them after giving birth. The RPP gives mothers the chance to bond with their children and assists with the children's and parents' development. The bill modifies the length of home detention for participants in the RPP to 18 months at the end of their confinement sentence. The RPP at the WCCW is important to ensure that the women and babies who are at the facility are getting the support that they need. The reentry program through the RPP has a different timeline than other correctional reentry programs. Women have sometimes chosen not to participate in the RPP because of the timelines of other programs. The RPP is important because it provides numerous services and supports. Making the timeline of partial confinement of the RPP consistent with other programs will encourage participation in the RPP. This will extend the program's benefits for parents and their children. This bill does not open up the floodgates to persons not involved in the RPP.

(Opposed) None.

Persons Testifying: Senator Claire Wilson, prime sponsor; and Mac Pevey, Washington State Department of Corrections.

Persons Signed In To Testify But Not Testifying: None.