
SECOND SUBSTITUTE SENATE BILL 5134

State of Washington

68th Legislature

2023 Regular Session

By Senate Ways & Means (originally sponsored by Senators C. Wilson, Dhingra, Frame, Hasegawa, Kuderer, Nguyen, Nobles, Randall, Saldaña, and Wellman)

READ FIRST TIME 02/24/23.

1 AN ACT Relating to reentry services and supports; amending RCW
2 72.02.100 and 72.09.270; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that successful
5 rehabilitation and reentry has a positive impact on reduced
6 recidivism rates and increased community safety. The legislature
7 further finds that the success of individuals releasing from
8 confinement in correctional institutions can be increased through
9 access to supportive services, medical assistance, and other
10 necessities. The legislature recognizes that the mortality rate in
11 the first 72 hours following release from confinement is on average
12 18 times higher than the general population. The legislature further
13 finds that access to basic human needs like food, medication,
14 clothing, transportation, and shelter are necessary supports for most
15 individuals exiting confinement. Therefore, the legislature resolves
16 to enhance recovery, reduce recidivism, and improve public safety by
17 providing increased access to supportive services and assistance
18 following release from confinement.

19 **Sec. 2.** RCW 72.02.100 and 2022 c 29 s 2 are each amended to read
20 as follows:

1 (1) Any person serving a sentence for a term of confinement in a
2 state correctional facility for convicted felons, pursuant to court
3 commitment, who is thereafter released upon an order of parole of the
4 indeterminate sentence review board, or who is discharged from
5 custody upon expiration of sentence, or who is ordered discharged
6 from custody by a court of appropriate jurisdiction, shall be
7 entitled to retain his or her earnings from labor or employment while
8 in confinement and shall be supplied by the superintendent of the
9 state correctional facility with suitable and presentable clothing,
10 the sum of no less than \$40 for subsistence, and transportation by
11 the least expensive method of public transportation not to exceed the
12 cost of \$100 to his or her place of residence or the place designated
13 in his or her parole plan, or to the place from which committed if
14 such person is being discharged on expiration of sentence, or
15 discharged from custody by a court of appropriate jurisdiction:
16 PROVIDED, That up to (~~60 additional dollars~~) an additional \$60 may
17 be made available to the parolee for necessary personal and living
18 expenses upon application to and approval by such person's community
19 corrections officer. If in the opinion of the superintendent suitable
20 arrangements have been made to provide the person to be released with
21 suitable clothing and/or the expenses of transportation, the
22 superintendent may consent to such arrangement. If the superintendent
23 has reasonable cause to believe that the person to be released has
24 ample funds, with the exception of earnings from labor or employment
25 while in confinement, to assume the expenses of clothing,
26 transportation, or the expenses for which payments made pursuant to
27 this section or RCW 72.02.110 or any one or more of such expenses,
28 the person released shall be required to assume such expenses.

29 (2) (a) The department of corrections may provide temporary
30 housing assistance for a person being released from any state
31 correctional facility through the use of rental vouchers, for a
32 period not to exceed six months, if the department finds that such
33 assistance will support the person's release into the community by
34 preventing housing instability or homelessness. The department's
35 authority to provide vouchers under this section is independent of
36 its authority under RCW 9.94A.729; however, a person may not receive
37 a combined total of rental vouchers in excess of six months for each
38 release from a state correctional facility.

39 (b) The department shall establish policies for prioritizing
40 funds available for housing vouchers under this section for persons

1 at risk of releasing homeless or becoming homeless without assistance
2 while taking into account risk to reoffend.

3 **Sec. 3.** RCW 72.09.270 and 2021 c 200 s 3 are each amended to
4 read as follows:

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

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

12 (b) Incarcerated individuals who are subject to the provisions of
13 8 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 incarcerated individuals using standardized and
19 comprehensive tools to identify the criminogenic risks, programmatic
20 needs, and educational and vocational skill levels for each
21 incarcerated individual. The assessment tool should take into account
22 demographic biases, such as culture, age, and gender, as well as the
23 needs of the incarcerated individual, including any learning
24 disabilities, substance abuse or mental health issues, and social or
25 behavior challenges.

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

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

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

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

1 (b) An individualized portfolio for each incarcerated individual
2 that includes the incarcerated individual'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 incarcerated individual during the period of
6 incarceration through reentry into the community that addresses the
7 needs of the incarcerated individual 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~~) Within one year prior to the release or
12 discharge of any incarcerated individual, the department shall
13 develop an individual discharge plan and provide reentry linkage case
14 management services as follows:

15 (i) Evaluate the incarcerated individual's behavioral health and
16 physical health needs and, to the extent possible, connect the
17 incarcerated individual with (~~existing services and resources that~~
18 ~~meet those needs~~) relevant services, treatment programs, medication-
19 assisted treatment, tribal and urban health clinics, and behavioral
20 health services, and other resources based on the individual's
21 evaluated needs;

22 (ii) Assist the incarcerated individual with obtaining
23 identification upon release;

24 (iii) Assist the incarcerated individual with submitting
25 applications for applicable state and federal government assistance
26 and benefits programs on behalf of the incarcerated individual;

27 (iv) Prepare a 90-day supply of any necessary prescribed
28 medications to be provided upon release, through a combination of a
29 30-day supply of in-hand medications and 60-day supply of
30 prescriptions, to ensure continuity of care and that medications are
31 readily available for the incarcerated individual upon release; and

32 (~~(iii)~~) (v) Connect the incarcerated individual with a community
33 justice center and/or community transition coordination network in
34 the area in which the incarcerated individual will be residing once
35 released from the correctional system if one exists.

36 (b) If the department recommends partial confinement in an
37 incarcerated individual's individual reentry plan, the department
38 shall maximize the period of partial confinement for the incarcerated
39 individual as allowed pursuant to RCW 9.94A.728 to facilitate the
40 incarcerated individual's transition to the community.

1 (7) The department shall establish mechanisms for sharing
2 information from individual reentry plans to those persons involved
3 with the incarcerated individual's treatment, programming, and
4 reentry, when deemed appropriate. When feasible, this information
5 shall be shared electronically.

6 (8)(a) In determining the county of discharge for an incarcerated
7 individual released to community custody, the department may approve
8 a residence location that is not in the incarcerated individual's
9 county of origin if the department determines that the residence
10 location would be appropriate based on any court-ordered condition of
11 the incarcerated individual's sentence, victim safety concerns, and
12 factors that increase opportunities for successful reentry and long-
13 term support including, but not limited to, location of family or
14 other sponsoring persons or organizations that will support the
15 incarcerated individual, ability to complete an educational program
16 that the incarcerated individual is enrolled in, availability of
17 appropriate programming or treatment, and access to housing,
18 employment, and prosocial influences on the person in the community.

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

22 (c) If the incarcerated individual is not returned to his or her
23 county of origin, the department shall provide the law and justice
24 council of the county in which the incarcerated individual is placed
25 with a written explanation.

26 (d)(i) For purposes of this section, except as provided in
27 (d)(ii) of this subsection, the incarcerated individual's county of
28 origin means the county of the incarcerated individual's residence at
29 the time of the incarcerated individual's first felony conviction in
30 Washington state.

31 (ii) If the incarcerated individual is a homeless person as
32 defined in RCW 43.185C.010, or the incarcerated individual's
33 residence is unknown, then the incarcerated individual's county of
34 origin means the county of the incarcerated individual's first felony
35 conviction in Washington state.

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

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