

CERTIFICATION OF ENROLLMENT  
**SECOND SUBSTITUTE SENATE BILL 5134**

68th Legislature  
2023 Regular Session

Passed by the Senate March 6, 2023  
Yeas 37 Nays 12

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**President of the Senate**

Passed by the House April 19, 2023  
Yeas 63 Nays 35

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**Speaker of the House of  
Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE SENATE BILL 5134** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**SECOND SUBSTITUTE SENATE BILL 5134**

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Passed Legislature - 2023 Regular Session

**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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