

CERTIFICATION OF ENROLLMENT

SENATE BILL 5938

68th Legislature
2024 Regular Session

Passed by the Senate February 9, 2024
Yeas 49 Nays 0

President of the Senate

Passed by the House March 1, 2024
Yeas 96 Nays 0

**Speaker of the House of
Representatives**

Approved

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 **SENATE BILL 5938** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 5938

Passed Legislature - 2024 Regular Session

State of Washington

68th Legislature

2024 Regular Session

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

Prefiled 01/02/24. Read first time 01/08/24. Referred to Committee on Human Services.

1 AN ACT Relating to modifying the community parenting alternative
2 for eligible participants in the residential parenting program at the
3 department of corrections; and amending RCW 9.94A.6551.

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

5 **Sec. 1.** RCW 9.94A.6551 and 2020 c 137 s 3 are each amended to
6 read as follows:

7 ~~((For))~~ (1) (a) Except as provided in (b) of this subsection, for
8 an ((offender)) incarcerated individual not sentenced under RCW
9 9.94A.655, but otherwise eligible under this section, no more than
10 the final ((twelve)) 12 months of the ((offender's)) incarcerated
11 individual's term of confinement may be served in partial confinement
12 as home detention as part of the parenting program developed by the
13 department.

14 ~~((1))~~ (b) For an incarcerated individual not sentenced under
15 RCW 9.94A.655, but otherwise eligible under this section, who is
16 participating in the residential parenting program at the department,
17 no more than the final 18 months of the incarcerated individual's
18 term of confinement may be served in partial confinement as home
19 detention as part of the parenting program developed by the
20 department.

1 (2) The secretary may transfer an (~~offender~~) incarcerated
2 individual from a correctional facility to home detention in the
3 community if it is determined that the parenting program is an
4 appropriate placement and when all of the following conditions exist:

5 (a) The (~~offender~~) incarcerated individual is serving a
6 sentence in which the high end of the range is greater than one year;

7 (b) The (~~offender~~) incarcerated individual has no current
8 conviction for a felony that is classified as a sex offense or a
9 serious violent offense;

10 (c) The (~~offender~~) incarcerated individual has no current
11 conviction for a violent offense, or where the (~~offender~~)
12 incarcerated individual has a current conviction for a violent
13 offense, he or she has not been determined to be a high risk to
14 reoffend;

15 (d) The (~~offender~~) incarcerated individual signs any release of
16 information waivers required to allow information regarding current
17 or prior child welfare cases to be shared with the department and the
18 court;

19 (e) The (~~offender~~) incarcerated individual is:

20 (i) A parent with guardianship or legal custody of a minor child;

21 (ii) An expectant parent; or

22 (iii) A biological parent, adoptive parent, custodian, or
23 stepparent with a proven, established, ongoing, and substantial
24 relationship with a minor child that existed at the time of the
25 offense; and

26 (f) The department determines that the (~~offender's~~)
27 incarcerated individual's participation in the parenting program is
28 in the best interests of the child. Nothing in this section provides
29 the department with authority to determine placement of a minor
30 child.

31 (~~(2)~~) (3) Except for sex offenses and serious violent offenses,
32 prior juvenile adjudications are not considered offenses when
33 considering eligibility for the parenting program developed by the
34 department.

35 (~~(3)~~) (4) When the department is considering partial
36 confinement as part of the parenting program for an (~~offender~~)
37 incarcerated individual, the department shall inquire of the
38 individual and the department of children, youth, and families
39 whether the agency has an open child welfare case or prior

1 substantiated referral for abuse or neglect involving the
2 ((~~offender~~)) incarcerated individual.

3 ((~~(4)~~)) (5) If the department of children, youth, and families or
4 a tribal jurisdiction has an open child welfare case, the department
5 will seek input from the department of children, youth, and families
6 or the involved tribal jurisdiction as to: (a) The status of the
7 child welfare case; and (b) recommendations regarding placement of
8 the ((~~offender~~)) incarcerated individual, services agreed to by the
9 ((~~offender~~)) incarcerated individual working voluntarily with the
10 department, or services ordered by the court within the
11 ((~~offender's~~)) incarcerated individual's child welfare case. The
12 department and its officers, agents, and employees are not liable for
13 the acts of ((~~offenders~~)) incarcerated individuals participating in
14 the parenting program unless the department or its officers, agents,
15 and employees acted with willful and wanton disregard.

16 ((~~(5)~~)) (6) All ((~~offenders~~)) incarcerated individuals placed on
17 home detention as part of the parenting program shall provide an
18 approved residence and living arrangement prior to transfer to home
19 detention.

20 ((~~(6)~~)) (7) While in the community on home detention as part of
21 the parenting program, the department shall:

22 (a) Require the ((~~offender~~)) individual to be placed on
23 electronic home monitoring;

24 (b) Require the ((~~offender~~)) individual to participate in
25 programming and treatment that the department determines is needed
26 after consideration of the ((~~offender's~~)) individual's stated needs;

27 (c) Assign a community corrections officer who will monitor the
28 ((~~offender's~~)) individual's compliance with conditions of partial
29 confinement and programming requirements; and

30 (d) If the ((~~offender~~)) individual has an open child welfare case
31 with the department of children, youth, and families, collaborate and
32 communicate with the identified social worker in the provision of
33 services.

34 ((~~(7)~~)) (8) The department has the authority to return any
35 ((~~offender~~)) incarcerated individual serving partial confinement in
36 the parenting program to total confinement if the ((~~offender~~))
37 individual is not complying with sentence requirements.

38 ((~~(8)~~)) (9) For the purposes of this section:

1 (a) "Expectant parent" means a pregnant or other parent awaiting
2 the birth of his or her child, or an adoptive parent or person in the
3 process of a final adoption.
4 (b) "Minor child" means a child under the age of eighteen.
5 (c) "Residential parenting program" means a correctional nursery
6 program administered by the department that allows pregnant, minimum
7 security incarcerated individuals that meet eligibility criteria
8 established by the department to keep their newborn children with
9 them after giving birth in a designated unit and receive support and
10 education in alliance with skilled early childhood educators.

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