

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE SENATE BILL 5134

Chapter 467, Laws of 2023
(partial veto)

68th Legislature
2023 Regular Session

DEPARTMENT OF CORRECTIONS—RELEASE FROM CONFINEMENT—MONEY FOR
SUBSISTENCE

EFFECTIVE DATE: July 23, 2023

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

DENNY HECK

President of the Senate

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

LAURIE JINKINS

**Speaker of the House of
Representatives**

Approved May 15, 2023 3:16 PM with
the exception of sections 1 and 3,
which are vetoed.

JAY INSLEE

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.

SARAH BANNISTER

Secretary

FILED

May 16, 2023

**Secretary of State
State of Washington**

SECOND SUBSTITUTE SENATE BILL 5134

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.*

**Sec. 1 was vetoed. See message at end of chapter.*

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

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

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

1 (b) The department shall establish policies for prioritizing
2 funds available for housing vouchers under this section for persons
3 at risk of releasing homeless or becoming homeless without assistance
4 while taking into account risk to reoffend.

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

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

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

14 (b) **Incarcerated individuals who are subject to the provisions of**
15 **8 U.S.C. Sec. 1227.**

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

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

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

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

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

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

1 facilitate successful reunification with the incarcerated
2 individual's children and family;

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

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

13 (6) (a) (~~Prior to~~) Within one year prior to the release or
14 discharge of any incarcerated individual, the department shall
15 develop an individual discharge plan and provide reentry linkage case
16 management services as follows:

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

24 (ii) Assist the incarcerated individual with obtaining
25 identification upon release;

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

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

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

38 (b) If the department recommends partial confinement in an
39 incarcerated individual's individual reentry plan, the department
40 shall maximize the period of partial confinement for the incarcerated

1 individual as allowed pursuant to RCW 9.94A.728 to facilitate the
2 incarcerated individual's transition to the community.

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

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

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

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

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

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

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

*Sec. 3 was vetoed. See message at end of chapter.

Passed by the Senate March 6, 2023.
Passed by the House April 19, 2023.
Approved by the Governor May 15, 2023, with the exception of
certain items that were vetoed.
Filed in Office of Secretary of State May 16, 2023.

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

"I am returning herewith, without my approval as to Sections 1 and 3,
Second Substitute Senate Bill No. 5134 entitled:

"AN ACT Relating to reentry services and supports."

Section 3 of Second Substitute Senate Bill 5134 expands the
Department of Corrections' existing discharge planning requirements
by adding a number of reentry linkage case management services to its
existing individual reentry planning requirements. For example,
Section 3 would require that discharge plans include an evaluation of
each person's behavioral and physical health needs, as well as
assistance with obtaining identification and completing applications
for state and federal government assistance and benefits.

I agree that we should better support individuals who leave prison
after completing their sentences and return to the community.
Connecting these individuals with treatment and health services will
facilitate successful reentry and reduce recidivism. However, the
funding provided for Section 3 of this bill is inadequate and the
department does not have the capacity to absorb this work within its
existing budget. Therefore, I am vetoing Section 3.

Section 1 is the intent section, which states the Legislature's
intent to expand the discharge planning requirements. Because I am
vetoing Section 3, Section 1 no longer aligns with the bill.

While I am vetoing Sections 1 and 3, I am directing the Department of
Corrections to provide a 90-day supply of necessary prescribed
medications upon release, as clinically appropriate, through a
combination of a 30-day supply of in-hand medications and a 60-day
supply of prescriptions. This provision is included in Section 3 of
the bill and the department can implement this as part of its Health
Services program.

For these reasons I have vetoed Sections 1 and 3 of Second Substitute
Senate Bill No. 5134.

With the exception of Sections 1 and 3, Second Substitute Senate Bill
No. 5134 is approved."

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