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## Community Safety Committee

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### ESSB 5029

**Brief Description:** Concerning the transportation of individuals released or discharged from the custody of the department of corrections.

**Sponsors:** Senate Committee on Human Services (originally sponsored by Senators Wilson, C., Frame, Hasegawa, Nobles, Saldaña, Trudeau and Wellman).

#### Brief Summary of Engrossed Substitute Bill

- Makes changes to the transportation that the Department of Corrections must provide a person being released or transferred from total confinement by limiting the transportation to an authorized location within the state, unless required otherwise, and removing the requirement that the transportation be the least expensive method of public transportation that is \$100 or less.

**Hearing Date:** 3/13/25

**Staff:** Lena Langer (786-7192).

#### **Background:**

##### Resources Upon Release.

Persons releasing or discharging from confinement in a state correctional facility, or transferring to partial confinement or community custody, must be supplied with suitable and presentable clothing, no less than \$40 for subsistence, and transportation by the least expensive method of public transportation not to exceed \$100 to an authorized location, unless the superintendent has reasonable cause to believe that the person has ample funds to assume such expenses. The \$40 for subsistence is commonly referred to as "gate money."

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*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.*

The public transportation provided by the Department of Corrections (DOC) may be to a person's:

- place of residence;
- place designated in the person's parole plan;
- place from which the person was committed if discharged on expiration of sentence; or
- place from which the person was committed if discharged from custody by a court of appropriate jurisdiction.

Per DOC policy, transportation funds are used to provide transportation per the individual's release plan. Individuals who require an approved release address will be returned to their county of origin or alternate county. The case manager may authorize transportation funds by the safest, most direct method of public transportation, not to exceed \$100. Additional funds are deducted from the individual's trust account or provided by a third party.

#### Partial Confinement.

A person sentenced to DOC custody may not leave the correctional facility or be released prior to the expiration of the sentence unless a statutory exception applies. Partial confinement is one such exception for qualifying incarcerated individuals, and refers to work release, home detention, work crew, electronic home monitoring, or a combination of these programs.

The Graduated Reentry Program and the Community Parenting Alternative are partial confinement programs that allow qualifying incarcerated persons to serve part of their sentence on home detention in the community. If the DOC determines that the Graduated Reentry Program or the Community Parenting Alternative are appropriate for the incarcerated individual, the person must provide an approved residence and living arrangement prior to transfer to home detention.

#### Community Custody.

Community custody is the portion of a person's criminal sentence served in the community under DOC supervision following release from confinement in a state correctional facility. While on community custody, individuals are subject to conditions imposed by the DOC, the sentencing court, and the Indeterminate Sentence Review Board in certain circumstances. The Secretary of the DOC may issue a warrant for the arrest of any person who violates a condition of community custody. Sanctions for violations vary depending on the type of violation, the underlying offense, and other conditions.

#### County of Origin.

In determining the county of discharge for an incarcerated individual released to community custody, the DOC may approve a residence location that is not the person's county of origin if the DOC determines that the residence location would be appropriate based on any court-ordered conditions of the person's sentence, victim safety concerns, and factors that increase opportunities for successful reentry and long-term support. County of origin means the county of the incarcerated individual's residence at the time of the person's first felony conviction in the state, unless the person is a homeless person or the residence is unknown.

### Interstate Compact for Adult Offender Supervision.

The Interstate Compact for Adult Offender Supervision governs the supervision of individuals who move from one state to another. Sending states must notify receiving states and obtain approval before sending a person, and receiving states must accept persons when the reasons for the move are appropriate and supervise the person for the sending state. Per DOC policy, individuals with supervision requirements who request to release from confinement to an out-of-state address must be approved by the DOC.

### **Summary of Bill:**

The DOC must provide a person being released or discharged from confinement in a state correctional facility, or transferring to partial confinement or community custody, public transportation to the person's place of residence, the place designated in the person's reentry plan, or the place from which the person was committed. The transportation is not limited to the least expensive method of public transportation that is \$100 or less.

The public transportation provided to the person being released or discharged is limited to a location within the state, unless the person is subject to:

- the Interstate Compact for Adult Offender Supervision;
- an out-of-state warrant or detainer;
- a demand for extradition; or
- any other agreement between the state and another state or the state and the federal government.

The superintendent reserves the right to review and make a determination whether to approve or deny any transportation expenses intended for a person being released or discharged.

If the DOC has made arrangements with a nonprofit organization that will support the person's reentry, the DOC must make a reasonable effort to coordinate the timing of the person's release from the DOC's custody, including the timing of transportation to the authorized location.

**Appropriation:** None.

**Fiscal Note:** Available.

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