

# HOUSE BILL REPORT

## ESSB 5029

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### As Passed House - Amended:

April 9, 2025

**Title:** An act relating to the transportation of individuals released or discharged from the custody of the department of corrections.

**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 History:

#### Committee Activity:

Community Safety: 3/13/25, 3/20/25 [DP].

#### Floor Activity:

Passed House: 4/9/25, 91-6.

### Brief Summary of Engrossed Substitute Bill (As Amended by House)

- Modifies 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.

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### HOUSE COMMITTEE ON COMMUNITY SAFETY

**Majority Report:** Do pass. Signed by 9 members: Representatives Goodman, Chair; Simmons, Vice Chair; Graham, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Burnett, Davis, Farivar, Fosse and Obras.

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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.*

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

**Background:**

Resources Upon Release.

Persons being released or discharged 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."

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.

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.

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 Amended 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.

Beginning December 1, 2026, the DOC must submit a report annually to the Governor and the Legislature on:

- the number of individuals who were provided transportation upon release or transfer from a state correctional facility where the cost of the transportation exceeded \$100; and

- where the cost of transportation provided exceeded \$100, the method of transportation used and whether the DOC coordinated with a partnering nonprofit organization on the timing of the individual's release.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) Currently, the DOC is required to release a person using the least expensive method of public transportation. The bill removes the requirement for the transportation to be by the least expensive method and removes the limit of \$100. With this limit of \$100, persons are being released at inconvenient times during the day or night, put on a bus, and often are left waiting hours in bus stations. The DOC frequently does not inform the organizations that support reentry, to which persons are being released, about when the persons are being released. The limits in statute cause some of these issues. The bill does not permit people to choose the location to which they are released. A person's reentry plan is clear on where they can go upon release. The bill also does not permit a person to be transported to an out-of-state location, unless the person is subject to out-of-state requirements.

The DOC acknowledges how critical the first 72 hours are after a person is released from custody. The statute currently requires the transportation provided to be the least expensive method that is under \$100. As a result, the transportation used often includes delays, many stops, transfers, and other hurdles. These factors sometimes cause a person to miss appointments, which leads to violations and possible sanctions. People being released from confinement after many years or decades in prison are sometimes dropped off by the DOC at a public bus station. Navigating these complex and unfamiliar public transportation systems can be stressful for people upon release. The hardships and stress a person experiences when first released increase the likelihood that the person will end up returning to prison. The DOC fully supports this bill, which will enable the DOC to utilize transportation that is better suited to a person's needs. This bill will give people a better chance to be successful upon release.

(Opposed) None.

**Persons Testifying:** Senator Claire Wilson, prime sponsor; Kristen Morgan, Department of Corrections; and Percy Levy, Washington Defender Association and Washington Association of Criminal Defense Lawyers.

**Persons Signed In To Testify But Not Testifying:** None.