

SENATE BILL REPORT

ESSB 5029

As Passed Senate, February 26, 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: Human Services: 1/14/25, 1/22/25 [DPS, w/oRec].

Floor Activity: Passed Senate: 2/26/25, 44-4.

Brief Summary of Engrossed First Substitute Bill

- Removes the requirement that the public transportation provided by the Department of Corrections (DOC) at the expiration of a person's sentence be the least expensive method not to exceed \$100.
- Requires public transportation to be limited to a location within the state, except as provided.
- Requires DOC to make a reasonable effort to coordinate the timing of the individual's release from DOC custody, including the timing of transportation, if DOC has made arrangements with a partnering nonprofit organization that will support the individual's reentry into the community.

SENATE COMMITTEE ON HUMAN SERVICES

Majority Report: That Substitute Senate Bill No. 5029 be substituted therefor, and the substitute bill do pass.

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.

Signed by Senators Wilson, C., Chair; Frame, Vice Chair; Orwall.

Minority Report: That it be referred without recommendation.

Signed by Senators Christian, Ranking Member; Warnick.

Staff: Kelsey-anne Fung (786-7479)

Background: Persons releasing or discharging from Department of Corrections (DOC) custody, 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 DOC may be to a person's:

- place of residence;
- place designated in the person's parole plan if the person is subject to the jurisdiction of the Indeterminate Sentence Review Board;
- place from which discharged on expiration of sentence; or
- place from which 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 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 the DOC's supervision following release from confinement in a state correctional facility. Persons on community custody are subject to conditions

imposed by the court and the DOC. The Secretary of the DOC may issue a warrant for the arrest of any person who violates a condition of community custody, and the person may be subject to sanctions.

Earned Release Time. An individual's term of confinement may be reduced by earned release time for good behavior and good performance. Certain persons who are eligible for earned release time must be transferred to community custody in lieu of earned release time. Before transferring a person from confinement into supervised community custody, the DOC must approve the person's release plan, including the proposed residence and living arrangements.

County of Origin. In determining the county of discharge for an incarcerated individual released to community custody, DOC may approve a residence location that is not the person's county of origin if 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 their approval before sending an offender, and receiving states must accept offenders when the reasons for the move are appropriate and supervise the offender 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 DOC.

Summary of Engrossed First Substitute Bill: The requirement that the public transportation provided by DOC at a person's release or discharge be the least expensive method not to exceed \$100 is removed. The superintendent reserves the right to review and make a determination whether to approve or deny any transportation expenses intended for one individual to ensure appropriate use of state funds and that the request is reasonable.

Public transportation may be provided to the place designated in the person's reentry plan, rather than parole plan. Public transportation provided by DOC for a person unconditionally released or discharged by DOC shall be limited to a location within the state, unless the person is subject to the Interstate Compact for Adult Offender Supervision, subject to an out-of-state warrant or detainer, subject to a demand for extradition, or subject to any other agreement between the state and another state or the state and the federal government.

If DOC has made arrangements with a partnering nonprofit organization that will support the individual's reentry into the community, DOC must make every effort to coordinate the timing of the individual's release from DOC custody, including the timing of transportation

to the person's place of residence or place from which discharged from custody.

References to gender are replaced with gender neutral terms. A reference to convicted felons is removed.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: The requirement to use the least expensive method of public transportation oftentimes means people are released and put on a bus in the middle of the night, at inconvenient times when individuals are forced to wait for someone to pick them up. The \$100 was established in statute in 1971 and has not been updated since. The \$100 in the 1970s would equate to around \$700 by today's standards after accounting for inflation.

The initial 72 hours following an individual's release from confinement is critically important, and it is imperative individuals have access to essential resources such as food, shelter, and transportation to facilitate a smooth transition back into the community. Using the least expensive method of transportation often involves multiple transfers and stop delays, especially for individuals releasing to rural areas. Individuals may struggle to reach important destinations, potentially leading them to noncompliance with postrelease requirements such as attending court mandated programs or reporting for community supervision. Additionally, navigating a complex and unfamiliar public transit system can be overwhelming and stressful for individuals upon release, particularly for those with limited travel experience due to long periods of incarceration or other factors. It is important that if a person is releasing to a transitional home or community partner, that the location is open when an individual gets off the bus or train so that they are not released homeless and are safe. Releasing people on a trajectory to succeed will exponentially increase the chances of a successful and sustainable return to the community.

DOC reentry staff work with outside groups to try to help people transition out, but there are a lot of bumps and mishaps along the way. This bill will make the collaboration more official and make the transition happen more smoothly. Partnering nonprofit organizations are trying to be facilitated bridges of referral to make sure individuals do not recidivate.

Persons Testifying: PRO: Senator Claire Wilson, Prime Sponsor; Jacob Schmitt, Just Us Solutions, LLC; Danielle Armbruster, Department of Corrections; Kehaulani Walker; Percy Levy.

Persons Signed In To Testify But Not Testifying: No one.