SENATE BILL REPORT
ESSB 5873

As Passed Senate, February 17, 2026

Title: An act relating to escorted leaves of absence for incarcerated individuals.

Brief Description: Concerning escorted leaves of absence for incarcerated individuals.

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

Brief History:
Committee Activity: Human Services: 1/13/26, 1/20/26 [DPS, DNP].
Floor Activity: Passed Senate: 2/17/26, 31-17.

Brief Summary of Engrossed First Substitute Bill

- Defines family members an incarcerated individual may attend a funeral of, or go to the bedside of, who is seriously ill.
- Expands escorted leave requests to include an individual participating in reentry programs to receive mentorship and prepare incarcerated individuals for a successful reentry.

SENATE COMMITTEE ON HUMAN SERVICES

Majority Report: That Substitute Senate Bill No. 5873 be substituted therefor, and the substitute bill do pass.
Signed by Senators Wilson, C., Chair; Frame, Vice Chair; Orwall.

Minority Report: Do not pass.
Signed by Senators Christian, Ranking Member; Warnick.

Staff: Will Trondsen (786-7552)

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.

Background: Department of Corrections. The Department of Corrections (DOC) has ten prison facilities located throughout Washington with custody levels ranging from minimum to maximum security, with a total population of 13,966 incarcerated individuals as of September 2025. Each facility is operated by a superintendent.

Total confinement means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government, for 24 hours a day.

Partial confinement means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention.

Escorted Leaves of Absence. The superintendent of any state correctional facility may grant escorted leaves of absence to inmates confined in an institution or on partial confinement, subject to the approval of the secretary of DOC and when notice has been provided to any county and city law enforcement agency having jurisdiction in the area of the person's destination. Escorted leave requests can be made for the following reasons:

- to go to the bedside of the wife, husband, child, mother or father, or other member of the inmate's immediate family who is seriously ill;
- attend the funeral of a member of the inmate's immediate family;
- participate in athletic contests;
- perform work in connection with the industrial, educational, or agricultural programs of DOC;
- receive necessary medical or dental care which is not available in the institution; and
- participate as a volunteer in community service work projects which are approved by the superintendent, but only inmates who are nonviolent offenders may participate in these projects and such community service work projects may only be instigated at the request of the local community.

An incarcerated individual is not allowed to start a leave of absence until the secretary of DOC, or the secretary's designee, has notified any county and city law enforcement agency having jurisdiction in the area of the person's destination.

Conditions of Escorted Leaves of Absence for Funeral or Bedside Visit. Escorted leaves of absence are to:

- be within Washington State;
- have an escort employee or employees who will maintain visual or auditory contact with the incarcerated individual at all times;
    1. auditory contact should only be used when circumstances do not permit visual contact;
- ensure the incarcerated individual will be housed in a city or county jail, state facility, or other DOC supervised arrangement at all times when not in transit or actually

engaged in the escorted leave activity; and
- ensure law enforcement will be notified.

The duration of deathbed visits or funeral trips are not to exceed 48 hours, including travel, unless approved by the superintendent or designee.

All expenses for funeral and bedside visits are the responsibility of the incarcerated individual or their family. No state funds are allowed to be used for a leave of absence unless the incarcerated individual and the family are indigent and without resources sufficient to reimburse the state for the expenses of such leaves of absence.

Summary of Engrossed First Substitute Bill: A single category is created for escorted leaves of absences that permit an incarcerated individual to attend the funeral of or go to the bedside of seriously ill family members.

Family members of the incarcerated individual are expanded to include children, stepchildren, grandchildren, great grandchildren, parents, stepparents, grandparents, great grandparents, siblings, aunts, uncles, and a person legally married to or in a state registered domestic partnership with an incarcerated individual. Immediate family is defined, and includes the immediate family of an incarcerated individual who was adopted as a child or an adult, but does not include an incarcerated individual adopted by another incarcerated individual or the immediate family of the adopted or adopting individual.

An escorted leave request is permitted for an incarcerated individual to participate in reentry programs to receive mentorship and prepare incarcerated individuals for a successful reentry.

Washington State retains full liability for any act constituting gross negligence committed by the DOC during an escorted leave of absence.

The term inmates is replaced with incarcerated individual throughout the bill.

Makes a technical change to add the term immediate to give effect for the definition of immediate family provided in the bill.

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: *The committee recommended a different version of*

the bill than what was heard. PRO: There are very few people that stay incarcerated for their lifetime, therefore the more that can be done to make sure that they successfully reenter communities keeps our communities safe and allows them to be successful too. This will help individuals be ready to leave a system of incarceration. This bill corrects and aligns the definition of immediate family with what is already in existence within DOC. With this change, a person is able to connect with their family, and allows the person to also connect with reentry before they are actually released. Reentry focused outings will help to better transition individuals back to reentry in the community.

OTHER: This bill aligns with national and international best practices. Authorized reentry leave has been allowed since the 1960's in this country and outside of the country. It is a trend that is happening throughout the country with several states adopting the practice to allow leave for reentry programs.

Persons Testifying: PRO: Senator Claire Wilson, Prime Sponsor; Larry Jefferson, Office of Public Defense & Statewide Reentry Council; Danielle Armbruster, Department of Corrections.

OTHER: Kelsey Engstrom, Amend at UCSF.

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