
SUBSTITUTE HOUSE BILL 1137

State of Washington

69th Legislature

2025 Regular Session

By House Community Safety (originally sponsored by Representatives Peterson, Gregerson, Berry, Alvarado, Macri, Cortes, Callan, Ryu, Farivar, Doglio, Ortiz-Self, Simmons, Street, Pollet, Kloba, Nance, Berg, Ormsby, Lekanoff, and Hill)

READ FIRST TIME 01/27/25.

1 AN ACT Relating to establishing uniform policies and procedures
2 within department of corrections facilities relating to disciplinary
3 proceedings and administrative segregation; amending RCW 72.09.015;
4 and adding new sections to chapter 72.09 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 72.09.015 and 2022 c 254 s 2 are each amended to
7 read as follows:

8 The definitions in this section apply throughout this chapter.

9 (1) "Adult basic education" means education or instruction
10 designed to achieve general competence of skills in reading, writing,
11 and oral communication, including English as a second language and
12 preparation and testing services for obtaining a high school diploma
13 or a high school equivalency certificate as provided in RCW
14 28B.50.536.

15 (2) "Base level of correctional services" means the minimum level
16 of field services the department of corrections is required by
17 statute to provide for the supervision and monitoring of
18 (~~offenders~~) incarcerated individuals.

19 (3) "Civil judgment for assault" means a civil judgment for
20 monetary damages awarded to a correctional officer or department
21 employee entered by a court of competent jurisdiction against an

1 inmate that is based on, or arises from, injury to the correctional
2 officer or department employee caused by the inmate while the
3 correctional officer or department employee was acting in the course
4 and scope of his or her employment.

5 (4) "Community custody" has the same meaning as that provided in
6 RCW 9.94A.030 and also includes community placement and community
7 supervision as defined in RCW 9.94B.020.

8 (5) "Contraband" means any object or communication the secretary
9 determines shall not be allowed to be: (a) Brought into; (b)
10 possessed while on the grounds of; or (c) sent from any institution
11 under the control of the secretary.

12 (6) "Correctional facility" means a facility or institution
13 operated directly or by contract by the secretary for the purposes of
14 incarcerating adults in total or partial confinement, as defined in
15 RCW 9.94A.030.

16 (7) "County" means a county or combination of counties.

17 (8) "Department" means the department of corrections.

18 (9) "Earned early release" means earned release as authorized by
19 RCW 9.94A.729.

20 (10) "Evidence-based" means a program or practice that has had
21 multiple-site random controlled trials across heterogeneous
22 populations demonstrating that the program or practice is effective
23 in reducing recidivism for the population.

24 (11) "Extended family visit" means an authorized visit between an
25 inmate and a member of his or her immediate family that occurs in a
26 private visiting unit located at the correctional facility where the
27 inmate is confined.

28 (12) "Good conduct" means compliance with department rules and
29 policies.

30 (13) "Good performance" means successful completion of a program
31 required by the department, including an education, work, or other
32 program.

33 (14) "Immediate family" means the inmate's children,
34 stepchildren, grandchildren, great grandchildren, parents,
35 stepparents, grandparents, great grandparents, siblings, aunts,
36 uncles, and a person legally married to or in a state registered
37 domestic partnership with an inmate. "Immediate family" includes the
38 immediate family of an inmate who was adopted as a child or an adult,
39 but does not include an inmate adopted by another inmate.

1 (15) "Indigent inmate," "indigent," and "indigency" mean an
2 inmate who has less than a \$25 balance of disposable income in his or
3 her institutional account on the day a request is made to utilize
4 funds and during the 30 days previous to the request.

5 (16) "Individual reentry plan" means the plan to prepare an
6 ((~~offender~~)) incarcerated person for release into the community. It
7 should be developed collaboratively between the department and the
8 ((~~offender~~)) incarcerated person and based on an assessment of the
9 ((~~offender~~)) person using a standardized and comprehensive tool to
10 identify the ((~~offender's~~)) person's risks and needs. The individual
11 reentry plan describes actions that should occur to prepare
12 individual ((~~offenders~~)) incarcerated persons for release from prison
13 or jail, specifies the supervision and services they will experience
14 in the community, and describes ((~~an offender's~~)) a person's eventual
15 discharge to aftercare upon successful completion of supervision. An
16 individual reentry plan is updated throughout the period of ((~~a~~
17 ~~offender's~~)) a person's incarceration and supervision to be relevant
18 to the ((~~offender's~~)) person's current needs and risks.

19 (17) "Inmate" ((~~means~~)) and "incarcerated person" mean a person
20 committed to the custody of the department, including but not limited
21 to persons residing in a correctional institution or facility and
22 persons released from such facility on furlough, work release, or
23 community custody, and persons received from another state, state
24 agency, county, federally recognized tribe, or federal jurisdiction.

25 (18) "Labor" means the period of time before a birth during which
26 contractions are of sufficient frequency, intensity, and duration to
27 bring about effacement and progressive dilation of the cervix.

28 (19) "Physical restraint" means the use of any bodily force or
29 physical intervention to control an ((~~offender~~)) incarcerated person
30 or limit an ((~~offender's~~)) incarcerated person's freedom of movement
31 in a way that does not involve a mechanical restraint. Physical
32 restraint does not include momentary periods of minimal physical
33 restriction by direct person-to-person contact, without the aid of
34 mechanical restraint, accomplished with limited force and designed
35 to:

36 (a) Prevent an ((~~offender~~)) incarcerated person from completing
37 an act that would result in potential bodily harm to self or others
38 or damage property;

39 (b) Remove a disruptive ((~~offender~~)) incarcerated person who is
40 unwilling to leave the area voluntarily; or

1 (c) Guide an (~~offender~~) incarcerated person from one location
2 to another.

3 (20) "Postpartum recovery" means (a) the entire period a (~~woman~~
4 ~~or youth~~) person is in the hospital, birthing center, or clinic
5 after giving birth and (b) an additional time period, if any, a
6 treating physician or certified nurse midwife determines is necessary
7 for healing after the (~~woman or youth~~) person leaves the hospital,
8 birthing center, or clinic.

9 (21) "Privilege" means any goods or services, education or work
10 programs, or earned early release days, the receipt of which are
11 directly linked to an inmate's (a) good conduct; and (b) good
12 performance. Privileges do not include any goods or services the
13 department is required to provide under the state or federal
14 Constitution or under state or federal law.

15 (22) "Promising practice" means a practice that presents, based
16 on preliminary information, potential for becoming a research-based
17 or consensus-based practice.

18 (23) "Research-based" means a program or practice that has some
19 research demonstrating effectiveness, but that does not yet meet the
20 standard of evidence-based practices.

21 (24) "Restraints" means anything used to control the movement of
22 a person's body or limbs and includes:

23 (a) Physical restraint; or

24 (b) Mechanical device including but not limited to: Metal
25 handcuffs, plastic ties, ankle restraints, leather cuffs, other
26 hospital-type restraints, tasers, or batons.

27 (25) "Secretary" means the secretary of corrections or his or her
28 designee.

29 (26) "Significant expansion" includes any expansion into a new
30 product line or service to the class I business that results from an
31 increase in benefits provided by the department, including a decrease
32 in labor costs, rent, or utility rates (for water, sewer,
33 electricity, and disposal), an increase in work program space, tax
34 advantages, or other overhead costs.

35 (27) "Superintendent" means the superintendent of a correctional
36 facility under the jurisdiction of the Washington state department of
37 corrections, or his or her designee.

38 (28) "Transportation" means the conveying, by any means, of an
39 incarcerated pregnant (~~woman or youth~~) person from the correctional
40 facility to another location from the moment (~~she~~) the person

1 leaves the correctional facility to the time of arrival at the other
2 location, and includes the escorting of the pregnant incarcerated
3 (~~woman or youth~~) person from the correctional facility to a
4 transport vehicle and from the vehicle to the other location.

5 (29) "Unfair competition" means any net competitive advantage
6 that a business may acquire as a result of a correctional industries
7 contract, including labor costs, rent, tax advantages, utility rates
8 (water, sewer, electricity, and disposal), and other overhead costs.
9 To determine net competitive advantage, the department of corrections
10 shall review and quantify any expenses unique to operating a for-
11 profit business inside a prison.

12 (30) "Vocational training" or "vocational education" means
13 "vocational education" as defined in RCW 72.62.020.

14 (31) "Washington business" means an in-state manufacturer or
15 service provider subject to chapter 82.04 RCW existing on June 10,
16 2004.

17 (32) "Work programs" means all classes of correctional industries
18 jobs authorized under RCW 72.09.100.

19 (33) "Administrative segregation" means the temporary removal
20 from the general population of an incarcerated person who is deemed
21 to present a threat to the safety and security of staff, the
22 incarcerated population, or the community, until a timely and
23 informed decision can be made about appropriate housing based on the
24 incarcerated person's circumstance.

25 NEW SECTION. Sec. 2. A new section is added to chapter 72.09
26 RCW to read as follows:

27 (1) The circumstances or actions that may warrant administrative
28 segregation in response to suspected prohibited conduct or
29 disciplinary proceedings include the following:

30 (a) Escape or attempted escape;

31 (b) Arson or attempted arson;

32 (c) Assault resulting in serious physical injury or attempted
33 assault that would have resulted in serious physical injury,
34 including assault of department staff;

35 (d) Creating or participating in a major disturbance in which
36 assaults occurred or were attempted; and

37 (e) Reliable and specific intelligence that one of these events
38 is likely and imminent unless particular individuals are removed from
39 the general population.

1 (2) Medical necessity may justify placing an individual
2 temporarily in close observation areas or infirmaries under medical
3 supervision but does not justify administrative segregation status.

4 (3) The department will evaluate its practices and policies for
5 administrative segregation with a goal of reducing placement to 15
6 days or less.

7 (a) If administrative segregation is extended past 30 calendar
8 days, the department will update the individual on their status and
9 the reasons for extended placement.

10 (b) Extensions of administrative segregation beyond 45 calendar
11 days require authorization by the secretary or designee and a written
12 explanation as to why the extension is needed.

13 (c) The department must notify the office of the corrections
14 ombuds in writing any time a person has remained on administrative
15 segregation for more than 45 consecutive days.

16 (4) An incarcerated person may not lose housing, education, or
17 work assignments, or other programming assignments solely due to
18 placement on administrative segregation unless documented
19 institutional or programmatic needs require such removal or change.

20 NEW SECTION. **Sec. 3.** A new section is added to chapter 72.09
21 RCW to read as follows:

22 (1) An incarcerated person is presumed innocent of an infraction
23 or alleged rule violation and the facility has the burden of
24 establishing by a preponderance of the evidence that the alleged
25 conduct occurred.

26 (2) In a disciplinary hearing, the hearing officer must
27 articulate what evidence supports the officer's finding, and a
28 summary of the facts and evidence supporting the decision must be
29 recorded in the disciplinary hearing minutes and findings or other
30 similar form.

31 (3) For the purpose of this section, "preponderance of the
32 evidence" means the greater weight of credible evidence, not
33 necessarily established by the amount of evidence or number of
34 witnesses, but by that evidence that has the most indicia of
35 reliability and convincing force.

36 NEW SECTION. **Sec. 4.** A new section is added to chapter 72.09
37 RCW to read as follows:

1 By January 31, 2026, and by January 31 every year thereafter, the
2 department must post on its website an annual report on its use of
3 administrative segregation. That report shall include, but not be
4 limited to:

5 (1) The total number of administrative segregation placements
6 during the prior year;

7 (2) The number of administrative segregation placements during
8 the prior year due to suspected prohibited behavior or the
9 disciplinary process;

10 (3) The number of administrative segregation placements during
11 the prior year for each of the following reasons:

12 (a) Threat to safety and security of others;

13 (b) Threat to orderliness of the facility;

14 (c) Housing assignment refusal;

15 (d) Contraband; or

16 (e) Other;

17 (4) The number of temporary administrative segregation placements
18 during the prior year for each of the following nondisciplinary
19 reasons:

20 (a) Medical hold;

21 (b) Transport or classification delay; or

22 (c) Protective custody;

23 (5)(a) The mean and median length of an individual's stay in
24 administrative segregation during the prior year; and

25 (b) If the median length of stay is more than 15 days, any steps
26 the department has taken in the prior year to decrease that length of
27 stay and what, if any, additional resources are needed in order to
28 achieve its goal of 15 days or less in administrative segregation;

29 (6) If the circumstances that led to an administrative
30 segregation placement that the department reported under subsection
31 (3)(a) of this section involved conduct by an incarcerated individual
32 and a victim or attempted victim, the report shall also include
33 whether the victim or attempted victim was a department employee or
34 staff or an incarcerated individual and whether medical aid was
35 provided or required.

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