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HOUSE BILL 1137

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State of Washington

69th Legislature

2025 Regular Session

By Representatives Peterson, Gregerson, and Berry

Prefiled 12/27/24.

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 warranting administrative segregation  
28 include the following:

29 (a) Escape or attempted escape;

30 (b) Arson or attempted arson;

31 (c) Serious assault or attempted serious assault;

32 (d) Creating or participating in a major disturbance in which  
33 assaults occurred or were attempted;

34 (e) Reliable and specific intelligence that one of these events  
35 is likely and imminent unless particular individuals are removed from  
36 the general population; and

37 (f) Protective custody.

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) Administrative segregation may not exceed 15 days unless a  
5 request for exception is reviewed and approved by the superintendent  
6 or designee.

7 (a) Extensions beyond 30 days require authorization by the deputy  
8 secretary, and extensions beyond 45 days require authorization by the  
9 secretary.

10 (b) The department must notify the office of the corrections  
11 ombuds in writing any time a person has remained on administrative  
12 segregation for more than 45 consecutive days.

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

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

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

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

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

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