
HOUSE BILL 1239

State of Washington

69th Legislature

2025 Regular Session

By Representatives Doglio and Farivar

Prefiled 01/10/25.

1 AN ACT Relating to preparing incarcerated people for successful
2 reentry upon release from a correctional facility; amending RCW
3 9.94A.729, 9.94A.728, and 9.94A.733; and creating new sections.

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

5 NEW SECTION. **Sec. 1.** The legislature recognizes that reentry
6 readiness reduces recidivism, reducing the harm to individuals,
7 families, and communities. The state of Washington has committed to
8 reducing recidivism and increasing reentry readiness by joining and
9 pledging to support the national reentry 2030 initiative.

10 The legislature recognizes that an equitable incentive in the
11 form of earned release time incentivizes behaviors which lead to
12 reentry readiness, while also addressing existing racial inequities
13 in earned time and graduated reentry.

14 Through the reentry readiness act, the legislature intends to
15 align public policy with the goals of the Washington statewide
16 reentry council and the principles of the Washington way program.

17 The legislature recognizes that the availability of earned time
18 is the most effective means of incentivizing participation in
19 rehabilitative programming, which is critical for the purposes of
20 increasing public safety and improving reentry outcomes.

1 The legislature intends to provide those who have served the
2 longest sentences with an extended transition period between total
3 confinement and full independence, to increase reentry readiness.

4 **Sec. 2.** RCW 9.94A.729 and 2022 c 29 s 1 are each amended to read
5 as follows:

6 (1)(a) The term of the sentence of an offender committed to a
7 correctional facility operated by the department may be reduced by
8 earned release time in accordance with procedures that shall be
9 developed and adopted by the correctional agency having jurisdiction
10 in which the offender is confined. The earned release time shall be
11 for good behavior and good performance, as determined by the
12 correctional agency having jurisdiction. The correctional agency may
13 calculate but shall not credit the offender with earned release
14 credits in advance of the offender actually earning the credits.

15 (b) Any program established pursuant to this section shall allow
16 an offender to earn ((early)) earned release time credits for
17 presentence incarceration. If an offender is transferred from a
18 county jail to the department, the administrator of a county jail
19 facility shall certify to the department the amount of time spent in
20 custody at the facility and the number of days of ((early)) earned
21 release time credits lost or not earned. The department may approve a
22 jail certification from a correctional agency that calculates
23 ((early)) earned release time based on the actual amount of
24 confinement time served by the offender before sentencing when an
25 erroneous calculation of confinement time served by the offender
26 before sentencing appears on the judgment and sentence. The
27 department must adjust an offender's rate of ((early)) earned release
28 time listed on the jail certification to be consistent with the rate
29 applicable to offenders in the department's facilities. However, the
30 department is not authorized to adjust the ((number)) amount of
31 presentence ((early release days)) earned release time that the jail
32 has certified as lost or not earned.

33 (2)(a) ~~((An offender who has been convicted of a felony committed~~
34 ~~after July 23, 1995, that involves any applicable deadly weapon~~
35 ~~enhancements under RCW 9.94A.533 (3) or (4), or both, shall not~~
36 ~~receive any good time credits or earned release time for that portion~~
37 ~~of his or her sentence that results from any deadly weapon~~
38 ~~enhancements.~~

1 ~~(b) An offender whose sentence includes any impaired driving~~
2 ~~enhancements under RCW 9.94A.533(7), minor child enhancements under~~
3 ~~RCW 9.94A.533(13), or both, shall not receive any good time credits~~
4 ~~or earned release time for any portion of his or her sentence that~~
5 ~~results from those enhancements.~~

6 ~~(3) An offender may earn early release time as follows:~~

7 ~~(a) In the case of an offender sentenced pursuant to RCW~~
8 ~~10.95.030(3) or 10.95.035, the offender may not receive any earned~~
9 ~~early release time during the minimum term of confinement imposed by~~
10 ~~the court; for any remaining portion of the sentence served by the~~
11 ~~offender, the aggregate earned release time may not exceed 10 percent~~
12 ~~of the sentence.~~

13 ~~(b) In the case of an offender convicted of a serious violent~~
14 ~~offense, or a sex offense that is a class A felony, committed on or~~
15 ~~after July 1, 1990, and before July 1, 2003, the aggregate earned~~
16 ~~release time may not exceed 15 percent of the sentence.~~

17 ~~(c) In the case of an offender convicted of a serious violent~~
18 ~~offense, or a sex offense that is a class A felony, committed on or~~
19 ~~after July 1, 2003, the aggregate earned release time may not exceed~~
20 ~~10 percent of the sentence.~~

21 ~~(d) An offender is qualified to earn up to 50 percent of~~
22 ~~aggregate earned release time if he or she:~~

23 ~~(i) Is not classified as an offender who is at a high risk to~~
24 ~~reoffend as provided in subsection (4) of this section;~~

25 ~~(ii) Is not confined pursuant to a sentence for:~~

26 ~~(A) A sex offense;~~

27 ~~(B) A violent offense;~~

28 ~~(C) A crime against persons as defined in RCW 9.94A.411;~~

29 ~~(D) A felony that is domestic violence as defined in RCW~~
30 ~~10.99.020;~~

31 ~~(E) A violation of RCW 9A.52.025 (residential burglary);~~

32 ~~(F) A violation of, or an attempt, solicitation, or conspiracy to~~
33 ~~violate, RCW 69.50.401 by manufacture or delivery or possession with~~
34 ~~intent to deliver methamphetamine; or~~

35 ~~(G) A violation of, or an attempt, solicitation, or conspiracy to~~
36 ~~violate, RCW 69.50.406 (delivery of a controlled substance to a~~
37 ~~minor);~~

38 ~~(iii) Has no prior conviction for the offenses listed in (d) (ii)~~
39 ~~of this subsection;~~

1 ~~(iv) Participates in programming or activities as directed by the~~
2 ~~offender's individual reentry plan as provided under RCW 72.09.270 to~~
3 ~~the extent that such programming or activities are made available by~~
4 ~~the department; and~~

5 ~~(v) Has not committed a new felony after July 22, 2007, while~~
6 ~~under community custody.~~

7 ~~(e) In no other case shall the aggregate earned release time~~
8 ~~exceed one-third of the total sentence.~~

9 ~~(4) The department shall perform a risk assessment of each~~
10 ~~offender who may qualify for earned early release under subsection~~
11 ~~(3)(d) of this section utilizing the risk assessment tool recommended~~
12 ~~by the Washington state institute for public policy. Subsection~~
13 ~~(3)(d) of this section does not apply to offenders convicted after~~
14 ~~July 1, 2010.~~

15 ~~(5)(a))~~ A person who is eligible for earned early release as
16 provided in this section and who will be supervised by the department
17 pursuant to RCW 9.94A.501 or 9.94A.5011, shall be transferred to
18 community custody in lieu of earned release time;

19 (b) The department shall, as a part of its program for release to
20 the community in lieu of earned release, require the offender to
21 propose a release plan that includes an approved residence and living
22 arrangement. All offenders with community custody terms eligible for
23 release to community custody in lieu of earned release shall provide
24 an approved residence and living arrangement prior to release to the
25 community;

26 (c) The department may deny transfer to community custody in lieu
27 of earned release time if the department determines an offender's
28 release plan, including proposed residence location and living
29 arrangements, may violate the conditions of the sentence or
30 conditions of supervision, place the offender at risk to violate the
31 conditions of the sentence, place the offender at risk to reoffend,
32 or present a risk to victim safety or community safety. The
33 department's authority under this section is independent of any
34 court-ordered condition of sentence or statutory provision regarding
35 conditions for community custody;

36 (d) If the department is unable to approve the offender's release
37 plan, the department may do one or more of the following:

38 (i) Transfer an offender to partial confinement in lieu of earned
39 early release for a period not to exceed three months. The three
40 months in partial confinement is in addition to that portion of the

1 offender's term of confinement that may be served in partial
2 confinement as provided in RCW 9.94A.728(1)(e);

3 (ii) Provide rental vouchers to the offender for a period not to
4 exceed six months if rental assistance will result in an approved
5 release plan.

6 A voucher must be provided in conjunction with additional
7 transition support programming or services that enable an offender to
8 participate in services including, but not limited to, substance
9 abuse treatment, mental health treatment, sex offender treatment,
10 educational programming, or employment programming;

11 (e) The department shall maintain a list of housing providers
12 that meets the requirements of RCW 72.09.285. If more than two
13 voucher recipients will be residing per dwelling unit, as defined in
14 RCW 59.18.030, rental vouchers for those recipients may only be paid
15 to a housing provider on the department's list((

16 ~~(f) For each offender who is the recipient of a rental voucher,~~
17 ~~the department shall gather data as recommended by the Washington~~
18 ~~state institute for public policy in order to best demonstrate~~
19 ~~whether rental vouchers are effective in reducing recidivism.~~

20 ~~(6) An offender serving a term of confinement imposed under RCW~~
21 ~~9.94A.670(5)(a) is not eligible for earned release credits under this~~
22 ~~section).~~

23 (3) For any term of confinement set to be completed on or after
24 July 1, 2025, an offender may accrue earned release time up to 33.33
25 percent of the total sentence. In the case of consecutive sentences,
26 the phrase "any term of confinement set to be completed on or after
27 July 1, 2025," means the sentence currently being served and any
28 sentences yet to be served, but not any consecutive sentence
29 previously served by the offender, whether the consecutive sentences
30 are imposed under one judgment or multiple judgments. This includes
31 sentence enhancements under RCW 9.94A.533, except that:

32 (a) The following are ineligible for earned release time:

33 (i) A federal sentence served in the department's custody;

34 (ii) An out-of-state sentence served at the department;

35 (iii) A juvenile sentence under Title 13 RCW;

36 (iv) A less restrictive alternative under chapter 71.05 RCW;

37 (v) A civil commitment under chapter 10.77 RCW;

38 (vi) A mandatory minimum sentence under RCW 9.94A.540;

39 (vii) A persistent offender sentence under RCW 9.94A.570;

1 (viii) A special sex offender sentencing alternative under RCW
2 9.94A.670; and

3 (ix) An aggravated first degree murder sentence imposed on an
4 adult under RCW 10.95.030.

5 (b) A sentence imposed on a juvenile under RCW 10.95.030 or
6 10.95.035 is ineligible for earned release time during the minimum
7 term of confinement imposed by the court; for any remaining portion
8 of the sentence, the aggregate earned release time may not exceed
9 33.33 percent.

10 (c) An offender qualified to earn up to 50 percent earned release
11 time under RCW 9.94A.729 shall not lose earned release time accrued
12 before July 1, 2025.

13 NEW SECTION. Sec. 3. Pursuant to RCW 9.94A.729, the department
14 of corrections shall recalculate the earned release date for any
15 offender currently serving a term of confinement in a facility or
16 institution either operated by the state or utilized under contract.
17 The earned release date shall be recalculated whether the offender is
18 currently incarcerated or is sentenced after the effective date of
19 this section, and regardless of the offender's date of offense. For
20 offenders whose offense was committed prior to the effective date of
21 this section, the recalculation shall apply to any term of
22 confinement set to be completed on or after July 1, 2025, and shall
23 not extend a term of incarceration beyond that to which an offender
24 is currently subject. This act applies to any term of confinement set
25 to be completed on or after July 1, 2025, regardless of the date of
26 the underlying offense.

27 NEW SECTION. Sec. 4. The department of corrections'
28 recalculations of earned release time pursuant to this act do not
29 create any expectations that the percentage of earned release time
30 will be revised before July 1, 2026, and there is no reason to
31 conclude that the maximum percentage of earned release time is an
32 entitlement or creates any liberty interest. The department of
33 corrections is authorized to take the time reasonably necessary to
34 complete the recalculations of earned release time after the
35 effective date of this section.

36 **Sec. 5.** RCW 9.94A.728 and 2023 c 358 s 1 are each amended to
37 read as follows:

1 (1) No incarcerated individual serving a sentence imposed
2 pursuant to this chapter and committed to the custody of the
3 department shall leave the confines of the correctional facility or
4 be released prior to the expiration of the sentence except as
5 follows:

6 (a) An incarcerated individual may earn early release time as
7 authorized by RCW 9.94A.729;

8 (b) An incarcerated individual may leave a correctional facility
9 pursuant to an authorized furlough or leave of absence. In addition,
10 incarcerated individuals may leave a correctional facility when in
11 the custody of a corrections officer or officers;

12 (c)(i) The secretary may authorize an extraordinary medical
13 placement for an incarcerated individual when all of the following
14 conditions exist:

15 (A) The incarcerated individual has been assessed by two
16 physicians and is determined to be one of the following:

17 (I) Affected by a permanent or degenerative medical condition to
18 such a degree that the individual does not presently, and likely will
19 not in the future, pose a threat to public safety; or

20 (II) In ill health and is expected to die within six months and
21 does not presently, and likely will not in the future, pose a threat
22 to public safety;

23 (B) The incarcerated individual has been assessed as low risk to
24 the community at the time of release; and

25 (C) It is expected that granting the extraordinary medical
26 placement will result in a cost savings to the state.

27 (ii) An incarcerated individual sentenced to death or to life
28 imprisonment without the possibility of release or parole is not
29 eligible for an extraordinary medical placement.

30 (iii) The secretary shall require electronic monitoring for all
31 individuals in extraordinary medical placement unless the electronic
32 monitoring equipment is detrimental to the individual's health,
33 interferes with the function of the individual's medical equipment,
34 or results in the loss of funding for the individual's medical care,
35 in which case, an alternative type of monitoring shall be utilized.
36 The secretary shall specify who shall provide the monitoring services
37 and the terms under which the monitoring shall be performed.

38 (iv) The secretary may revoke an extraordinary medical placement
39 under this subsection (1)(c) at any time.

1 (v) Persistent offenders are not eligible for extraordinary
2 medical placement;

3 (d) The governor, upon recommendation from the clemency and
4 pardons board, may grant an extraordinary release for reasons of
5 serious health problems, senility, advanced age, extraordinary
6 meritorious acts, or other extraordinary circumstances;

7 (e) No more than the final 12 months of the incarcerated
8 individual's term of confinement may be served in partial confinement
9 for aiding the incarcerated individual with: Finding work as part of
10 the work release program under chapter 72.65 RCW; or reestablishing
11 himself or herself in the community as part of the parenting program
12 in RCW 9.94A.6551. This is in addition to that period of earned early
13 release time that may be exchanged for partial confinement pursuant
14 to RCW 9.94A.729(~~(+5)~~) (2)(d);

15 (f)(i) No more than the final five months of the incarcerated
16 individual's term of confinement may be served in partial confinement
17 as home detention as part of the graduated reentry program developed
18 by the department under RCW 9.94A.733(1)(a);

19 (ii) For eligible incarcerated individuals under RCW
20 9.94A.733(1)(b), after serving at least four months in total
21 confinement in a state correctional facility, an incarcerated
22 individual may serve no more than the final 18 months of the
23 incarcerated individual's term of confinement in partial confinement
24 as home detention as part of the graduated reentry program developed
25 by the department;

26 (iii) For eligible incarcerated individuals under RCW
27 9.94A.733(1)(c), after serving at least 13 years in total confinement
28 in a state correctional facility, an incarcerated individual may
29 serve no more than the final 18 months of the individual's sentence
30 in partial confinement in a work release or other approved graduated
31 reentry facility with up to the final six months in partial
32 confinement as home detention as part of the graduated reentry
33 program developed by the department;

34 (g) The governor may pardon any incarcerated individual;

35 (h) The department may release an incarcerated individual from
36 confinement any time within 10 days before a release date calculated
37 under this section;

38 (i) An incarcerated individual may leave a correctional facility
39 prior to completion of his or her sentence if the sentence has been
40 reduced as provided in RCW 9.94A.870;

1 (j) Notwithstanding any other provisions of this section, an
2 incarcerated individual sentenced for a felony crime listed in RCW
3 9.94A.540 as subject to a mandatory minimum sentence of total
4 confinement shall not be released from total confinement before the
5 completion of the listed mandatory minimum sentence for that felony
6 crime of conviction unless allowed under RCW 9.94A.540; and

7 (k) Any individual convicted of one or more crimes committed
8 prior to the individual's 18th birthday may be released from
9 confinement pursuant to RCW 9.94A.730.

10 (2) Notwithstanding any other provision of this section, an
11 incarcerated individual entitled to vacation of a conviction or the
12 recalculation of his or her offender score pursuant to *State v.*
13 *Blake*, No. 96873-0 (Feb. 25, 2021), may be released from confinement
14 pursuant to a court order if the incarcerated individual has already
15 served a period of confinement that exceeds his or her new standard
16 range. This provision does not create an independent right to release
17 from confinement prior to resentencing.

18 (3) Individuals residing in a juvenile correctional facility
19 placement pursuant to RCW 72.01.410(1)(a) are not subject to the
20 limitations in this section.

21 **Sec. 6.** RCW 9.94A.733 and 2023 c 405 s 1 are each amended to
22 read as follows:

23 (1)(a) Except as provided in (b) of this subsection, an offender
24 may not participate in the graduated reentry program under this
25 subsection unless he or she has served at least six months in total
26 confinement in a state correctional facility.

27 (i) An offender subject to (a) of this subsection may serve no
28 more than the final five months of the offender's term of confinement
29 in partial confinement as home detention as part of the graduated
30 reentry program developed by the department.

31 (ii) Home detention under (a) of this subsection may not be
32 imposed for individuals subject to a deportation order, civil
33 commitment, or the interstate compact for adult offender supervision
34 under RCW 9.94A.745.

35 (b) For offenders who meet the requirements of (b)(iii) of this
36 subsection, an offender may not participate in the graduated reentry
37 program unless he or she has served at least four months in total
38 confinement in a state correctional facility.

1 (i) An offender under this subsection (1)(b) may serve no more
2 than the final 18 months of the offender's term of confinement in
3 partial confinement as home detention as part of the graduated
4 reentry program developed by the department.

5 (ii) Home detention under this subsection (1)(b) may not be
6 imposed for individuals subject to a deportation order or subject to
7 the jurisdiction of the indeterminate sentence review board.

8 (iii) Home detention under this subsection (1)(b) may not be
9 imposed for offenders currently serving a term of confinement for the
10 following offenses:

11 (A) Any sex offense;

12 (B) Any violent offense; or

13 (C) Any crime against a person offense in accordance with the
14 categorization of crimes against persons outlined in RCW
15 9.94A.411(2).

16 (c) For offenders who meet the requirements of (c)(iii) of this
17 subsection, an offender may not participate in the graduated reentry
18 program unless he or she has served at least 13 years in total
19 confinement in a state correctional facility.

20 (i) An offender under this subsection (1)(c) may serve no more
21 than the final 18 months of the offender's term of confinement in
22 partial confinement in a work release program or other graduated
23 reentry approved site and six months on home detention as part of the
24 graduated reentry program developed by the department.

25 (ii) An offender must be serving a sentence of no less than 15
26 years.

27 (iii) Work release and home detention under this subsection
28 (1)(c) may not be imposed for individuals subject to a deportation
29 order, part of the interstate compact for out-of-state releases,
30 subject to the jurisdiction of the indeterminate sentence review
31 board, or under the jurisdiction of the long-term juvenile board.

32 (2) The secretary of the department may transfer an offender from
33 a department correctional facility to home detention in the community
34 if it is determined that the graduated reentry program is an
35 appropriate placement and must assist the offender's transition from
36 confinement to the community.

37 (3) The department and its officers, agents, and employees are
38 not liable for the acts of offenders participating in the graduated
39 reentry program unless the department or its officers, agents, and
40 employees acted with willful and wanton disregard.

1 (4) (a) All offenders placed on home detention as part of the
2 graduated reentry program must provide an approved residence and
3 living arrangement prior to transfer to home detention.

4 (b) The department may not transfer an offender to participate in
5 the graduated reentry program until the department has conducted a
6 comprehensive assessment for substance use disorder. If the offender
7 is assessed to have a substance use disorder, the department shall
8 assist the offender in enrolling in substance use disorder treatment
9 services at the level deemed appropriate by the assessment. Offenders
10 transferred to participate in the graduated reentry program must
11 begin receiving substance use disorder treatment services as soon as
12 practicable after transfer to avoid any delays in treatment.
13 Substance use disorder treatment services shall include, as deemed
14 necessary by the assessment, access to medication-assisted treatment
15 and counseling programs. Upon transfer to the graduated reentry
16 program, when clinically appropriate, individuals must be provided
17 with access to self-administered fentanyl testing supplies and
18 medications designed to reverse the effects of opioid overdose.

19 (5) While in the community on home detention as part of the
20 graduated reentry program, the department must:

21 (a) Require the offender to be placed on electronic home
22 monitoring;

23 (b) Require the offender to participate in programming and
24 treatment that the department shall assign based on an offender's
25 assessed need; and

26 (c) Assign a community corrections officer who will monitor the
27 offender's compliance with conditions of partial confinement and
28 programming requirements.

29 (6) The department retains the authority to return any offender
30 serving partial confinement in the graduated reentry program to total
31 confinement for any reason including, but not limited to, the
32 offender's noncompliance with any sentence requirement.

33 (7) The department may issue rental vouchers for a period not to
34 exceed six months for those transferring to partial confinement under
35 this section if an approved address cannot be obtained without the
36 assistance of a voucher.

37 (8) In the selection of offenders to participate in the graduated
38 reentry program, and in setting, modifying, and enforcing the
39 requirements of the graduated reentry program, the department is
40 deemed to be performing a quasi-judicial function.

1 (9) The department shall publish a monthly report on its website
2 with the number of offenders who were transferred during the month to
3 home detention as part of the graduated reentry program. The
4 department shall submit an annual report by December 1st to the
5 appropriate committees of the legislature with the number of
6 offenders who were transferred to home detention as part of the
7 graduated reentry program during the prior year.

8 (10)(a) Beginning July 1, 2023, the following data must be
9 collected and posted to the department's website on a monthly basis:

10 (i) The number of offenders who were transferred to the graduated
11 reentry program who were assessed to have a substance use disorder
12 during the prior calendar month; and

13 (ii) The number of offenders in the graduated reentry program who
14 received during the prior 12 months:

15 (A) Outpatient substance use disorder treatment;

16 (B) Inpatient substance use disorder treatment; and

17 (C) Both outpatient and inpatient substance use disorder
18 treatment.

19 (b) Beginning July 1, 2023, the health care authority must report
20 monthly to the department on the number of offenders in the graduated
21 reentry program who received substance use disorder outpatient
22 treatment, while in the community, during the prior 12 months.

23 (11) The department must share data with the health care
24 authority on offenders participating in the graduated reentry
25 program.

--- END ---