
HOUSE BILL 2490

State of Washington

69th Legislature

2026 Regular Session

By Representatives Peterson, Parshley, Simmons, Scott, Reeves, Doglio, Goodman, Pollet, Obras, and Reed

Read first time 01/15/26. Referred to Committee on Community Safety.

1 AN ACT Relating to providing an alternative condition for
2 extraordinary medical placement for incarcerated individuals; and
3 reenacting and amending RCW 9.94A.728.

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

5 **Sec. 1.** RCW 9.94A.728 and 2025 c 407 s 6 and 2025 c 371 s 6 are
6 each reenacted and amended to read as follows:

7 (1) No incarcerated individual serving a sentence imposed
8 pursuant to this chapter and committed to the custody of the
9 department shall leave the confines of the correctional facility or
10 be released prior to the expiration of the sentence except as
11 follows:

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

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

18 (c) (i) The secretary may authorize an extraordinary medical
19 placement for an incarcerated individual when all of the following
20 conditions exist:

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

3 (I) Affected by a permanent or degenerative medical condition to
4 such a degree that the individual does not presently, and likely will
5 not in the future, pose a threat to public safety; (~~(e)~~)

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

9 (III) Diagnosed with, and is affected by, a serious medical
10 condition to such a degree that the individual's basic medical care
11 needs cannot be met or delivered by the department or its contractors
12 as mandated by the federal Constitution, the state Constitution, and
13 RCW 72.10.005;

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

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

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

21 (iii) The secretary shall require electronic monitoring for all
22 individuals in extraordinary medical placement unless the electronic
23 monitoring equipment is detrimental to the individual's health,
24 interferes with the function of the individual's medical equipment,
25 or results in the loss of funding for the individual's medical care,
26 in which case, an alternative type of monitoring shall be utilized.
27 The secretary shall specify who shall provide the monitoring services
28 and the terms under which the monitoring shall be performed.

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

31 (v) Persistent offenders are not eligible for extraordinary
32 medical placement;

33 (d) The governor, upon recommendation from the clemency and
34 pardons board, may grant an extraordinary release:

35 (i) For reasons of serious health problems, senility, advanced
36 age, extraordinary meritorious acts, or other extraordinary
37 circumstances; or

38 (ii) Pursuant to RCW 9.94A.885;

39 (e) No more than the final 18 months of the incarcerated
40 individual's term of confinement may be served in partial confinement

1 for aiding the incarcerated individual with: Finding work as part of
2 the work release program under chapter 72.65 RCW; (~~for~~) or
3 reestablishing himself or herself in the community as part of the
4 parenting program in RCW 9.94A.6551. This is in addition to that
5 period of earned early release time that may be exchanged for partial
6 confinement pursuant to RCW 9.94A.729(5) (d);

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

11 (ii) For eligible incarcerated individuals under RCW
12 9.94A.733(1) (b), after serving at least three months in total
13 confinement in a state correctional facility, an incarcerated
14 individual may serve no more than the final 18 months of the
15 incarcerated individual's term of confinement in partial confinement
16 as home detention as part of the graduated reentry program developed
17 by the department;

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

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

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

25 (j) Notwithstanding any other provisions of this section, an
26 incarcerated individual sentenced for a felony crime listed in RCW
27 9.94A.540 as subject to a mandatory minimum sentence of total
28 confinement shall not be released from total confinement before the
29 completion of the listed mandatory minimum sentence for that felony
30 crime of conviction unless allowed under RCW 9.94A.540; and

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

34 (2) Notwithstanding any other provision of this section, an
35 incarcerated individual entitled to vacation of a conviction or the
36 recalculation of his or her offender score pursuant to *State v.*
37 *Blake*, No. 96873-0 (Feb. 25, 2021), may be released from confinement
38 pursuant to a court order if the incarcerated individual has already
39 served a period of confinement that exceeds his or her new standard

1 range. This provision does not create an independent right to release
2 from confinement prior to resentencing.

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

6 (4) For the purposes of this section, "basic medical care needs"
7 means health-related accommodations, treatments, prescriptions, or
8 medical devices which are consistent with the accepted standard of
9 care for health care providers, exercising the degree of care, skill,
10 and learning expected of a reasonably prudent health care provider at
11 that time in the profession or class to which the provider belongs,
12 in the state of Washington, acting in the same or similar
13 circumstances.

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