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**SENATE BILL 5499**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Senators Christian, Dhingra, Hasegawa, Wagoner, and C. Wilson

Read first time 01/27/25. Referred to Committee on Human Services.

1 AN ACT Relating to codifying the body scanner program at the  
2 department of corrections; adding a new section to chapter 72.09 RCW;  
3 and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that in 2022, the  
6 governor signed into law 2nd Substitute Senate Bill No. 5695, the  
7 drug free prisons act to reduce entry of contraband into institutions  
8 and to increase personal dignity for incarcerated individuals. The  
9 legislature finds that since March 2018, the department of  
10 corrections has been using body scanners to detect contraband, which  
11 has resulted in the confiscation of nearly 1,000 unique items, over  
12 43 grams of controlled substances, and over \$100 in currency. The  
13 legislature recognizes that without passage of legislation, funding  
14 and authorization for the body scanner program will discontinue.  
15 Therefore, the legislature resolves to continue existing practice of  
16 the body scanner program by codifying operational standards and  
17 requiring continued utilization of scanners in certain institutions  
18 of total confinement.

19 NEW SECTION. **Sec. 2.** A new section is added to chapter 72.09  
20 RCW to read as follows:

1 (1) (a) The department shall establish a comprehensive body  
2 scanner program at the Washington corrections center for women and at  
3 a state correctional facility serving male incarcerated individuals  
4 as part of a program to protect human dignity by reducing or  
5 eliminating strip searches and create drug-free state correctional  
6 facilities. The body scanner for incarcerated individuals must be  
7 capable of detecting the presence of contraband contained under  
8 clothing and within body cavities, and must meet applicable federal  
9 and state radiation and safety standards.

10 (b) The department shall develop gender responsive and trauma-  
11 informed policies and procedures necessary to establish a  
12 comprehensive body scanner program that shall be utilized to conduct  
13 security screenings for employees, contractors, visitors, volunteers,  
14 incarcerated individuals, and other persons entering the secure  
15 perimeter of the correctional facility participating in the program  
16 under this section. Alternative search methods shall be used for  
17 persons who are minors, individuals who are health compromised,  
18 individuals with disabilities, individuals who may be pregnant, and  
19 individuals who are likely to meet the maximum allowable monthly or  
20 annual radiation dosage limit specified by the department of health.

21 (2) The department shall provide appropriate custody and nursing  
22 staff levels for body scanners installed at a state correctional  
23 facility under this section. Staffing must be adequate to provide for  
24 subsequent searches and dry cell watches if a body scan indicates the  
25 presence of contraband.

26 (a) An incarcerated individual with a body scan indicating the  
27 presence of substance-related contraband shall undergo, if  
28 appropriate, a comprehensive assessment for substance use disorder  
29 and receive relevant substance use disorder treatment services,  
30 including medication-assisted treatment. The department shall  
31 prioritize substance use disorder treatment services for incarcerated  
32 individuals with cognitive, behavioral, and physiological symptoms  
33 indicating the incarcerated individual is experiencing a substance  
34 use disorder. The department shall distinguish between incarcerated  
35 individuals who have symptoms indicating a substance use disorder and  
36 incarcerated individuals who transport substances for other  
37 individuals and do not have symptoms indicating a substance use  
38 disorder.

1 (b) A department employee, contractor, visitor, or volunteer with  
2 a body scan indicating the presence of contraband shall be  
3 disciplined in accordance with department policies.

4 (3) The department shall provide appropriate radiation safety and  
5 body scanner operation training to all staff who will administer the  
6 body scan. Only staff who have completed all related trainings may be  
7 permitted to operate the body scanner and review body scans. The  
8 department shall develop policies, in accordance with the department  
9 of health rules for the use of body scanners, on scanner use and  
10 screening procedures, including frequency and radiation exposure  
11 limits, to minimize harmful radiation exposure while safely and  
12 effectively utilizing the full body scanners to create drug-free  
13 correctional facilities. The department shall develop a method to  
14 track and maintain records on the frequency of body scans conducted  
15 on any individual subject to the comprehensive body scanner program  
16 to comply with any maximum allowable monthly and annual radiation  
17 dosage limits that may be set by the department of health.

18 (4) The secretary shall adopt any rules and policies necessary to  
19 implement the requirements of this section.

20 (5) The department shall leverage existing funding and equipment  
21 to comply with the requirements of this section.

22 (6) By December 1st each year, and in compliance with RCW  
23 43.01.036, the department shall submit a report to the governor and  
24 the legislature on:

25 (a) The number and types of individuals, including visitors,  
26 employees, contractors, and volunteers, with positive body scans in  
27 the prior year and the disciplinary action taken;

28 (b) The types of contraband detected by the body scanner;

29 (c) The number of confiscated substances in the prior five years;

30 (d) The number of incarcerated individuals with positive body  
31 scans for substance-related contraband in the prior year who were  
32 assessed for substance use disorder and received substance use  
33 disorder treatment services while incarcerated; and

34 (e) The number and length of time incarcerated individuals with  
35 positive body scans were placed on dry cell watch in the prior year.

36 (6) For the purposes of this section:

37 (a) "Contraband" has the meaning provided in RCW 9A.76.010;

38 (b) "Dry cell watch" means the placement of an incarcerated  
39 person in a secure room or cell for the safe recovery of internally  
40 concealed contraband; and

1           (c) "Substance use disorder treatment services" means services  
2 licensed by the department of health or provided as part of a  
3 substance use disorder treatment program that has been approved by  
4 the department of health.

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