
SECOND SUBSTITUTE SENATE BILL 5895

State of Washington

69th Legislature

2026 Regular Session

By Senate Ways & Means (originally sponsored by Senators Saldaña, Hasegawa, Nobles, and C. Wilson)

READ FIRST TIME 02/09/26.

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 serious and chronic or permanent (~~((or))~~) and
4 degenerative medical condition (~~((to such a degree that the individual~~
5 ~~does not presently, and likely will not in the future, pose a threat~~
6 ~~to public safety))~~) and that individual's ability to care for
7 themselves is substantially limited or the department cannot meet the
8 individual's basic medical care needs in a total confinement setting;
9 or

10 (II) In ill health and is expected to die within (~~((six))~~)
11 approximately 18 months and does not presently, and likely will not
12 in the future, pose a threat to public safety;

13 (B) The incarcerated individual has been assessed as low risk to
14 the community at the time of (~~((release))~~) placement, using risk
15 factors including the individual's institutional history, programming
16 history, and Washington one score; and

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

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

23 (iii) Physicians are responsible for diagnosing an incarcerated
24 individual's illness and the appropriate department of corrections
25 personnel are responsible for assessing any risk level.

26 (iv) If an incarcerated individual seeks an extraordinary medical
27 placement and is denied, the department shall provide a written and
28 individualized explanation for the denial. The incarcerated
29 individual may seek review of the decision from the office of
30 corrections ombuds.

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

39 (~~((iv))~~) (vi) The secretary may revoke an extraordinary medical
40 placement 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:

5 (i) For reasons of serious health problems, senility, advanced
6 age, extraordinary meritorious acts, or other extraordinary
7 circumstances; or

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

9 (e) No more than the final 18 months of the incarcerated
10 individual's term of confinement may be served in partial confinement
11 for aiding the incarcerated individual with: Finding work as part of
12 the work release program under chapter 72.65 RCW; ~~((for))~~ or
13 reestablishing himself or herself in the community as part of the
14 parenting program in RCW 9.94A.6551. This is in addition to that
15 period of earned early release time that may be exchanged for partial
16 confinement pursuant to RCW 9.94A.729(5) (d);

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

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

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

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

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

35 (j) Notwithstanding any other provisions of this section, an
36 incarcerated individual sentenced for a felony crime listed in RCW
37 9.94A.540 as subject to a mandatory minimum sentence of total
38 confinement shall not be released from total confinement before the
39 completion of the listed mandatory minimum sentence for that felony
40 crime of conviction unless allowed under RCW 9.94A.540; and

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

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

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

15 (4) For the purposes of this section, "basic medical care needs"
16 means health-related accommodations, treatments, prescriptions, or
17 medical devices which are consistent with the accepted standards of
18 care for health care providers as provided in RCW 7.70.040(1)(a).

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