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**SENATE BILL 6339**

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**State of Washington**

**69th Legislature**

**2026 Regular Session**

**By** Senators Torres, Boehnke, Dozier, and Holy

Read first time 01/30/26. Referred to Committee on Human Services.

1 AN ACT Relating to requiring a less restrictive alternative  
2 placement to be owned and operated by the same individuals; and  
3 amending RCW 71.09.096.

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

5 **Sec. 1.** RCW 71.09.096 and 2025 c 33 s 1 are each amended to read  
6 as follows:

7 (1) If the court or jury determines that conditional release to a  
8 less restrictive alternative is in the best interest of the person  
9 and includes conditions that would adequately protect the community,  
10 and the court determines that the minimum conditions set forth in RCW  
11 71.09.092 and in this section are met, the court shall enter judgment  
12 and direct a conditional release.

13 (2) The court shall impose any additional conditions necessary to  
14 ensure compliance with treatment and to protect the community. If the  
15 court finds that conditions do not exist that will both ensure the  
16 person's compliance with treatment and protect the community, then  
17 the person shall be remanded to the custody of the department of  
18 social and health services for control, care, and treatment in a  
19 secure facility as designated in RCW 71.09.060(1).

20 (3) If the service provider designated by the court to provide  
21 inpatient or outpatient treatment or to monitor or supervise any

1 other terms and conditions of a person's placement in a less  
2 restrictive alternative is other than the department of social and  
3 health services or the department of corrections, then the service  
4 provider so designated must agree in writing to provide such  
5 treatment, monitoring, or supervision in accord with this section.  
6 Any person providing or agreeing to provide treatment, monitoring, or  
7 supervision services pursuant to this chapter may be compelled to  
8 testify and any privilege with regard to such person's testimony is  
9 deemed waived.

10 (4) (a) Prior to authorizing any release to a less restrictive  
11 alternative, the court shall impose such conditions upon the person  
12 as are necessary to ensure the safety of the community, which must  
13 include, at minimum, the condition that the person will be subject to  
14 electronic monitoring that, to the extent feasible, provides real-  
15 time tracking, programmable inclusion and exclusion zones, and the  
16 ability to provide notifications if the person tampers with the  
17 monitoring device or enters an exclusion zone. In imposing  
18 conditions, the court must impose a restriction on the proximity of  
19 the person's residence to public or private schools providing  
20 instruction to kindergarten or any grades one through 12 in  
21 accordance with RCW 72.09.340. Courts shall require a minimum  
22 distance restriction of 500 feet on the proximity of the person's  
23 residence to child care facilities and public or private schools  
24 providing instruction to kindergarten or any grades one through 12.  
25 The court shall order the department of corrections to investigate  
26 the less restrictive alternative and, within 60 days of the order to  
27 investigate, recommend any additional conditions to the court. These  
28 conditions shall be individualized to address the person's specific  
29 risk factors and criminogenic needs and may include, but are not  
30 limited to, the following: Specification of residence or restrictions  
31 on residence including distance restrictions, specification of  
32 contact with a reasonable number of individuals upon the person's  
33 request who are verified by the department of corrections to be  
34 appropriate social contacts, prohibition of contact with potential or  
35 past victims, prohibition of alcohol and other drug use,  
36 participation in a specific course of inpatient or outpatient  
37 treatment that may include monitoring by the use of polygraph and  
38 plethysmograph, monitoring through the use of global positioning  
39 system technology, supervision by a department of corrections  
40 community corrections officer, a requirement that the person remain

1 within the state unless the person receives prior authorization by  
2 the court, and any other conditions that the court determines are in  
3 the best interest of the person or others. A copy of the conditions  
4 of release shall be given to the person and to any designated service  
5 providers.

6 (b) To the greatest extent possible, the person, person's  
7 counsel, prosecuting agency responsible for the initial commitment,  
8 treatment provider, supervising community corrections officer, and  
9 appropriate clinical staff of the special commitment center shall  
10 meet and collaborate to craft individualized, narrowly tailored, and  
11 empirically based conditions to present to the court to help  
12 facilitate the person's successful transition to the community.

13 (c) Prior to authorizing release to a less restrictive  
14 alternative, the court shall confirm that the residence is owned by  
15 the same person or persons who will be providing or monitoring the  
16 person's treatment.

17 (5) (a) Prior to authorizing release to a less restrictive  
18 alternative proposed by the department, the court shall consider  
19 whether the person's less restrictive alternative placement is in  
20 accordance with fair share principles. To ensure equitable  
21 distribution of releases, and prevent the disproportionate grouping  
22 of persons subject to less restrictive orders in any one county, or  
23 in any one jurisdiction or community within a county, the legislature  
24 finds it is appropriate for releases to a less restrictive  
25 alternative to occur in a manner that adheres to fair share  
26 principles. The legislature recognizes that there may be reasons why  
27 the department may not recommend that a person be released to his or  
28 her county of commitment, including availability of individualized  
29 resources, the person's support needs, or when the court determines  
30 that the person's return to his or her county of commitment would be  
31 inappropriate considering any court-issued protection orders, victim  
32 safety concerns that cannot be addressed through use of global  
33 positioning system technology, the unavailability of appropriate  
34 treatment or facilities that would adequately protect the community,  
35 negative influences on the person, and the location of family or  
36 other persons or organizations offering support to the person. If the  
37 court authorizes conditional release based on the department's  
38 proposal to a county other than the county of commitment, the court  
39 shall enter specific findings regarding its decision and identify  
40 whether the release remains in line with fair share principles.

1 (b) (i) When the department develops a less restrictive  
2 alternative placement under this section, it shall attempt to  
3 identify a placement satisfying the requirements of RCW 71.09.092  
4 that is aligned with fair share principles. The department shall  
5 document its rationale for the recommended placement.

6 (ii) If the department does not support or recommend conditional  
7 release to a less restrictive alternative due to a clinical  
8 determination, the department shall document its objection and  
9 certify that the department is developing the less restrictive  
10 alternative pursuant to a court order and not because of a clinical  
11 determination.

12 (iii) When the department develops or proposes a less restrictive  
13 alternative placement under this chapter, it shall be considered a  
14 predisposition recommendation.

15 (iv) In developing, modifying, and enforcing less restrictive  
16 alternatives, the department shall be deemed to be performing a  
17 quasi-judicial function.

18 (c) If the committed person is not conditionally released to his  
19 or her county of commitment, the department shall provide the law and  
20 justice council of the county in which the person is conditionally  
21 released with notice and a written explanation, including whether the  
22 department remains in compliance with fair share principles regarding  
23 releases under this chapter.

24 (d) For purposes of this section, the person's county of  
25 commitment means the county of the court which ordered the person's  
26 commitment.

27 (e) This subsection (5) does not apply to releases to a secure  
28 community transition facility under RCW 71.09.250.

29 (6) (a) When ordered by the court, the department must provide  
30 less restrictive alternative treatment that includes, at a minimum:

31 (i) The services identified in the person's discharge plan as  
32 outlined in RCW 71.09.080(4);

33 (ii) The assignment of a community care coordinator;

34 (iii) Regular contacts with providers of court-ordered treatment  
35 services;

36 (iv) Community escorts, if needed;

37 (v) A transition plan that addresses the person's access to  
38 continued services upon unconditional discharge;

39 (vi) Financial support for necessary housing;

1 (vii) Life skills training and disability accommodations, if  
2 needed; and

3 (viii) Assistance in pursuing benefits, education, and  
4 employment.

5 (b) At the time the department of corrections is ordered to  
6 investigate a proposed less restrictive alternative placement,  
7 subject to the availability of amounts appropriated for this specific  
8 purpose, the department shall assign a social worker to assist the  
9 person with discharge planning, pursuing benefits, and coordination  
10 of care prior to release.

11 (i) The social worker shall assist the person with completing  
12 applications for benefits prior to the person's release from total  
13 confinement.

14 (ii) To promote continuity of care and the individual's success  
15 in the community, the department social worker shall be responsible  
16 for initiating a clinical transition of care between the last  
17 treating clinician at the special commitment center and the person's  
18 designated community treatment provider. This transition between one  
19 clinical setting to another shall occur no later than 15 days before  
20 an individual's release from the special commitment center.

21 (iii) If applicable, the social worker shall assist the person  
22 with locating any needed disability accommodations in the community  
23 and with obtaining resources to help address the person's identified  
24 life skills needs prior to release from total confinement.

25 (7) Any service provider designated to provide inpatient or  
26 outpatient treatment shall monthly, or as otherwise directed by the  
27 court, submit to the court, to the department of social and health  
28 services facility from which the person was released, to the  
29 prosecuting agency, and to the supervising community corrections  
30 officer, a report stating whether the person is complying with the  
31 terms and conditions of the conditional release to a less restrictive  
32 alternative.

33 (8) Each person released to a less restrictive alternative shall  
34 have his or her case reviewed by the court that released him or her  
35 no later than one year after such release and annually thereafter  
36 until the person is unconditionally discharged. Review may occur in a  
37 shorter time or more frequently, if the court, in its discretion on  
38 its own motion, or on motion of the person, the secretary, or the  
39 prosecuting agency so determines. The questions to be determined by  
40 the court are whether the person shall continue to be conditionally

1 released to a less restrictive alternative, and if so, whether a  
2 modification to the person's less restrictive alternative order is  
3 appropriate to ensure the conditional release remains in the best  
4 interest of the person and adequate to protect the victim and the  
5 community. The court in making its determination shall be aided by  
6 the periodic reports filed pursuant to subsection (7) of this section  
7 and the opinions of the secretary and other experts or professional  
8 persons.

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