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**SENATE BILL 6340**

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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 residential restrictions for conditional  
2 release to a less restrictive alternative; and amending RCW  
3 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 and recreational facilities, as defined  
22 in RCW 36.69.010. Courts shall require a minimum distance restriction  
23 of ((500—feet)) one-half mile on the proximity of the person's  
24 residence to child care facilities ((and)), public or private schools  
25 providing instruction to kindergarten or any grades one through 12  
26 and recreational facilities, as defined in RCW 36.69.010. The court  
27 shall order the department of corrections to investigate the less  
28 restrictive alternative and, within 60 days of the order to  
29 investigate, recommend any additional conditions to the court. These  
30 conditions shall be individualized to address the person's specific  
31 risk factors and criminogenic needs and may include, but are not  
32 limited to, the following: Specification of residence or restrictions  
33 on residence including distance restrictions, specification of  
34 contact with a reasonable number of individuals upon the person's  
35 request who are verified by the department of corrections to be  
36 appropriate social contacts, prohibition of contact with potential or  
37 past victims, prohibition of alcohol and other drug use,  
38 participation in a specific course of inpatient or outpatient  
39 treatment that may include monitoring by the use of polygraph and  
40 plethysmograph, monitoring through the use of global positioning

1 system technology, supervision by a department of corrections  
2 community corrections officer, a requirement that the person remain  
3 within the state unless the person receives prior authorization by  
4 the court, and any other conditions that the court determines are in  
5 the best interest of the person or others. A copy of the conditions  
6 of release shall be given to the person and to any designated service  
7 providers.

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

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

39 (b) (i) When the department develops a less restrictive  
40 alternative placement under this section, it shall attempt to

1 identify a placement satisfying the requirements of RCW 71.09.092  
2 that is aligned with fair share principles. The department shall  
3 document its rationale for the recommended placement.

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

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

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

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

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

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

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

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

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

32 (iii) Regular contacts with providers of court-ordered treatment  
33 services;

34 (iv) Community escorts, if needed;

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

37 (vi) Financial support for necessary housing;

38 (vii) Life skills training and disability accommodations, if  
39 needed; and

1 (viii) Assistance in pursuing benefits, education, and  
2 employment.

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

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

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

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

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

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

1 appropriate to ensure the conditional release remains in the best  
2 interest of the person and adequate to protect the victim and the  
3 community. The court in making its determination shall be aided by  
4 the periodic reports filed pursuant to subsection (7) of this section  
5 and the opinions of the secretary and other experts or professional  
6 persons.

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