

E2SSB 5070 - H COMM AMD
By Committee on Human Services

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The people of the state of Washington
4 expect to live in safe communities in which the threat of crime is
5 minimized. Attempting to keep communities safe by building more
6 prisons and paying the costs of incarceration has proven to be
7 expensive to taxpayers. Incarceration is a necessary consequence for
8 some offenders, however, the vast majority of those offenders will
9 eventually return to their communities. Many of these former offenders
10 will not have had the opportunity to address the deficiencies that may
11 have contributed to their criminal behavior. Persons who do not have
12 basic literacy and job skills, or who are ill-equipped to make the
13 behavioral changes necessary to successfully function in the community,
14 have a high risk of reoffense. Recidivism represents serious costs to
15 victims, both financial and nonmonetary in nature, and also burdens
16 state and local governments with those offenders who recycle through
17 the criminal justice system.

18 The legislature believes that recidivism can be reduced and a
19 substantial cost savings can be realized by utilizing evidence-based,
20 research-based, and promising programs to address offender deficits,
21 developing and better coordinating the reentry efforts of state and
22 local governments and local communities. Research shows that if
23 quality assurances are adhered to, implementing an optimal portfolio of
24 evidence-based programming options for offenders who are willing to
25 take advantage of such programs can have a notable impact on
26 recidivism.

27 While the legislature recognizes that recidivism cannot be
28 eliminated and that a significant number of offenders are unwilling or
29 unable to work to develop the tools necessary to successfully
30 reintegrate into society, the interests of the public overall are

1 better served by better preparing offenders while incarcerated, and
2 continuing those efforts for those recently released from prison or
3 jail, for successful, productive, and healthy transitions to their
4 communities. Educational, employment, and treatment opportunities
5 should be designed to address individual deficits and ideally give
6 offenders the ability to function in society. In order to foster
7 reintegration, this act recognizes the importance of a strong
8 partnership between the department of corrections, local governments,
9 law enforcement, social service providers, and interested members of
10 communities across our state.

11 The legislature also recognizes the need to ensure the safety of
12 the public while offenders are reintegrating into communities. To
13 further the goal of ensuring public safety, the legislature intends to
14 improve the monitoring of offenders on supervision and hold those who
15 violate the conditions of supervision accountable for their actions.
16 The legislature intends to increase the effectiveness of supervision of
17 offenders on community custody through methods such as increased
18 flexibility in searches of offenders on community custody with the goal
19 of preventing future offenses and supervision violations.

20 **PART I - LOCAL LAW AND JUSTICE COUNCILS**

21 **Sec. 101.** RCW 72.09.300 and 1996 c 232 s 7 are each amended to
22 read as follows:

23 (1) Every county legislative authority shall by resolution or
24 ordinance establish a local law and justice council. The county
25 legislative authority shall determine the size and composition of the
26 council, which shall include the county sheriff and a representative of
27 the municipal police departments within the county, the county
28 prosecutor and a representative of the municipal prosecutors within the
29 county, a representative of the city legislative authorities within the
30 county, a representative of the county's superior, juvenile, district,
31 and municipal courts, the county jail administrator, the county clerk,
32 the county risk manager, and the secretary of corrections and his or
33 her designees. Officials designated may appoint representatives.

34 (2) A combination of counties may establish a local law and justice
35 council by intergovernmental agreement. The agreement shall comply
36 with the requirements of this section.

1 (3) The local law and justice council (~~(shall develop a local law~~
2 ~~and justice plan for the county. The council shall design the elements~~
3 ~~and scope of the plan, subject to final approval by the county~~
4 ~~legislative authority. The general intent of the plan shall include~~
5 ~~seeking means to maximize)) may address issues related to:~~

6 (a) Maximizing local resources including personnel and facilities,
7 (~~reduce~~) reducing duplication of services, and (~~share~~) sharing
8 resources between local and state government in order to accomplish
9 local efficiencies without diminishing effectiveness(~~. The plan shall~~
10 ~~also include a section on jail management. This section may include~~
11 ~~the following elements:~~

12 ~~(a) A description of current jail conditions, including whether the~~
13 ~~jail is overcrowded;~~

14 ~~(b) A description of potential alternatives to incarceration;~~

15 ~~(c) A description of current jail resources;~~

16 ~~(d) A description of the jail population as it presently exists and~~
17 ~~how it is projected to change in the future;~~

18 ~~(e) A description of projected future resource requirements;~~

19 ~~(f) A proposed action plan, which shall include recommendations to~~
20 ~~maximize resources, maximize the use of intermediate sanctions,~~
21 ~~minimize overcrowding, avoid duplication of services, and effectively~~
22 ~~manage the jail and the offender population;~~

23 ~~(g) A list of proposed advisory jail standards and methods to~~
24 ~~effect periodic quality assurance inspections of the jail;~~

25 ~~(h) A proposed plan to collect, synthesize, and disseminate~~
26 ~~technical information concerning local criminal justice activities,~~
27 ~~facilities, and procedures;~~

28 ~~(i) A description of existing and potential services for offenders~~
29 ~~including employment services, substance abuse treatment, mental health~~
30 ~~services, and housing referral services.~~

31 ~~(4) The council may propose other elements of the plan, which shall~~
32 ~~be subject to review and approval by the county legislative authority,~~
33 ~~prior to their inclusion into the plan.~~

34 ~~(5))~~);

35 (b) Jail management;

36 (c) Mechanisms for communication of information about offenders,
37 including the feasibility of shared access to databases; and

1 (d) Partnerships between the department and local community
2 policing and supervision programs to facilitate supervision of
3 offenders under the respective jurisdictions of each and timely
4 response to an offender's failure to comply with the terms of
5 supervision.

6 (4) The county legislative authority may request technical
7 assistance in ~~((developing or implementing the plan from))~~ coordinating
8 services with other units or agencies of state or local government,
9 which shall include the department, the office of financial management,
10 and the Washington association of sheriffs and police chiefs.

11 ~~((+6))~~ (5) Upon receiving a request for assistance from a county,
12 the department may provide the requested assistance.

13 ~~((+7))~~ (6) The secretary may adopt rules for the submittal,
14 review, and approval of all requests for assistance made to the
15 department. ~~((The secretary may also appoint an advisory committee of~~
16 ~~local and state government officials to recommend policies and~~
17 ~~procedures relating to the state and local correctional systems and to~~
18 ~~assist the department in providing technical assistance to local~~
19 ~~governments. The committee shall include representatives of the county~~
20 ~~sheriffs, the police chiefs, the county prosecuting attorneys, the~~
21 ~~county and city legislative authorities, and the jail administrators.~~
22 ~~The secretary may contract with other state and local agencies and~~
23 ~~provide funding in order to provide the assistance requested by~~
24 ~~counties.~~

25 ~~(8)~~ The department shall establish a base level of state
26 correctional services, which shall be determined and distributed in a
27 consistent manner statewide. The department's contributions to any
28 local government, approved pursuant to this section, shall not operate
29 to reduce this base level of services.

30 ~~(9)~~ The council shall establish an advisory committee on juvenile
31 justice proportionality. The council shall appoint the county juvenile
32 court administrator and at least five citizens as advisory committee
33 members. The citizen advisory committee members shall be
34 representative of the county's ethnic and geographic diversity. The
35 advisory committee members shall serve two year terms and may be
36 reappointed. The duties of the advisory committee include:

37 ~~(a)~~ Monitoring and reporting to the sentencing guidelines

1 ~~commission on the proportionality, effectiveness, and cultural~~
2 ~~relevance of:~~

3 ~~(i) The rehabilitative services offered by county and state~~
4 ~~institutions to juvenile offenders; and~~

5 ~~(ii) The rehabilitative services offered in conjunction with~~
6 ~~diversions, deferred dispositions, community supervision, and parole;~~

7 ~~(b) Reviewing citizen complaints regarding bias or~~
8 ~~disproportionality in that county's juvenile justice system;~~

9 ~~(c) By September 1 of each year, beginning with 1995, submit to the~~
10 ~~sentencing guidelines commission a report summarizing the advisory~~
11 ~~committee's findings under (a) and (b) of this subsection.)~~

12 **PART II - LIABILITY**

13 NEW SECTION. **Sec. 201.** A new section is added to chapter 4.24 RCW
14 to read as follows:

15 For the purposes of this chapter:

16 (1) "Limited jurisdiction court" means a district court or a
17 municipal court, and anyone acting or operating at the direction of
18 such court, including but not limited to its officers, employees,
19 agents, contractors, and volunteers.

20 (2) "Misdemeanant supervision services" means preconviction or
21 postconviction misdemeanor probation or supervision services, or the
22 monitoring of a misdemeanor defendant's compliance with a preconviction
23 or postconviction order of the court, including but not limited to
24 community corrections programs, probation supervision, pretrial
25 supervision, or pretrial release services.

26 (3) "Supervision or community custody" includes preconviction or
27 postconviction probation or supervision services, or the monitoring of
28 a defendant's compliance with a preconviction or postconviction order
29 of the court, including but not limited to community corrections
30 programs, probation supervision, pretrial supervision, or pretrial
31 release services. Community supervision also includes activities
32 associated with partnerships between corrections officers and law
33 enforcement that may exist for this purpose.

34 (4) "The state" means the state, the department of corrections, and
35 anyone acting under the direction of the state or department, including

1 but not limited to its officers, employees, agents, contractors, and
2 volunteers.

3 NEW SECTION. **Sec. 202.** A new section is added to chapter 4.24 RCW
4 to read as follows:

5 A limited jurisdiction court that provides misdemeanor supervision
6 services is not liable for civil damages based on the inadequate
7 supervision or monitoring of a misdemeanor defendant or probationer
8 unless the inadequate supervision or monitoring constitutes gross
9 negligence. This section does not create any duty and shall not be
10 construed to create a duty where none exists. Nothing in this section
11 shall be construed to affect judicial immunity.

12 NEW SECTION. **Sec. 203.** A new section is added to chapter 4.24 RCW
13 to read as follows:

14 The state is not liable for civil damages resulting from any act or
15 omission in the provision of supervision or community custody unless
16 the act or omission constitutes gross negligence. This section does
17 not create any duty and shall not be construed to create a duty where
18 none exists.

19 NEW SECTION. **Sec. 204.** A new section is added to chapter 4.24 RCW
20 to read as follows:

21 (1) The state is not liable for civil damages resulting from any
22 act or omission in the assessment, screening, or delivery of services
23 to an offender under supervision or community custody for the purpose
24 of creating, amending, maintaining, or implementing an individual
25 reentry plan, unless the act or omission constitutes gross negligence.

26 (2) A limited jurisdiction court is not liable for civil damages
27 resulting from any act or omission in the assessment, screening, or
28 delivery of services to an offender under supervision or community
29 custody for the purpose of creating, amending, maintaining, or
30 implementing an individual reentry plan unless the act or omission
31 constitutes gross negligence.

32 (3) This section does not create any duty and shall not be
33 construed to create a duty where none exists.

1 **Sec. 205.** RCW 9.94A.720 and 2003 c 379 s 7 are each amended to
2 read as follows:

3 (1)(a) Except as provided in RCW 9.94A.501, all offenders sentenced
4 to terms involving community supervision, community restitution,
5 community placement, or community custody shall be under the
6 supervision of the department and shall follow explicitly the
7 instructions and conditions of the department. The department may
8 require an offender to perform affirmative acts it deems appropriate to
9 monitor compliance with the conditions of the sentence imposed. The
10 department may only supervise the offender's compliance with payment of
11 legal financial obligations during any period in which the department
12 is authorized to supervise the offender in the community under RCW
13 9.94A.501.

14 (b) The instructions shall include, at a minimum, reporting as
15 directed to a community corrections officer, remaining within
16 prescribed geographical boundaries, notifying the community corrections
17 officer of any change in the offender's address or employment, and
18 paying the supervision fee assessment.

19 (c) For offenders sentenced to terms involving community custody
20 for crimes committed on or after June 6, 1996, the department may
21 include, in addition to the instructions in (b) of this subsection, any
22 appropriate conditions of supervision, including but not limited to,
23 prohibiting the offender from having contact with any other specified
24 individuals or specific class of individuals.

25 (d) For offenders sentenced to terms of community custody for
26 crimes committed on or after July 1, 2000, the department may impose
27 conditions as specified in RCW 9.94A.715.

28 The conditions authorized under (c) of this subsection may be
29 imposed by the department prior to or during an offender's community
30 custody term. If a violation of conditions imposed by the court or the
31 department pursuant to RCW 9.94A.710 occurs during community custody,
32 it shall be deemed a violation of community placement for the purposes
33 of RCW 9.94A.740 and shall authorize the department to transfer an
34 offender to a more restrictive confinement status as provided in RCW
35 9.94A.737. At any time prior to the completion of an offender's term
36 of community custody, the department may recommend to the court that
37 any or all of the conditions imposed by the court or the department

1 pursuant to RCW 9.94A.710 or 9.94A.715 be continued beyond the
2 expiration of the offender's term of community custody as authorized in
3 RCW 9.94A.715 (3) or (5).

4 The department may require offenders to pay for special services
5 rendered on or after July 25, 1993, including electronic monitoring,
6 day reporting, and telephone reporting, dependent upon the offender's
7 ability to pay. The department may pay for these services for
8 offenders who are not able to pay.

9 (2) No offender sentenced to terms involving community supervision,
10 community restitution, community custody, or community placement under
11 the supervision of the department may own, use, or possess firearms or
12 ammunition. Offenders who own, use, or are found to be in actual or
13 constructive possession of firearms or ammunition shall be subject to
14 the violation process and sanctions under RCW 9.94A.634, 9.94A.737, and
15 9.94A.740. "Constructive possession" as used in this subsection means
16 the power and intent to control the firearm or ammunition. "Firearm"
17 as used in this subsection has the same definition as in RCW 9.41.010.

18 (3) A community corrections officer is not liable for civil damages
19 arising from an act or omission which occurs when the community
20 corrections officer provides assistance to a law enforcement officer so
21 long as the community corrections officer was acting at the request of
22 the law enforcement officer, unless the act or omission constitutes
23 gross negligence.

24 (4) A community corrections officer is not liable for civil damages
25 arising from an act or omission which occurs when the community
26 corrections officer interacts with a third party who is attempting to
27 intervene in a situation in which the community corrections officer is
28 contacting an offender on community custody or community supervision,
29 so long as the community corrections officer was acting at the request
30 of the law enforcement officer, unless the act or omission constitutes
31 gross negligence.

32 PART III - INDIVIDUAL REENTRY PLAN

33 **Sec. 301.** RCW 72.09.015 and 2004 c 167 s 6 are each amended to
34 read as follows:

35 The definitions in this section apply throughout this chapter.

1 (1) "Adult basic education" means education or instruction designed
2 to achieve general competence of skills in reading, writing, and oral
3 communication, including English as a second language and preparation
4 and testing services for obtaining a high school diploma or a general
5 equivalency diploma.

6 (2) "Base level of correctional services" means the minimum level
7 of field services the department of corrections is required by statute
8 to provide for the supervision and monitoring of offenders.

9 (~~(2)~~) (3) "Contraband" means any object or communication the
10 secretary determines shall not be allowed to be: (a) Brought into; (b)
11 possessed while on the grounds of; or (c) sent from any institution
12 under the control of the secretary.

13 (~~(3)~~) (4) "County" means a county or combination of counties.

14 (~~(4)~~) (5) "Department" means the department of corrections.

15 (~~(5)~~) (6) "Earned early release" means earned release as
16 authorized by RCW 9.94A.728.

17 (~~(6)~~) (7) "Evidence-based" means a program or practice that has
18 had multiple site random controlled trials across heterogeneous
19 populations demonstrating that the program or practice is effective in
20 reducing recidivism for the population.

21 (8) "Extended family visit" means an authorized visit between an
22 inmate and a member of his or her immediate family that occurs in a
23 private visiting unit located at the correctional facility where the
24 inmate is confined.

25 (~~(7)~~) (9) "Good conduct" means compliance with department rules
26 and policies.

27 (~~(8)~~) (10) "Good performance" means successful completion of a
28 program required by the department, including an education, work, or
29 other program.

30 (~~(9)~~) (11) "Immediate family" means the inmate's children,
31 stepchildren, grandchildren, great grandchildren, parents, stepparents,
32 grandparents, great grandparents, siblings, and a person legally
33 married to an inmate. "Immediate family" does not include an inmate
34 adopted by another inmate or the immediate family of the adopted or
35 adopting inmate.

36 (~~(10)~~) (12) "Indigent inmate," "indigent," and "indigency" mean
37 an inmate who has less than a ten-dollar balance of disposable income

1 in his or her institutional account on the day a request is made to
2 utilize funds and during the thirty days previous to the request.

3 ~~((+11+))~~ (13) "Individual reentry plan" means the plan to prepare
4 the inmate for release into the community. It is developed
5 collaboratively between the department and the inmate. The plan is
6 based on an assessment of the inmate using a standardized and
7 comprehensive tool. The individual reentry plan describes actions that
8 must occur to prepare individual offenders for release from the custody
9 of the department, specifies the supervision and services they will
10 experience in the community, and describes an offender's eventual
11 discharge to aftercare upon successful completion of supervision. An
12 individual reentry plan is updated throughout the period of an
13 offender's incarceration and supervision is to be relevant to the
14 offender's current needs and risks.

15 (14) "Inmate" means a person committed to the custody of the
16 department, including but not limited to persons residing in a
17 correctional institution or facility and persons released on furlough,
18 work release, or community custody, and persons received from another
19 state, state agency, county, or federal jurisdiction.

20 ~~((+12+))~~ (15) "Privilege" means any goods or services, education or
21 work programs, or earned early release days, the receipt of which are
22 directly linked to an inmate's (a) good conduct; and (b) good
23 performance. Privileges do not include any goods or services the
24 department is required to provide under the state or federal
25 Constitution or under state or federal law.

26 ~~((+13+))~~ (16) "Promising practice" means a practice that presents,
27 based on preliminary information, potential for becoming a research-
28 based or consensus-based practice.

29 (17) "Research-based" means a program or practice that has some
30 research demonstrating effectiveness, but that does not yet meet the
31 standard of evidence-based practices.

32 (18) "Secretary" means the secretary of corrections or his or her
33 designee.

34 ~~((+14+))~~ (19) "Significant expansion" includes any expansion into
35 a new product line or service to the class I business that results from
36 an increase in benefits provided by the department, including a
37 decrease in labor costs, rent, or utility rates (for water, sewer,

1 electricity, and disposal), an increase in work program space, tax
2 advantages, or other overhead costs.

3 ~~((+15+))~~ (20) "Superintendent" means the superintendent of a
4 correctional facility under the jurisdiction of the Washington state
5 department of corrections, or his or her designee.

6 ~~((+16+))~~ (21) "Unfair competition" means any net competitive
7 advantage that a business may acquire as a result of a correctional
8 industries contract, including labor costs, rent, tax advantages,
9 utility rates (water, sewer, electricity, and disposal), and other
10 overhead costs. To determine net competitive advantage, the
11 correctional industries board shall review and quantify any expenses
12 unique to operating a for-profit business inside a prison.

13 ~~((+17+))~~ (22) "Vocational training" or "vocational education" means
14 "vocational education" as defined in RCW 72.62.020.

15 (23) "Washington business" means an in-state manufacturer or
16 service provider subject to chapter 82.04 RCW existing on June 10,
17 2004.

18 ~~((+18+))~~ (24) "Work programs" means all classes of correctional
19 industries jobs authorized under RCW 72.09.100.

20 NEW SECTION. Sec. 302. A new section is added to chapter 72.09
21 RCW to read as follows:

22 (1) The department of corrections shall develop an individual
23 reentry plan as defined in RCW 72.09.015 for every offender who is
24 committed to a correctional facility operated by the department. The
25 individual reentry plan may be one document, or may be a series of
26 individual plans that combine to meet the requirements of this section.

27 (2) In developing individual reentry plans, the department shall
28 assess all offenders using standardized and comprehensive tools to
29 identify the criminogenic risks, programmatic needs, and educational
30 and vocational skill levels for each offender. The assessment tool
31 should take into account demographic biases, such as culture, age, and
32 gender, as well as the needs of the offender, including any learning
33 disabilities, substance abuse or mental health issues, and social or
34 behavior deficits.

35 (3)(a) The initial assessment shall be conducted as early as
36 sentencing, but no later than forty-five days after entry into the

1 correctional system and shall be periodically reviewed and updated as
2 appropriate.

3 (b) The offender's individual reentry plan shall be developed as
4 soon as possible after the initial assessment is conducted, but no
5 later than sixty days after completion of the assessment.

6 (4) The individual reentry plan shall, at a minimum, include:

7 (a) A plan to maintain contact with the inmate's children and
8 family, if appropriate. The plan should determine whether parenting
9 classes, or other services, are appropriate to facilitate successful
10 reunification with the offender's children and family;

11 (b) An individualized portfolio for each offender that includes the
12 offender's education achievements, certifications, employment, work
13 experience, skills, and any training received prior to and during
14 incarceration; and

15 (c) A plan for the offender during the period of incarceration
16 through reentry into the community that addresses the needs of the
17 offender including education, employment, substance abuse treatment,
18 mental health treatment, family reunification, and other areas which
19 are needed to facilitate a successful reintegration into the community.

20 (5)(a) The individual reentry plan shall be updated as appropriate
21 during the period of incarceration to maintain relevancy to the
22 inmate's current risks and needs.

23 (b) The individual reentry plan shall be updated six months prior
24 to the inmate's release to reassess the inmate's specific needs upon
25 reentry. The individual reentry plan updated prior to release shall
26 address the following:

27 (i) The individual reentry plan should consider public safety
28 concerns and be consistent with the offender assigned risk management
29 level assigned by the department;

30 (ii) The plan for the offender to access housing immediately upon
31 release, including details of contact information for an individual to
32 assist with housing;

33 (iii) The plan for the offender to become connected with a
34 community justice center in the area in which the offender will be
35 residing once released from the correctional system.

36 (6) Nothing in this act creates a vested right in programming,
37 education, or other services.

1 (7) An individual reentry plan may not be used as evidence of
2 liability against the department, the state of Washington, or its
3 employees.

4 **PART IV - PARTIAL CONFINEMENT AND SUPERVISION**

5 NEW SECTION. **Sec. 401.** A new section is added to chapter 72.09
6 RCW to read as follows:

7 (1) The department shall continue to establish community justice
8 centers throughout the state for the purpose of providing comprehensive
9 services and monitoring for inmates who are reentering the community.

10 (2) For the purposes of this chapter, "community justice center" is
11 defined as a nonresidential facility staffed primarily by the
12 department in which released offenders may access services, or receive
13 information regarding services, necessary to improve their successful
14 reentry into the community. Such services may include but are not
15 limited to, those listed in the individual reentry plan, mental health,
16 chemical dependency, sex offender treatment, anger management,
17 parenting education, financial literacy, housing assistance, employment
18 assistance, and community supervision.

19 (3) At a minimum, the community justice center shall include:

20 (a) A violator program to allow the department to utilize a range
21 of available sanctions for offenders who violate conditions of their
22 supervision;

23 (b) An employment opportunity program to assist an offender in
24 finding employment; and

25 (c) Resources for connecting offenders with services such as
26 treatment, transportation, training, family reunification, and
27 community services.

28 (4) In addition to any other programs or services offered by a
29 community justice center, the department shall designate a transition
30 coordinator to facilitate connections between the former offender and
31 the community.

32 (5) The transition coordinator shall provide information to former
33 offenders regarding services available to them in the community
34 regardless of the length of time since the offender's release from the
35 correctional facility. The transition coordinator shall, at a minimum,
36 be responsible for the following:

1 (a) Gathering and maintaining information regarding services
2 currently existing within the community that are available to offenders
3 including, but not limited to:

4 (i) Programs offered through the department of social and health
5 services, the department of health, the department of licensing,
6 housing authorities, local community and technical colleges, other
7 state or federal entities which provide public benefits, and nonprofit
8 entities;

9 (ii) Services such as housing assistance, employment assistance,
10 education, vocational training, parent education, financial literacy,
11 treatment for substance abuse, mental health, anger management, and any
12 other service or program that will assist the former offender to
13 successfully transition into the community;

14 (b) Coordinating access to the existing services with the community
15 providers and provide offenders with information regarding how to
16 access the various type of services and resources that are available in
17 the community.

18 (6)(a) A minimum of six community justice centers shall be
19 operational by December 1, 2009. The six community justice centers
20 include those in operation on the effective date of this section.

21 (b) By December 1, 2011, the department shall establish a minimum
22 of three additional community justice centers within the state.

23 (7) In locating new centers, the department shall:

24 (a) Give priority to the counties with the largest population of
25 offenders who were released from department of corrections custody and
26 that do not already have a community justice center;

27 (b) Ensure that at least two centers are operational in eastern
28 Washington; and

29 (c) Comply with section 402 of this act and all applicable zoning
30 laws and regulations.

31 (8) Before beginning the siting or opening of the new community
32 justice center, the department shall:

33 (a) Notify the city, if applicable, and the county within which the
34 community justice center is proposed. Such notice shall occur at least
35 sixty days prior to selecting a specific location to provide the
36 services listed in this section;

37 (b) Consult with the community providers listed in subsection (5)

1 of this section to determine if they have the capacity to provide
2 services to offenders through the community justice center; and

3 (c) Give due consideration to all comments received in response to
4 the notice of the start of site selection and consultation with
5 community providers.

6 (9) The department shall make efforts to enter into memoranda of
7 understanding or agreements with the local community policing and
8 supervision programs in which the community justice center is located
9 to address:

10 (a) Efficiencies that may be gained by sharing space or resources
11 in the provision of reentry services to offenders;

12 (b) Mechanisms for communication of information about offenders,
13 including the feasibility of shared access to databases;

14 (c) Partnerships between the department of corrections and local
15 police to supervise offenders. The agreement must address:

16 (i) Shared mechanisms to facilitate supervision of offenders under
17 the respective jurisdictions of each which may include activities such
18 as joint emphasis patrols to monitor high-risk offenders, service of
19 bench and secretary warrants and detainers, joint field visits,
20 connecting offenders with services, and, where appropriate, directing
21 offenders into sanction alternatives in lieu of incarceration;

22 (ii) The roles and responsibilities of police officers and
23 corrections staff participating in the partnership; and

24 (iii) The amount of corrections staff and police officer time that
25 will be dedicated to partnership efforts.

26 NEW SECTION. **Sec. 402.** No later than July 1, 2007, and every
27 biennium thereafter starting with the biennium beginning July 1, 2008,
28 the department shall prepare a list of counties and rural multicounty
29 geographic areas in which work release facilities, community justice
30 centers and other community-based facilities are anticipated to be
31 sited during the next three fiscal years and transmit the list to the
32 office of financial management and the counties on the list. The list
33 may be updated as needed.

34 **Sec. 403.** RCW 9.94A.728 and 2004 c 176 s 6 are each amended to
35 read as follows:

36 No person serving a sentence imposed pursuant to this chapter and

1 committed to the custody of the department shall leave the confines of
2 the correctional facility or be released prior to the expiration of the
3 sentence except as follows:

4 (1) Except as otherwise provided for in subsection (2) of this
5 section, the term of the sentence of an offender committed to a
6 correctional facility operated by the department may be reduced by
7 earned release time in accordance with procedures that shall be
8 developed and promulgated by the correctional agency having
9 jurisdiction in which the offender is confined. The earned release
10 time shall be for good behavior and good performance, as determined by
11 the correctional agency having jurisdiction. The correctional agency
12 shall not credit the offender with earned release credits in advance of
13 the offender actually earning the credits. Any program established
14 pursuant to this section shall allow an offender to earn early release
15 credits for presentence incarceration. If an offender is transferred
16 from a county jail to the department, the administrator of a county
17 jail facility shall certify to the department the amount of time spent
18 in custody at the facility and the amount of earned release time. An
19 offender who has been convicted of a felony committed after July 23,
20 1995, that involves any applicable deadly weapon enhancements under RCW
21 9.94A.533 (3) or (4), or both, shall not receive any good time credits
22 or earned release time for that portion of his or her sentence that
23 results from any deadly weapon enhancements.

24 (a) In the case of an offender convicted of a serious violent
25 offense, or a sex offense that is a class A felony, committed on or
26 after July 1, 1990, and before July 1, 2003, the aggregate earned
27 release time may not exceed fifteen percent of the sentence. In the
28 case of an offender convicted of a serious violent offense, or a sex
29 offense that is a class A felony, committed on or after July 1, 2003,
30 the aggregate earned release time may not exceed ten percent of the
31 sentence.

32 (b)(i) In the case of an offender who qualifies under (b)(ii) of
33 this subsection, the aggregate earned release time may not exceed fifty
34 percent of the sentence.

35 (ii) An offender is qualified to earn up to fifty percent of
36 aggregate earned release time under this subsection (1)(b) if he or
37 she:

1 (A) Is classified in one of the two lowest risk categories under
2 (b)(iii) of this subsection;

3 (B) Is not confined pursuant to a sentence for:

4 (I) A sex offense;

5 (II) A violent offense;

6 (III) A crime against persons as defined in RCW 9.94A.411;

7 (IV) A felony that is domestic violence as defined in RCW
8 10.99.020;

9 (V) A violation of RCW 9A.52.025 (residential burglary);

10 (VI) A violation of, or an attempt, solicitation, or conspiracy to
11 violate, RCW 69.50.401 by manufacture or delivery or possession with
12 intent to deliver methamphetamine; or

13 (VII) A violation of, or an attempt, solicitation, or conspiracy to
14 violate, RCW 69.50.406 (delivery of a controlled substance to a minor);
15 (~~and~~)

16 (C) Has no prior conviction for:

17 (I) A sex offense;

18 (II) A violent offense;

19 (III) A crime against persons as defined in RCW 9.94A.411;

20 (IV) A felony that is domestic violence as defined in RCW
21 10.99.020;

22 (V) A violation of RCW 9A.52.025 (residential burglary);

23 (VI) A violation of, or an attempt, solicitation, or conspiracy to
24 violate, RCW 69.50.401 by manufacture or delivery or possession with
25 intent to deliver methamphetamine; or

26 (VII) A violation of, or an attempt, solicitation, or conspiracy to
27 violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

28 (D) Participates in programming or activities as directed by the
29 offender's individual reentry plan as provided under section 302 of
30 this act to the extent that such programming or activities are made
31 available by the department; and

32 (E) Has not committed a new felony after the effective date of this
33 act while under community supervision, community restitution, community
34 placement, or community custody.

35 (iii) For purposes of determining an offender's eligibility under
36 this subsection (1)(b), the department shall perform a risk assessment
37 of every offender committed to a correctional facility operated by the
38 department who has no current or prior conviction for a sex offense, a

1 violent offense, a crime against persons as defined in RCW 9.94A.411,
2 a felony that is domestic violence as defined in RCW 10.99.020, a
3 violation of RCW 9A.52.025 (residential burglary), a violation of, or
4 an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by
5 manufacture or delivery or possession with intent to deliver
6 methamphetamine, or a violation of, or an attempt, solicitation, or
7 conspiracy to violate, RCW 69.50.406 (delivery of a controlled
8 substance to a minor). The department must classify each assessed
9 offender in one of four risk categories between highest and lowest
10 risk.

11 (iv) The department shall recalculate the earned release time and
12 reschedule the expected release dates for each qualified offender under
13 this subsection (1)(b).

14 (v) This subsection (1)(b) applies retroactively to eligible
15 offenders serving terms of total confinement in a state correctional
16 facility as of July 1, 2003.

17 (vi) This subsection (1)(b) does not apply to offenders convicted
18 after July 1, 2010.

19 (c) In no other case shall the aggregate earned release time exceed
20 one-third of the total sentence;

21 (2)(a) A person convicted of a sex offense or an offense
22 categorized as a serious violent offense, assault in the second degree,
23 vehicular homicide, vehicular assault, assault of a child in the second
24 degree, any crime against persons where it is determined in accordance
25 with RCW 9.94A.602 that the offender or an accomplice was armed with a
26 deadly weapon at the time of commission, or any felony offense under
27 chapter 69.50 or 69.52 RCW, committed before July 1, 2000, may become
28 eligible, in accordance with a program developed by the department, for
29 transfer to community custody status in lieu of earned release time
30 pursuant to subsection (1) of this section;

31 (b) A person convicted of a sex offense, a violent offense, any
32 crime against persons under RCW 9.94A.411(2), or a felony offense under
33 chapter 69.50 or 69.52 RCW, committed on or after July 1, 2000, may
34 become eligible, in accordance with a program developed by the
35 department, for transfer to community custody status in lieu of earned
36 release time pursuant to subsection (1) of this section;

37 (c) The department shall, as a part of its program for release to
38 the community in lieu of earned release, require the offender to

1 propose a release plan that includes an approved residence and living
2 arrangement. All offenders with community placement or community
3 custody terms eligible for release to community custody status in lieu
4 of earned release shall provide an approved residence and living
5 arrangement prior to release to the community;

6 (d) The department may deny transfer to community custody status in
7 lieu of earned release time pursuant to subsection (1) of this section
8 if the department determines an offender's release plan, including
9 proposed residence location and living arrangements, may violate the
10 conditions of the sentence or conditions of supervision, place the
11 offender at risk to violate the conditions of the sentence, place the
12 offender at risk to reoffend, or present a risk to victim safety or
13 community safety. The department's authority under this section is
14 independent of any court-ordered condition of sentence or statutory
15 provision regarding conditions for community custody or community
16 placement;

17 (e) If the department denies transfer to community custody status
18 in lieu of earned early release pursuant to (d) of this subsection, the
19 department may transfer an offender to partial confinement in lieu of
20 earned early release up to three months. The three months in partial
21 confinement is in addition to that portion of the offender's term of
22 confinement that may be served in partial confinement as provided in
23 this section;

24 (f) An offender serving a term of confinement imposed under RCW
25 9.94A.670(4)(a) is not eligible for earned release credits under this
26 section;

27 (3) An offender may leave a correctional facility pursuant to an
28 authorized furlough or leave of absence. In addition, offenders may
29 leave a correctional facility when in the custody of a corrections
30 officer or officers;

31 (4)(a) The secretary may authorize an extraordinary medical
32 placement for an offender when all of the following conditions exist:

33 (i) The offender has a medical condition that is serious enough to
34 require costly care or treatment;

35 (ii) The offender poses a low risk to the community because he or
36 she is physically incapacitated due to age or the medical condition;
37 and

1 (iii) Granting the extraordinary medical placement will result in
2 a cost savings to the state.

3 (b) An offender sentenced to death or to life imprisonment without
4 the possibility of release or parole is not eligible for an
5 extraordinary medical placement.

6 (c) The secretary shall require electronic monitoring for all
7 offenders in extraordinary medical placement unless the electronic
8 monitoring equipment interferes with the function of the offender's
9 medical equipment or results in the loss of funding for the offender's
10 medical care. The secretary shall specify who shall provide the
11 monitoring services and the terms under which the monitoring shall be
12 performed.

13 (d) The secretary may revoke an extraordinary medical placement
14 under this subsection at any time;

15 (5) The governor, upon recommendation from the clemency and pardons
16 board, may grant an extraordinary release for reasons of serious health
17 problems, senility, advanced age, extraordinary meritorious acts, or
18 other extraordinary circumstances;

19 (6) No more than the final six months of the ~~((sentence))~~
20 offender's term of confinement may be served in partial confinement
21 designed to aid the offender in finding work and reestablishing himself
22 or herself in the community. This is in addition to that period of
23 earned early release time that may be exchanged for partial confinement
24 pursuant to subsection (2)(e) of this section;

25 (7) The governor may pardon any offender;

26 (8) The department may release an offender from confinement any
27 time within ten days before a release date calculated under this
28 section; and

29 (9) An offender may leave a correctional facility prior to
30 completion of his or her sentence if the sentence has been reduced as
31 provided in RCW 9.94A.870.

32 Notwithstanding any other provisions of this section, an offender
33 sentenced for a felony crime listed in RCW 9.94A.540 as subject to a
34 mandatory minimum sentence of total confinement shall not be released
35 from total confinement before the completion of the listed mandatory
36 minimum sentence for that felony crime of conviction unless allowed
37 under RCW 9.94A.540, however persistent offenders are not eligible for
38 extraordinary medical placement.

1 **Sec. 404.** RCW 9.94A.737 and 2005 c 435 s 3 are each amended to
2 read as follows:

3 (1) If an offender violates any condition or requirement of
4 community custody, the department may transfer the offender to a more
5 restrictive confinement status to serve up to the remaining portion of
6 the sentence, less credit for any period actually spent in community
7 custody or in detention awaiting disposition of an alleged violation
8 and subject to the limitations of subsection (2) of this section. The
9 sanction for the violation shall be determined by the community
10 corrections officer, or other person responsible for supervision of the
11 offender, based on the community corrections officer's knowledge and
12 experience with the offender, the seriousness of the violation, and
13 other factors deemed relevant by the community corrections officer.

14 (2)(a) For a sex offender sentenced to a term of community custody
15 under RCW 9.94A.670 who violates any condition of community custody,
16 the department may impose a sanction of up to sixty days' confinement
17 in a local correctional facility for each violation. If the department
18 imposes a sanction, the department shall submit within seventy-two
19 hours a report to the court and the prosecuting attorney outlining the
20 violation or violations and the sanctions imposed.

21 (b) For a sex offender sentenced to a term of community custody
22 under RCW 9.94A.710 who violates any condition of community custody
23 after having completed his or her maximum term of total confinement,
24 including time served on community custody in lieu of earned release,
25 the department may impose a sanction of up to sixty days in a local
26 correctional facility for each violation.

27 (c) For an offender sentenced to a term of community custody under
28 RCW 9.94A.505(2)(b), 9.94A.650, or 9.94A.715, or under RCW 9.94A.545,
29 for a crime committed on or after July 1, 2000, who violates any
30 condition of community custody after having completed his or her
31 maximum term of total confinement, including time served on community
32 custody in lieu of earned release, the department may impose a sanction
33 of up to sixty days in total confinement for each violation. The
34 department may impose sanctions such as work release, home detention
35 with electronic monitoring, work crew, community restitution, inpatient
36 treatment, daily reporting, curfew, educational or counseling sessions,
37 supervision enhanced through electronic monitoring, or any other
38 sanctions available in the community.

1 (d) For an offender sentenced to a term of community placement
2 under RCW 9.94A.705 who violates any condition of community placement
3 after having completed his or her maximum term of total confinement,
4 including time served on community custody in lieu of earned release,
5 the department may impose a sanction of up to sixty days in total
6 confinement for each violation. The department may impose sanctions
7 such as work release, home detention with electronic monitoring, work
8 crew, community restitution, inpatient treatment, daily reporting,
9 curfew, educational or counseling sessions, supervision enhanced
10 through electronic monitoring, or any other sanctions available in the
11 community.

12 (3) If an offender has been arrested for a new felony offense, the
13 department shall hold the offender in total confinement until a hearing
14 before the department as provided in this section or until the offender
15 has been formally charged for the new felony offense, whichever is
16 earlier. Nothing in this subsection shall be construed as to permit
17 the department to hold an offender past his or her maximum term of
18 total confinement if the offender has not completed the maximum term of
19 total confinement or to permit the department to hold an offender past
20 the offender's term of community custody.

21 (4) The department shall be financially responsible for any portion
22 of the sanctions authorized by this section that are served in a local
23 correctional facility as a result of actions taken by a department
24 employee.

25 (5) If an offender is accused of violating any condition or
26 requirement of community custody, he or she is entitled to a hearing
27 before the department prior to the imposition of sanctions. The
28 hearing shall be considered as offender disciplinary proceedings and
29 shall not be subject to chapter 34.05 RCW. The department shall
30 develop hearing procedures and a structure of graduated sanctions.

31 ~~((+4))~~ (6) The hearing procedures required under subsection
32 ~~((+3))~~ (5) of this section shall be developed by rule and include the
33 following:

34 (a) Hearing officers shall report through a chain of command
35 separate from that of community corrections officers;

36 (b) The department shall provide the offender with written notice
37 of the violation, the evidence relied upon, and the reasons the
38 particular sanction was imposed. The notice shall include a statement

1 of the rights specified in this subsection, and the offender's right to
2 file a personal restraint petition under court rules after the final
3 decision of the department;

4 (c) The hearing shall be held unless waived by the offender, and
5 shall be electronically recorded. For offenders not in total
6 confinement, the hearing shall be held within fifteen working days, but
7 not less than twenty-four hours, after notice of the violation. For
8 offenders in total confinement, the hearing shall be held within five
9 working days, but not less than twenty-four hours, after notice of the
10 violation;

11 (d) The offender shall have the right to: (i) Be present at the
12 hearing; (ii) have the assistance of a person qualified to assist the
13 offender in the hearing, appointed by the hearing officer if the
14 offender has a language or communications barrier; (iii) testify or
15 remain silent; (iv) call witnesses and present documentary evidence;
16 and (v) question witnesses who appear and testify; and

17 (e) The sanction shall take effect if affirmed by the hearing
18 officer. Within seven days after the hearing officer's decision, the
19 offender may appeal the decision to a panel of three reviewing officers
20 designated by the secretary or by the secretary's designee. The
21 sanction shall be reversed or modified if a majority of the panel finds
22 that the sanction was not reasonably related to any of the following:
23 (i) The crime of conviction; (ii) the violation committed; (iii) the
24 offender's risk of reoffending; or (iv) the safety of the community.

25 ~~((+5))~~ (7) For purposes of this section, no finding of a violation
26 of conditions may be based on unconfirmed or unconfirmable allegations.

27 ~~((+6))~~ (8) The department shall work with the Washington
28 association of sheriffs and police chiefs to establish and operate an
29 electronic monitoring program for low-risk offenders who violate the
30 terms of their community custody. Between January 1, 2006, and
31 December 31, 2006, the department shall endeavor to place at least one
32 hundred low-risk community custody violators on the electronic
33 monitoring program per day if there are at least that many low-risk
34 offenders who qualify for the electronic monitoring program.

35 ~~((+7))~~ (9) Local governments, their subdivisions and employees,
36 the department and its employees, and the Washington association of
37 sheriffs and police chiefs and its employees shall be immune from civil

1 liability for damages arising from incidents involving low-risk
2 offenders who are placed on electronic monitoring unless it is shown
3 that an employee acted with gross negligence or bad faith.

4 NEW SECTION. **Sec. 405.** (1) A legislative task force on laws
5 related to community custody and community supervision is established.

6 (2) The task force shall be composed of fifteen members appointed
7 in the following manner:

8 (a) The president of the senate shall appoint one member from each
9 of the two largest caucuses of the senate;

10 (b) The speaker of the house of representatives shall appoint one
11 member from each of the two largest caucuses of the house of
12 representatives;

13 (c) The governor shall appoint the chair of the task force and the
14 following members:

15 (i) A superior court judge;

16 (ii) A representative of a prosecutor's association;

17 (iii) A defense attorney or representative of an organization of
18 defense attorneys;

19 (iv) A representative of local elected officials;

20 (v) A sheriff or representative of an organization of sheriffs;

21 (vi) A police chief or representative of an organization of police
22 chiefs;

23 (vii) A community corrections officer;

24 (viii) A crime victim or advocate;

25 (d) The following agencies shall also be represented on the
26 committee:

27 (i) The attorney general, or the attorney general's designee; and

28 (ii) The secretary of the department of corrections, or the
29 secretary's designee.

30 (3) The task force shall:

31 (a) Convene at the call of the chair by September 1, 2007;

32 (b) Review and analyze all statutes of the Revised Code of
33 Washington related to community custody and community supervision of
34 offenders;

35 (c) Make specific recommendations, if any, related to sentencing
36 laws that would allow the department of corrections and its community

1 corrections officers to more easily identify statutory requirements
2 associated with an offender's sentence;

3 (d) Make specific recommendations, if any, related to community
4 custody and community supervision laws that would allow the department
5 of corrections and its community corrections officers to more easily
6 identify statutory requirements associated with an offender's term of
7 community custody or supervision;

8 (e) Make specific recommendations, if any, related to the statutory
9 requirements of the violation hearing process that would enable the
10 department of corrections and its community corrections officers to
11 respond to an offender's behavior by imposing appropriate and timely
12 sanctions when necessary;

13 (f) Make specific recommendations related to definitions and
14 language used in the statutes, which would make the statutes easily
15 readable and unambiguous;

16 (g) Receive input from the public and interested stakeholders to
17 assist in making suggested changes; and

18 (h) Report its findings to the governor and legislature in the form
19 of a final report to be submitted by November 1, 2007.

20 (i) The report shall propose specific amendatory language wherever
21 possible, when making recommendations;

22 (ii) Each recommendation in the report shall, whenever possible,
23 site to specific evidence-based programs or promising programs which
24 support the recommended change;

25 (iii) Each recommendation in the report shall, whenever possible,
26 site to a specific study from the Washington institute for public
27 policy, national institute for justice, bureau of justice assistance,
28 or other academic study supporting the suggested change;

29 (iv) The report shall contain a summary of public comment.

30 (4) The task force shall use legislative facilities, and staff
31 support shall be provided by the office of financial management, senate
32 committee services, and house of representatives office of program
33 research.

34 (5) The Washington institute for public policy, the department of
35 corrections, and the sentencing guidelines commission shall cooperate
36 with the task force and provide all information and support reasonably
37 requested by the task force.

1 (6) Nonlegislative members of the task force shall serve without
2 compensation, but shall be reimbursed for travel expenses as provided
3 in RCW 43.03.050 and 43.03.060.

4 (7) Legislative members of the task force shall be reimbursed for
5 travel expenses in accordance with RCW 44.04.120.

6 (8) This section expires December 31, 2007.

7 NEW SECTION. **Sec. 406.** A new section is added to chapter 72.04A
8 RCW to read as follows:

9 The department shall develop a plan to reduce the supervision
10 caseload of community corrections officers by December 1, 2012, and
11 increase partnerships such as the neighborhood corrections initiative.
12 Prior to 2012, the department shall hire additional community
13 corrections officers to the extent funding is provided in the operating
14 budget.

15 **Sec. 407.** RCW 9.94A.631 and 1984 c 209 s 11 are each amended to
16 read as follows:

17 If an offender violates any condition or requirement of a sentence,
18 a community corrections officer may arrest or cause the arrest of the
19 offender without a warrant, pending a determination by the court. If
20 there is reasonable cause to believe that an offender has violated a
21 condition or requirement of the sentence, an offender may be required
22 to submit to a search and seizure of the offender's person, residence,
23 automobile, or other personal property. An offender may be required to
24 submit to a search without reasonable cause to believe that he or she
25 has violated a condition or requirement of the sentence if the search
26 is a condition of his or her community custody under section 408 of
27 this act. A community corrections officer may also arrest an offender
28 for any crime committed in his or her presence. The facts and
29 circumstances of the conduct of the offender shall be reported by the
30 community corrections officer, with recommendations, to the court.

31 If a community corrections officer arrests or causes the arrest of
32 an offender under this section, the offender shall be confined and
33 detained in the county jail of the county in which the offender was
34 taken into custody, and the sheriff of that county shall receive and
35 keep in the county jail, where room is available, all prisoners
36 delivered to the jail by the community corrections officer, and such

1 offenders shall not be released from custody on bail or personal
2 recognizance, except upon approval of the court, pursuant to a written
3 order.

4 NEW SECTION. **Sec. 408.** A new section is added to chapter 9.94A
5 RCW to read as follows:

6 (1) The legislature finds that:

7 (a) Offenders in total confinement may be subjected to random,
8 unannounced inspections without violating the constitutional
9 requirement that all searches be reasonable;

10 (b) Offenders on community custody have the same expectation of
11 privacy as offenders in total confinement; and

12 (c) Requiring an offender on community custody to submit to random,
13 unannounced inspections is therefore reasonable under the federal and
14 state Constitutions.

15 (2) When a court sentences an offender to a term of community
16 custody under RCW 9.94A.505(2)(b), 9.94A.545, 9.94A.650, or 9.94A.715,
17 for a crime committed on or after the effective date of this act, the
18 court shall require the offender, as a condition of community custody,
19 to submit to random, unannounced inspections of his or her person,
20 residence, automobile, or other personal property.

21 NEW SECTION. **Sec. 409.** A new section is added to chapter 9.94A
22 RCW to read as follows:

23 The department of corrections must provide reasonably adequate
24 personnel and resources and make reasonably diligent efforts to
25 actively pursue and reacquire offenders who have escaped or absconded.

26 **PART V - EDUCATION**

27 **Sec. 501.** RCW 72.09.460 and 2004 c 167 s 5 are each amended to
28 read as follows:

29 (1) The legislature intends that all inmates be required to
30 participate in department-approved education programs, work programs,
31 or both, unless exempted (~~(under subsection (4) of)~~) as specifically
32 provided in this section. Eligible inmates who refuse to participate
33 in available education or work programs available at no charge to the
34 inmates shall lose privileges according to the system established under

1 RCW 72.09.130. Eligible inmates who are required to contribute
2 financially to an education or work program and refuse to contribute
3 shall be placed in another work program. Refusal to contribute shall
4 not result in a loss of privileges.

5 (2) The legislature recognizes more inmates may agree to
6 participate in education and work programs than are available. The
7 department must make every effort to achieve maximum public benefit by
8 placing inmates in available and appropriate education and work
9 programs.

10 ~~((2) The department shall provide access to a program of education
11 to all offenders who are under the age of eighteen and who have not met
12 high school graduation or general equivalency diploma requirements in
13 accordance with chapter 28A.193 RCW. The program of education
14 established by the department and education provider under RCW
15 28A.193.020 for offenders under the age of eighteen must provide each
16 offender a choice of curriculum that will assist the inmate in
17 achieving a high school diploma or general equivalency diploma. The
18 program of education may include but not be limited to basic education,
19 prevocational training, work ethic skills, conflict resolution
20 counseling, substance abuse intervention, and anger management
21 counseling. The curriculum may balance these and other rehabilitation,
22 work, and training components.))~~

23 (3)(a) The department shall, to the extent possible and considering
24 all available funds, prioritize its resources to meet the following
25 goals for inmates in the order listed:

26 ~~((a))~~ (i) Achievement of basic academic skills through obtaining
27 a high school diploma or its equivalent ~~((and))~~i

28 (ii) Achievement of vocational skills necessary for purposes of
29 work programs and for an inmate to qualify for work upon release;

30 ~~((b) Additional work and education programs based on assessments
31 and placements under subsection (5) of this section; and~~

32 ~~(c) Other work and education programs as appropriate.~~

33 ~~(4) The department shall establish, by rule, objective medical
34 standards to determine when an inmate is physically or mentally unable
35 to participate in available education or work programs. When the
36 department determines an inmate is permanently unable to participate in
37 any available education or work program due to a medical condition, the
38 inmate is exempt from the requirement under subsection (1) of this~~

1 section.—When the department determines an inmate is temporarily
2 unable to participate in an education or work program due to a medical
3 condition, the inmate is exempt from the requirement of subsection (1)
4 of this section for the period of time he or she is temporarily
5 disabled.—The department shall periodically review the medical
6 condition of all temporarily disabled inmates to ensure the earliest
7 possible entry or reentry by inmates into available programming.

8 (5) The department shall establish, by rule, standards for
9 participation in department approved education and work programs.—The
10 standards shall address the following areas:

11 (a) Assessment.—The department shall assess all inmates for their
12 basic academic skill levels using a professionally accepted method of
13 scoring reading, math, and language skills as grade level equivalents.
14 The department shall determine an inmate's education history, work
15 history, and vocational or work skills.—The initial assessment shall
16 be conducted, whenever possible, within the first thirty days of an
17 inmate's entry into the correctional system, except that initial
18 assessments are not required for inmates who are sentenced to life
19 without the possibility of release, assigned to an intensive management
20 unit within the first thirty days after entry into the correctional
21 system, are returning to the correctional system within one year of a
22 prior release, or whose physical or mental condition renders them
23 unable to complete the assessment process.—The department shall track
24 and record changes in the basic academic skill levels of all inmates
25 reflected in any testing or assessment performed as part of their
26 education programming;

27 (b) Placement.—The department shall follow the policies set forth
28 in subsection (1) of this section in establishing criteria for placing
29 inmates in education and work programs.—The department shall, to the
30 extent possible, place all inmates whose composite grade level score
31 for basic academic skills is below the eighth grade level in a combined
32 education and work program.—The placement criteria shall include at
33 least the following factors)) (iii) Additional work and education
34 programs necessary for compliance with an offender's individual reentry
35 plan under section 302 of this act with the exception of postsecondary
36 education degree programs as provided in section 502 of this act; and
37 (iv) Other appropriate vocational, work, or education programs that

1 are not necessary for compliance with an offender's individual reentry
2 plan under section 302 of this act with the exception of postsecondary
3 education degree programs as provided in section 502 of this act.

4 (b) If programming is provided pursuant to (a)(i) through (iii) of
5 this subsection, the department shall pay the cost of such programming,
6 including but not limited to books, materials, supplies, and postage
7 costs related to correspondence courses.

8 (c) If programming is provided pursuant to (a)(iv) of this
9 subsection, inmates shall be required to pay all or a portion of the
10 costs, including books, fees, and tuition, for participation in any
11 vocational, work, or education program as provided in department
12 policies. Department policies shall include a formula for determining
13 how much an offender shall be required to pay. The formula shall
14 include steps which correlate to an offender average monthly income or
15 average available balance in a personal inmate savings account and
16 which are correlated to a prorated portion or percent of the per credit
17 fee for tuition, books, or other ancillary costs. The formula shall be
18 reviewed every two years. A third party may pay directly to the
19 department all or a portion of costs and tuition for any programming
20 provided pursuant to (a)(iv) of this subsection on behalf of an inmate.
21 Such payments shall not be subject to any of the deductions as provided
22 in this chapter.

23 (d) The department may accept any and all donations and grants of
24 money, equipment, supplies, materials, and services from any third
25 party, including but not limited to nonprofit entities, and may
26 receive, utilize, and dispose of same to complete the purposes of this
27 section.

28 (e) Any funds collected by the department under (c) and (d) of this
29 subsection and subsections (8) and (9) of this section shall be used
30 solely for the creation, maintenance, or expansion of inmate
31 educational and vocational programs.

32 (4) The department shall provide access to a program of education
33 to all offenders who are under the age of eighteen and who have not met
34 high school graduation or general equivalency diploma requirements in
35 accordance with chapter 28A.193 RCW. The program of education
36 established by the department and education provider under RCW
37 28A.193.020 for offenders under the age of eighteen must provide each
38 offender a choice of curriculum that will assist the inmate in

1 achieving a high school diploma or general equivalency diploma. The
2 program of education may include but not be limited to basic education,
3 prevocational training, work ethic skills, conflict resolution
4 counseling, substance abuse intervention, and anger management
5 counseling. The curriculum may balance these and other rehabilitation,
6 work, and training components.

7 (5)(a) In addition to the policies set forth in this section, the
8 department shall consider the following factors in establishing
9 criteria for assessing the inclusion of education and work programs in
10 an inmate's individual reentry plan and in placing inmates in education
11 and work programs:

12 (i) An inmate's release date and custody level. An inmate shall
13 not be precluded from participating in an education or work program
14 solely on the basis of his or her release date, except that inmates
15 with a release date of more than one hundred twenty months in the
16 future shall not comprise more than ten percent of inmates
17 participating in a new class I correctional industry not in existence
18 on June 10, 2004;

19 (ii) An inmate's education history and basic academic skills;

20 (iii) An inmate's work history and vocational or work skills;

21 (iv) An inmate's economic circumstances, including but not limited
22 to an inmate's family support obligations; and

23 (v) Where applicable, an inmate's prior performance in department-
24 approved education or work programs;

25 ~~((c) Performance and goals.))~~ (b) The department shall establish,
26 and periodically review, inmate behavior standards and program goals
27 for all education and work programs. Inmates shall be notified of
28 applicable behavior standards and program goals prior to placement in
29 an education or work program and shall be removed from the education or
30 work program if they consistently fail to meet the standards or
31 goals((÷

32 ~~(d) Financial responsibility. (i) The department shall establish~~
33 ~~a formula by which inmates, based on their ability to pay, shall pay~~
34 ~~all or a portion of the costs or tuition of certain programs. Inmates~~
35 ~~shall, based on the formula, pay a portion of the costs or tuition of~~
36 ~~participation in:~~

37 ~~(A) Second and subsequent vocational programs associated with an~~
38 ~~inmate's work programs; and~~

1 ~~(B) An associate of arts or baccalaureate degree program when~~
2 ~~placement in a degree program is the result of a placement made under~~
3 ~~this subsection;~~

4 ~~(ii) Inmates shall pay all costs and tuition for participation in:~~

5 ~~(A) Any postsecondary academic degree program which is entered~~
6 ~~independently of a placement decision made under this subsection; and~~

7 ~~(B) Second and subsequent vocational programs not associated with~~
8 ~~an inmate's work program.~~

9 ~~Enrollment in any program specified in (d)(ii) of this subsection~~
10 ~~shall only be allowed by correspondence or if there is an opening in an~~
11 ~~education or work program at the institution where an inmate is~~
12 ~~incarcerated and no other inmate who is placed in a program under this~~
13 ~~subsection will be displaced; and~~

14 ~~(e) Notwithstanding any other provision in this section, an inmate~~
15 ~~sentenced to life without the possibility of release:~~

16 ~~(i) Shall not be required to participate in education programming;~~
17 ~~and~~

18 ~~(ii) May receive not more than one postsecondary academic degree in~~
19 ~~a program offered by the department or its contracted providers.~~

20 ~~If an inmate sentenced to life without the possibility of release~~
21 ~~requires prevocational or vocational training for a work program, he or~~
22 ~~she may participate in the training subject to this section.~~

23 ~~(6) The department shall coordinate education and work programs~~
24 ~~among its institutions, to the greatest extent possible, to facilitate~~
25 ~~continuity of programming among inmates transferred between~~
26 ~~institutions. Before transferring an inmate enrolled in a program, the~~
27 ~~department shall consider the effect the transfer will have on the~~
28 ~~inmate's ability to continue or complete a program. This subsection~~
29 ~~shall not be used to delay or prohibit a transfer necessary for~~
30 ~~legitimate safety or security concerns.~~

31 ~~(7) Before construction of a new correctional institution or~~
32 ~~expansion of an existing correctional institution, the department shall~~
33 ~~adopt a plan demonstrating how cable, closed circuit, and satellite~~
34 ~~television will be used for education and training purposes in the~~
35 ~~institution. The plan shall specify how the use of television in the~~
36 ~~education and training programs will improve inmates' preparedness for~~
37 ~~available work programs and job opportunities for which inmates may~~
38 ~~qualify upon release.~~

1 ~~(8) The department shall adopt a plan to reduce the per pupil cost~~
2 ~~of instruction by, among other methods, increasing the use of volunteer~~
3 ~~instructors and implementing technological efficiencies. The plan~~
4 ~~shall be adopted by December 1996 and shall be transmitted to the~~
5 ~~legislature upon adoption. The department shall, in adoption of the~~
6 ~~plan, consider distance learning, satellite instruction, video tape~~
7 ~~usage, computer aided instruction, and flexible scheduling of offender~~
8 ~~instruction.~~

9 ~~(9) Following completion of the review required by section 27(3),~~
10 ~~chapter 19, Laws of 1995 1st sp. sess. the department shall take all~~
11 ~~necessary steps to assure the vocation and education programs are~~
12 ~~relevant to work programs and skills necessary to enhance the~~
13 ~~employability of inmates upon release)).~~

14 (6) Eligible inmates who refuse to participate in available
15 education or work programs available at no charge to the inmates shall
16 lose privileges according to the system established under RCW
17 72.09.130. Eligible inmates who are required to contribute financially
18 to an education or work program and refuse to contribute shall be
19 placed in another work program. Refusal to contribute shall not result
20 in a loss of privileges.

21 (7) The department shall establish, by rule, objective medical
22 standards to determine when an inmate is physically or mentally unable
23 to participate in available education or work programs. When the
24 department determines an inmate is permanently unable to participate in
25 any available education or work program due to a medical condition, the
26 inmate is exempt from the requirement under subsection (1) of this
27 section. When the department determines an inmate is temporarily
28 unable to participate in an education or work program due to a medical
29 condition, the inmate is exempt from the requirement of subsection (1)
30 of this section for the period of time he or she is temporarily
31 disabled. The department shall periodically review the medical
32 condition of all inmates with temporary disabilities to ensure the
33 earliest possible entry or reentry by inmates into available
34 programming.

35 (8) The department shall establish policies requiring an offender
36 to pay all or a portion of the costs and tuition for any vocational
37 training or postsecondary education program if the offender completed
38 more than two hundred hours in the program and then withdrew from

1 participation without approval from the department. Department
2 policies shall include a formula for determining how much an offender
3 shall be required to pay. The formula shall include steps which
4 correlate to an offender average monthly income or average available
5 balance in a personal inmate savings account and which are correlated
6 to a prorated portion or percent of the per credit fee for tuition,
7 books, or other ancillary costs. The formula shall be reviewed every
8 two years. A third party may pay directly to the department all or a
9 portion of costs and tuition for any program on behalf of an inmate
10 under this subsection. Such payments shall not be subject to any of
11 the deductions as provided in this chapter.

12 (9) Notwithstanding any other provision in this section, an inmate
13 sentenced to life without the possibility of release or subject to the
14 provisions of 8 U.S.C. Sec. 1227:

15 (a) Shall not be required to participate in education programming
16 except as may be necessary for the maintenance of discipline and
17 security;

18 (b) May receive not more than one postsecondary academic degree in
19 a program offered by the department or its contracted providers;

20 (c) May participate in prevocational or vocational training that
21 may be necessary to participate in a work program;

22 (d) Shall be subject to the applicable provisions of this chapter
23 relating to inmate financial responsibility for programming.

24 NEW SECTION. Sec. 502. A new section is added to chapter 72.09
25 RCW to read as follows:

26 (1) The department shall, if funds are appropriated for the
27 specific purpose, implement postsecondary education degree programs
28 within state correctional institutions, including the state
29 correctional institution with the largest population of female inmates.
30 The department shall consider for inclusion in any postsecondary
31 education degree program, any postsecondary education degree program
32 from an accredited community college, college, or university that is
33 part of an associate of arts, baccalaureate, masters of arts, or other
34 graduate degree program.

35 (2) Inmates shall be required to pay the costs for participation in
36 any postsecondary education degree programs established under this

1 subsection, including books, fees, tuition, or any other appropriate
2 ancillary costs, by one or more of the following means:

3 (a) The inmate who is participating in the postsecondary education
4 degree program shall, during confinement, provide the required payment
5 or payments to the department; or

6 (b) A third party shall provide the required payment or payments
7 directly to the department on behalf of an inmate, and such payments
8 shall not be subject to any of the deductions as provided in this
9 chapter.

10 (3) The department may accept any and all donations and grants of
11 money, equipment, supplies, materials, and services from any third
12 party, including but not limited to nonprofit entities, and may
13 receive, utilize, and dispose of same to complete the purposes of this
14 section.

15 (4) Any funds collected by the department under this section shall
16 be used solely for the creation, maintenance, or expansion of inmate
17 postsecondary education degree programs.

18 **Sec. 503.** RCW 72.09.480 and 2003 c 271 s 3 are each amended to
19 read as follows:

20 (1) Unless the context clearly requires otherwise, the definitions
21 in this section apply to this section.

22 (a) "Cost of incarceration" means the cost of providing an inmate
23 with shelter, food, clothing, transportation, supervision, and other
24 services and supplies as may be necessary for the maintenance and
25 support of the inmate while in the custody of the department, based on
26 the average per inmate costs established by the department and the
27 office of financial management.

28 (b) "Minimum term of confinement" means the minimum amount of time
29 an inmate will be confined in the custody of the department,
30 considering the sentence imposed and adjusted for the total potential
31 earned early release time available to the inmate.

32 (c) "Program" means any series of courses or classes necessary to
33 achieve a proficiency standard, certificate, or postsecondary degree.

34 (2) When an inmate, except as provided in subsection (7) of this
35 section, receives any funds in addition to his or her wages or
36 gratuities, except settlements or awards resulting from legal action,

1 the additional funds shall be subject to the following deductions and
2 the priorities established in chapter 72.11 RCW:

3 (a) Five percent to the public safety and education account for the
4 purpose of crime victims' compensation;

5 (b) Ten percent to a department personal inmate savings account;

6 (c) Twenty percent to the department to contribute to the cost of
7 incarceration;

8 (d) Twenty percent for payment of legal financial obligations for
9 all inmates who have legal financial obligations owing in any
10 Washington state superior court; and

11 (e) Fifteen percent for any child support owed under a support
12 order.

13 (3) When an inmate, except as provided in subsection (7) of this
14 section, receives any funds from a settlement or award resulting from
15 a legal action, the additional funds shall be subject to the deductions
16 in RCW 72.09.111(1)(a) and the priorities established in chapter 72.11
17 RCW.

18 (4) The amount deducted from an inmate's funds under subsection (2)
19 of this section shall not exceed the department's total cost of
20 incarceration for the inmate incurred during the inmate's minimum or
21 actual term of confinement, whichever is longer.

22 (5)(a) The deductions required under subsection (2) of this section
23 shall not apply to funds received by the department from an offender or
24 from a third party on behalf of an offender for payment of ~~((one fee-~~
25 ~~based))~~ education or vocational programs ~~((that is associated with an~~
26 ~~inmate's work program or a placement decision made by the department~~
27 ~~under RCW 72.09.460 to prepare an inmate for work upon release.~~

28 ~~An inmate may, prior to the completion of the fee-based education~~
29 ~~or vocational program authorized under this subsection, apply to a~~
30 ~~person designated by the secretary for permission to make a change in~~
31 ~~his or her program. The secretary, or his or her designee, may approve~~
32 ~~the application based solely on the following criteria: (a) The inmate~~
33 ~~has been transferred to another institution by the department for~~
34 ~~reasons unrelated to education or a change to a higher security~~
35 ~~classification and the offender's current program is unavailable in the~~
36 ~~offender's new placement; (b) the inmate entered an academic program as~~
37 ~~an undeclared major and wishes to declare a major. No inmate may apply~~
38 ~~for more than one change to his or her major and receive the exemption~~

1 ~~from deductions specified in this subsection; (c) the educational or~~
2 ~~vocational institution is terminating the inmate's current program; or~~
3 ~~(d) the offender's training or education has demonstrated that the~~
4 ~~current program is not the appropriate program to assist the offender~~
5 ~~to achieve a placement decision made by the department under RCW~~
6 ~~72.09.460 to prepare the inmate for work upon release)) or~~
7 postsecondary education degree programs as provided in RCW 72.09.460
8 and section 502 of this act.

9 (b) The deductions required under subsection (2) of this section
10 shall not apply to funds received by the department from a third party,
11 including but not limited to a nonprofit entity on behalf of the
12 department's education, vocation, or postsecondary education degree
13 programs.

14 (6) The deductions required under subsection (2) of this section
15 shall not apply to any money received by the department, on behalf of
16 an inmate, from family or other outside sources for the payment of
17 postage expenses. Money received under this subsection may only be
18 used for the payment of postage expenses and may not be transferred to
19 any other account or purpose. Money that remains unused in the
20 inmate's postage fund at the time of release shall be subject to the
21 deductions outlined in subsection (2) of this section.

22 (7) When an inmate sentenced to life imprisonment without
23 possibility of release or parole, or to death under chapter 10.95 RCW,
24 receives any funds in addition to his or her gratuities, except
25 settlements or awards resulting from legal action, the additional funds
26 shall be subject to: Deductions of five percent to the public safety
27 and education account for the purpose of crime victims' compensation,
28 twenty percent to the department to contribute to the cost of
29 incarceration, and fifteen percent to child support payments.

30 (8) When an inmate sentenced to life imprisonment without
31 possibility of release or parole, or to death under chapter 10.95 RCW,
32 receives any funds from a settlement or award resulting from a legal
33 action in addition to his or her gratuities, the additional funds shall
34 be subject to: Deductions of five percent to the public safety and
35 education account for the purpose of crime victims' compensation and
36 twenty percent to the department to contribute to the cost of
37 incarceration.

1 (9) The interest earned on an inmate savings account created as a
2 result of the plan in section 4, chapter 325, Laws of 1999 shall be
3 exempt from the mandatory deductions under this section and RCW
4 72.09.111.

5 (10) Nothing in this section shall limit the authority of the
6 department of social and health services division of child support from
7 taking collection action against an inmate's moneys, assets, or
8 property pursuant to chapter 26.23, 74.20, or 74.20A RCW including, but
9 not limited to, the collection of moneys received by the inmate from
10 settlements or awards resulting from legal action.

11 NEW SECTION. **Sec. 504.** (1) The department of corrections and the
12 state board for community and technical colleges, in cooperation with
13 the unions representing academic employees in corrections education
14 programs, shall investigate and review methods to optimize educational
15 and vocational programming opportunities to meet the needs of each
16 offender as identified in his or her individual reentry plan while an
17 offender is under the jurisdiction of the department. Faculty in both
18 incarceration and postincarceration educational programs shall be
19 included in the review process and should be allowed job release time
20 to participate in the review.

21 (2) In conducting its review, the department and state board shall:

22 (a) Consider and make recommendations regarding technological
23 advances which could serve to expand educational programs and
24 vocational training including, but not limited to, distance learning,
25 satellite instruction, videotape usage, computer aided instruction, and
26 flexible scheduling and also considering the infrastructure, resources,
27 and security that would be needed to implement the program or training.
28 These advances shall be assessed for their ability to provide the most
29 cost-efficient and effective programming for offenders;

30 (b) Consider and make recommendations regarding methods to ensure
31 that educational programs and vocational training are relevant to
32 enhance the employability of offenders upon release;

33 (c) Consider and make recommendations regarding long-term methods
34 for maintaining channels of communication between the department, state
35 board administration, academic employees, and students; and

36 (d) Gather information regarding the numbers of individuals who are
37 involved in postsecondary education in department of corrections'

1 facilities, the level of potential demand for postsecondary education,
2 the ability of inmates to pay for the costs of postsecondary education
3 in the facilities, the demand for and feasibility of establishing a
4 loan program for offenders, and to make recommendations regarding the
5 need to improve access to postsecondary education in prisons and
6 methods to implement such programs.

7 (3) The department and state board shall report to the governor and
8 the legislature no later than November 15, 2007.

9 **PART VI - EMPLOYMENT BARRIERS**

10 NEW SECTION. **Sec. 601.** On or before October 1, 2007, the
11 department of corrections and the department of licensing shall enter
12 into an agreement establishing expedited procedures to assist offenders
13 in obtaining a driver's license or identification card upon their
14 release from a department of corrections' institution.

15 NEW SECTION. **Sec. 602.** (1) The director of the department of
16 licensing, or the director's designee, shall, within existing
17 resources, convene and chair a work group to review and recommend
18 changes to occupational licensing laws and policies to encourage the
19 employment of individuals with criminal convictions while ensuring the
20 safety of the public.

21 (2) In addition to the director of the department of licensing, the
22 following shall be members of the work group: A representative from
23 the employment security department, a representative from the
24 department of corrections, a representative from the Washington state
25 association of prosecuting attorneys, and up to five members appointed
26 by the governor from state agencies that issue occupational licenses.
27 The department shall also invite participation from victim service
28 agencies, the state board for community and technical colleges,
29 association of Washington business, nonprofit organizations providing
30 workforce training to released offenders, and legislative staff who
31 provide support to the human services and human services and
32 corrections committees. Members of the work group shall serve without
33 compensation.

34 (3) In conducting its review, the work group must:

1 (a) Review approaches used by other states and jurisdictions for
2 awarding occupational licenses to those with criminal convictions;

3 (b) Develop a process and standards by which the department of
4 licensing and licensing agencies will determine whether a criminal
5 conviction renders an applicant an unsuitable candidate for a license
6 or whether a conviction warrants revocation or suspension of a license
7 previously granted;

8 (c) Develop guidelines for potential applicants that reflect the
9 most common or well-known categories of crimes and their relation to
10 specific license types;

11 (d) Establish mechanisms for making information regarding the
12 process and guidelines easily accessible to potential applicants with
13 criminal histories.

14 (4) The department of licensing shall present a report of its
15 findings and recommendations to the governor and the appropriate
16 committees of the legislature, including any proposed legislation, by
17 November 15, 2008.

18 (5) This section expires December 15, 2008.

19 **PART VII - HOUSING**

20 NEW SECTION. **Sec. 701.** The legislature finds that, in order to
21 improve the safety of our communities, more housing needs to be made
22 available to offenders returning to the community. The legislature
23 intends to increase the housing available to offenders by providing
24 that landlords who rent to offenders shall be immune from civil
25 liability for damages that may result from the criminal conduct of the
26 tenant.

27 NEW SECTION. **Sec. 702.** A new section is added to chapter 59.18
28 RCW to read as follows:

29 A landlord who rents to an offender is not liable for civil damages
30 arising from the criminal conduct of the tenant. In order for a
31 landlord to be protected from liability as provided under this section,
32 a landlord must disclose to residents of the property that he or she
33 rents or has a policy of renting to offenders.

1 NEW SECTION. **Sec. 703.** A new section is added to chapter 35.82
2 RCW to read as follows:

3 The legislature recognizes that stable, habitable, and supportive
4 housing is a critical factor that increases a previously incarcerated
5 individual's access to treatment and services as well as the likelihood
6 of success in the community. Housing authorities are therefore
7 encouraged to formulate rental policies that are not unduly burdensome
8 to previously incarcerated individuals attempting to reenter the
9 community, particularly when the individual's family may already reside
10 in government subsidized housing.

11 NEW SECTION. **Sec. 704.** (1) The department of community, trade,
12 and economic development shall establish a pilot program to provide
13 transitional housing assistance to offenders who are reentering the
14 community and are in need of housing.

15 (2) There shall be a minimum of two pilot programs established in
16 two counties in which community justice centers are located. The pilot
17 programs shall be selected in consultation with the counties in which
18 the pilots would be located. The department shall select the pilot
19 site by September 1, 2007.

20 (3) The pilot program shall:

21 (a) Be operated in collaboration with the community justice center
22 existing in the location of the pilot site; and

23 (b) Offer transitional housing that includes a supported living or
24 educational component, particularly education relating to developing
25 independent living skills.

26 (4) The department shall:

27 (a) Collaborate with the department of corrections in developing
28 criteria to determine who will qualify for housing assistance; and

29 (b) Gather data, and report to the legislature by December 1, 2007,
30 on the number of offenders seeking housing, the number of offenders
31 eligible for housing, the number of offenders who receive the housing,
32 and the number of offenders who commit new crimes while residing in the
33 housing.

34 (5) The state, the department, and its employees are not liable for
35 civil damages arising from the conduct of an offender due to the
36 placement of an offender in short-term housing or the provision of
37 housing assistance.

1 **Sec. 705.** RCW 72.09.111 and 2004 c 167 s 7 are each amended to
2 read as follows:

3 (1) The secretary shall deduct taxes and legal financial
4 obligations from the gross wages, gratuities, or workers' compensation
5 benefits payable directly to the inmate under chapter 51.32 RCW, of
6 each inmate working in correctional industries work programs, or
7 otherwise receiving such wages, gratuities, or benefits. The secretary
8 shall also deduct child support payments from the gratuities of each
9 inmate working in class II through class IV correctional industries
10 work programs. The secretary shall develop a formula for the
11 distribution of offender wages, gratuities, and benefits. The formula
12 shall not reduce the inmate account below the indigency level, as
13 defined in RCW 72.09.015.

14 (a) The formula shall include the following minimum deductions from
15 class I gross wages and from all others earning at least minimum wage:

16 (i) Five percent to the public safety and education account for the
17 purpose of crime victims' compensation;

18 (ii) Ten percent to a department personal inmate savings account;

19 (iii) Twenty percent to the department to contribute to the cost of
20 incarceration; and

21 (iv) Twenty percent for payment of legal financial obligations for
22 all inmates who have legal financial obligations owing in any
23 Washington state superior court.

24 (b) The formula shall include the following minimum deductions from
25 class II gross gratuities:

26 (i) Five percent to the public safety and education account for the
27 purpose of crime victims' compensation;

28 (ii) Ten percent to a department personal inmate savings account;

29 (iii) Fifteen percent to the department to contribute to the cost
30 of incarceration;

31 (iv) Twenty percent for payment of legal financial obligations for
32 all inmates who have legal financial obligations owing in any
33 Washington state superior court; and

34 (v) Fifteen percent for any child support owed under a support
35 order.

36 (c) The formula shall include the following minimum deductions from
37 any workers' compensation benefits paid pursuant to RCW 51.32.080:

1 (i) Five percent to the public safety and education account for the
2 purpose of crime victims' compensation;

3 (ii) Ten percent to a department personal inmate savings account;

4 (iii) Twenty percent to the department to contribute to the cost of
5 incarceration; and

6 (iv) An amount equal to any legal financial obligations owed by the
7 inmate established by an order of any Washington state superior court
8 up to the total amount of the award.

9 (d) The formula shall include the following minimum deductions from
10 class III gratuities:

11 (i) Five percent for the purpose of crime victims' compensation;
12 and

13 (ii) Fifteen percent for any child support owed under a support
14 order.

15 (e) The formula shall include the following minimum deduction from
16 class IV gross gratuities:

17 (i) Five percent to the department to contribute to the cost of
18 incarceration; and

19 (ii) Fifteen percent for any child support owed under a support
20 order.

21 (2) Any person sentenced to life imprisonment without possibility
22 of release or parole under chapter 10.95 RCW or sentenced to death
23 shall be exempt from the requirement under subsection (1)(a)(ii),
24 (b)(ii), or (c)(ii).

25 (3)(a) The department personal inmate savings account, together
26 with any accrued interest, shall only be available to an inmate at the
27 following times:

28 (i) The time of his or her release from confinement(~~(, unless)~~);

29 (ii) Prior to his or her release from confinement in order to
30 secure approved housing; or

31 (iii) When the secretary determines that an emergency exists for
32 the inmate(~~(, at which time the funds can be)~~).

33 (b) If funds are made available pursuant to (a)(ii) or (iii) of
34 this subsection, the funds shall be made available to the inmate in an
35 amount determined by the secretary.

36 (c) The management of classes I, II, and IV correctional industries
37 may establish an incentive payment for offender workers based on

1 productivity criteria. This incentive shall be paid separately from
2 the hourly wage/gratuity rate and shall not be subject to the specified
3 deduction for cost of incarceration.

4 (4)(a) Subject to availability of funds for the correctional
5 industries program, the expansion of inmate employment in class I and
6 class II correctional industries shall be implemented according to the
7 following schedule:

8 (i) Not later than June 30, 2005, the secretary shall achieve a net
9 increase of at least two hundred in the number of inmates employed in
10 class I or class II correctional industries work programs above the
11 number so employed on June 30, 2003;

12 (ii) Not later than June 30, 2006, the secretary shall achieve a
13 net increase of at least four hundred in the number of inmates employed
14 in class I or class II correctional industries work programs above the
15 number so employed on June 30, 2003;

16 (iii) Not later than June 30, 2007, the secretary shall achieve a
17 net increase of at least six hundred in the number of inmates employed
18 in class I or class II correctional industries work programs above the
19 number so employed on June 30, 2003;

20 (iv) Not later than June 30, 2008, the secretary shall achieve a
21 net increase of at least nine hundred in the number of inmates employed
22 in class I or class II correctional industries work programs above the
23 number so employed on June 30, 2003;

24 (v) Not later than June 30, 2009, the secretary shall achieve a net
25 increase of at least one thousand two hundred in the number of inmates
26 employed in class I or class II correctional industries work programs
27 above the number so employed on June 30, 2003;

28 (vi) Not later than June 30, 2010, the secretary shall achieve a
29 net increase of at least one thousand five hundred in the number of
30 inmates employed in class I or class II correctional industries work
31 programs above the number so employed on June 30, 2003.

32 (b) Failure to comply with the schedule in this subsection does not
33 create a private right of action.

34 (5) In the event that the offender worker's wages, gratuity, or
35 workers' compensation benefit is subject to garnishment for support
36 enforcement, the crime victims' compensation, savings, and cost of
37 incarceration deductions shall be calculated on the net wages after
38 taxes, legal financial obligations, and garnishment.

1 (6) The department shall explore other methods of recovering a
2 portion of the cost of the inmate's incarceration and for encouraging
3 participation in work programs, including development of incentive
4 programs that offer inmates benefits and amenities paid for only from
5 wages earned while working in a correctional industries work program.

6 (7) The department shall develop the necessary administrative
7 structure to recover inmates' wages and keep records of the amount
8 inmates pay for the costs of incarceration and amenities. All funds
9 deducted from inmate wages under subsection (1) of this section for the
10 purpose of contributions to the cost of incarceration shall be
11 deposited in a dedicated fund with the department and shall be used
12 only for the purpose of enhancing and maintaining correctional
13 industries work programs.

14 (8) It shall be in the discretion of the secretary to apportion the
15 inmates between class I and class II depending on available contracts
16 and resources.

17 (9) Nothing in this section shall limit the authority of the
18 department of social and health services division of child support from
19 taking collection action against an inmate's moneys, assets, or
20 property pursuant to chapter 26.23, 74.20, or 74.20A RCW.

21 **PART VIII - RESTORATION OF CIVIL RIGHTS**

22 **Sec. 801.** RCW 29A.04.079 and 2003 c 111 s 114 are each amended to
23 read as follows:

24 An "infamous crime" is a crime punishable by death in the state
25 penitentiary or imprisonment in a state correctional facility. The
26 definition of "infamous crime" does not include juvenile adjudications
27 pursuant to chapter 13.40 RCW or adult convictions for misdemeanors and
28 gross misdemeanors.

29 **Sec. 802.** RCW 29A.08.520 and 2005 c 246 s 15 are each amended to
30 read as follows:

31 ~~(1) ((Upon receiving official notice of a person's conviction of a~~
32 ~~felony in either state or federal court, if the convicted person is a~~
33 ~~registered voter in the county, the county auditor shall cancel the~~
34 ~~defendant's voter registration. Additionally, the secretary of state~~
35 ~~in conjunction with the department of corrections, the Washington state~~

1 ~~patrol, the office of the administrator for the courts, and other~~
2 ~~appropriate state agencies shall arrange for a quarterly comparison of~~
3 ~~a list of known felons with the statewide voter registration list.))~~

4 A person who has been convicted of a felony and who is under the
5 jurisdiction of the department of corrections as a result of that
6 felony conviction is ineligible to vote. Following conviction of a
7 felony, the right to vote is provisionally restored as long as the
8 person is not under the jurisdiction of the department of corrections.

9 (2)(a) Once the right to vote has been provisionally restored, the
10 sentencing court may revoke the provisional restoration of voting
11 rights if the sentencing court determines that a person has willfully
12 failed to comply with the terms of his or her order to pay legal
13 financial obligations.

14 (b) If the person has failed to make three payments in a twelve-
15 month period and the county clerk or restitution recipient requests,
16 the prosecutor shall seek revocation of the provisional restoration of
17 voting rights from the court.

18 (c) To the extent practicable, the prosecutor and county clerk
19 shall inform a restitution recipient of the recipient's right to ask
20 for the revocation of the provisional restoration of voting rights.

21 (3) If the court revokes the provisional restoration of voting
22 rights, the revocation shall remain in effect until, upon motion by the
23 person whose provisional voting rights have been revoked, the person
24 shows that he or she has made a good faith effort to pay as defined in
25 RCW 10.82.090.

26 (4) The county clerk shall enter into a database maintained by the
27 administrator for the courts the names of all persons whose provisional
28 voting rights have been revoked, and update the database for any person
29 whose voting rights have subsequently been restored pursuant to
30 subsection (6) of this section.

31 (5) At least twice a year, the secretary of state shall compare the
32 list of registered voters to a list of felons who are not eligible to
33 vote as provided in subsections (1) and (3) of this section. If a
34 ((person is found on a felon list and the statewide voter registration
35 list)) registered voter is not eligible to vote as provided in this
36 section, the secretary of state or county auditor shall confirm the
37 match through a date of birth comparison and suspend the voter
38 registration from the official state voter registration list. The

1 canceling authority shall send to the person at his or her last known
2 voter registration address a notice of the proposed cancellation and an
3 explanation of the requirements for provisionally and permanently
4 restoring the right to vote (~~((once all terms of sentencing have been~~
5 ~~completed))~~) and reregistering. If the person does not respond within
6 thirty days, the registration must be canceled. To the extent
7 possible, the secretary of state shall time the comparison required by
8 this subsection to allow notice and cancellation of voting rights for
9 ineligible voters prior to a primary or general election.

10 ((+2)) (6) The right to vote may be permanently restored by(~~(, for~~
11 ~~each felony conviction,)~~) one of the following for each felony
12 conviction:

13 (a) A certificate of discharge issued by the sentencing court, as
14 provided in RCW 9.94A.637;

15 (b) A court order restoring the right, as provided in RCW 9.92.066;

16 (c) A final order of discharge issued by the indeterminate sentence
17 review board, as provided in RCW 9.96.050; or

18 (d) A certificate of restoration issued by the governor, as
19 provided in RCW 9.96.020.

20 **Sec. 803.** RCW 9.92.066 and 2003 c 66 s 2 are each amended to read
21 as follows:

22 (1) Upon termination of any suspended sentence under RCW 9.92.060
23 or 9.95.210, such person may apply to the court for restoration of his
24 or her civil rights not already restored by RCW 29A.08.520. Thereupon
25 the court may in its discretion enter an order directing that such
26 defendant shall thereafter be released from all penalties and
27 disabilities resulting from the offense or crime of which he or she has
28 been convicted.

29 (2)(a) Upon termination of a suspended sentence under RCW 9.92.060
30 or 9.95.210, the person may apply to the sentencing court for a
31 vacation of the person's record of conviction under RCW 9.94A.640. The
32 court may, in its discretion, clear the record of conviction if it
33 finds the person has met the equivalent of the tests in RCW
34 9.94A.640(2) as those tests would be applied to a person convicted of
35 a crime committed before July 1, 1984.

36 (b) The clerk of the court in which the vacation order is entered
37 shall immediately transmit the order vacating the conviction to the

1 Washington state patrol identification section and to the local police
2 agency, if any, which holds criminal history information for the person
3 who is the subject of the conviction. The Washington state patrol and
4 any such local police agency shall immediately update their records to
5 reflect the vacation of the conviction, and shall transmit the order
6 vacating the conviction to the federal bureau of investigation. A
7 conviction that has been vacated under this section may not be
8 disseminated or disclosed by the state patrol or local law enforcement
9 agency to any person, except other criminal justice enforcement
10 agencies.

11 **Sec. 804.** RCW 9.94A.637 and 2004 c 121 s 2 are each amended to
12 read as follows:

13 (1)(a) When an offender has completed all requirements of the
14 sentence, including any and all legal financial obligations, and while
15 under the custody and supervision of the department, the secretary or
16 the secretary's designee shall notify the sentencing court, which shall
17 discharge the offender and provide the offender with a certificate of
18 discharge by issuing the certificate to the offender in person or by
19 mailing the certificate to the offender's last known address.

20 (b)(i) When an offender has reached the end of his or her
21 supervision with the department and has completed all the requirements
22 of the sentence except his or her legal financial obligations, the
23 secretary's designee shall provide the county clerk with a notice that
24 the offender has completed all nonfinancial requirements of the
25 sentence.

26 (ii) When the department has provided the county clerk with notice
27 that an offender has completed all the requirements of the sentence and
28 the offender subsequently satisfies all legal financial obligations
29 under the sentence, the county clerk shall notify the sentencing court,
30 including the notice from the department, which shall discharge the
31 offender and provide the offender with a certificate of discharge by
32 issuing the certificate to the offender in person or by mailing the
33 certificate to the offender's last known address.

34 (c) When an offender who is subject to requirements of the sentence
35 in addition to the payment of legal financial obligations either is not
36 subject to supervision by the department or does not complete the
37 requirements while under supervision of the department, it is the

1 offender's responsibility to provide the court with verification of the
2 completion of the sentence conditions other than the payment of legal
3 financial obligations. When the offender satisfies all legal financial
4 obligations under the sentence, the county clerk shall notify the
5 sentencing court that the legal financial obligations have been
6 satisfied. When the court has received both notification from the
7 clerk and adequate verification from the offender that the sentence
8 requirements have been completed, the court shall discharge the
9 offender and provide the offender with a certificate of discharge by
10 issuing the certificate to the offender in person or by mailing the
11 certificate to the offender's last known address.

12 (2) The court shall send a copy of every signed certificate of
13 discharge to the auditor for the county in which the court resides and
14 to the department. The department shall create and maintain a database
15 containing the names of all felons who have been issued certificates of
16 discharge, the date of discharge, and the date of conviction and
17 offense.

18 (3) An offender who is not convicted of a violent offense or a sex
19 offense and is sentenced to a term involving community supervision may
20 be considered for a discharge of sentence by the sentencing court prior
21 to the completion of community supervision, provided that the offender
22 has completed at least one-half of the term of community supervision
23 and has met all other sentence requirements.

24 (4) Except as provided in subsection (5) of this section, the
25 discharge shall have the effect of restoring all civil rights (~~lost by~~
26 ~~operation of law upon conviction~~) not already restored by RCW
27 29A.08.520, and the certificate of discharge shall so state. Nothing
28 in this section prohibits the use of an offender's prior record for
29 purposes of determining sentences for later offenses as provided in
30 this chapter. Nothing in this section affects or prevents use of the
31 offender's prior conviction in a later criminal prosecution either as
32 an element of an offense or for impeachment purposes. A certificate of
33 discharge is not based on a finding of rehabilitation.

34 (5) Unless otherwise ordered by the sentencing court, a certificate
35 of discharge shall not terminate the offender's obligation to comply
36 with an order issued under chapter 10.99 RCW that excludes or prohibits
37 the offender from having contact with a specified person or coming
38 within a set distance of any specified location that was contained in

1 the judgment and sentence. An offender who violates such an order
2 after a certificate of discharge has been issued shall be subject to
3 prosecution according to the chapter under which the order was
4 originally issued.

5 (6) Upon release from custody, the offender may apply to the
6 department for counseling and help in adjusting to the community. This
7 voluntary help may be provided for up to one year following the release
8 from custody.

9 **Sec. 805.** RCW 9.96.050 and 2002 c 16 s 3 are each amended to read
10 as follows:

11 When a prisoner on parole has performed all obligations of his or
12 her release, including any and all legal financial obligations, for
13 such time as shall satisfy the indeterminate sentence review board that
14 his or her final release is not incompatible with the best interests of
15 society and the welfare of the paroled individual, the board may make
16 a final order of discharge and issue a certificate of discharge to the
17 prisoner. The certificate of discharge shall be issued to the offender
18 in person or by mail to the prisoner's last known address.

19 The board shall send a copy of every signed certificate of
20 discharge (~~to the auditor for the county in which the offender was~~
21 ~~sentenced and~~) to the department of corrections. The department shall
22 create and maintain a database containing the names of all felons who
23 have been issued certificates of discharge, the date of discharge, and
24 the date of conviction and offense.

25 The board retains the jurisdiction to issue a certificate of
26 discharge after the expiration of the prisoner's or parolee's maximum
27 statutory sentence. If not earlier granted, the board shall make a
28 final order of discharge three years from the date of parole unless the
29 parolee is on suspended or revoked status at the expiration of the
30 three years. Such discharge, regardless of when issued, shall have the
31 effect of restoring all civil rights (~~lost by operation of law upon~~
32 ~~conviction~~) not already restored by RCW 29A.08.520, and the
33 certification of discharge shall so state. This restoration of civil
34 rights shall not restore the right to receive, possess, own, or
35 transport firearms.

36 The discharge provided for in this section shall be considered as

1 a part of the sentence of the convicted person and shall not in any
2 manner be construed as affecting the powers of the governor to pardon
3 any such person.

4 **Sec. 806.** RCW 10.64.140 and 2005 c 246 s 1 are each amended to
5 read as follows:

6 When a person is convicted of a felony, the court shall require the
7 defendant to sign a statement acknowledging that:

8 (1) The defendant's right to vote has been lost due to the felony
9 conviction;

10 (2) ~~((If the defendant is registered to vote, the voter~~
11 ~~registration will be canceled))~~ The right to vote is provisionally
12 restored as long as the defendant is not under the jurisdiction of the
13 department of corrections;

14 (3) The provisional right to vote may be revoked if the defendant
15 fails to comply with all the terms of his or her legal financial
16 obligations or an agreement for the payment of legal financial
17 obligations;

18 ~~((+3))~~ (4) The right to vote may be permanently restored by one of
19 the following for each felony conviction:

20 (a) A certificate of discharge issued by the sentencing court, as
21 provided in RCW 9.94A.637;

22 (b) A court order issued by the sentencing court restoring the
23 right, as provided in RCW 9.92.066;

24 (c) A final order of discharge issued by the indeterminate sentence
25 review board, as provided in RCW 9.96.050; or

26 (d) A certificate of restoration issued by the governor, as
27 provided in RCW 9.96.020; and

28 ~~((+4))~~ (5) Voting before the right is restored is a class C felony
29 under RCW 29A.84.660.

30 NEW SECTION. **Sec. 807.** The following acts or parts of acts are
31 each repealed:

32 (1) RCW 10.64.021 (Notice of conviction) and 1994 c 57 s 1; and

33 (2) RCW 29A.08.660 (Felony offender--Completion of sentence) and
34 2005 c 246 s 12.

35 **PART IX - OVERSIGHT COMMITTEE**

1 NEW SECTION. **Sec. 901.** A new section is added to chapter 72.09
2 RCW to read as follows:

3 (1) There is created the legislative corrections oversight
4 committee for the purpose of monitoring and ensuring compliance with
5 administrative acts, relevant statutes, rules, and policies pertaining
6 to the department of corrections and the treatment and supervision of
7 offenders under the jurisdiction of the department. The committee
8 shall consist of three senators and three representatives from the
9 legislature. The senate members of the committee shall be appointed by
10 the president of the senate. The house members of the committee shall
11 be appointed by the speaker of the house of representatives. Not more
12 than two members from each chamber shall be from the same political
13 party. Members shall be appointed before the close of each regular
14 session of the legislature during an odd-numbered year.

15 (2) The committee shall have the following powers:

16 (a) Selection of its officers and adoption of rules for orderly
17 procedure;

18 (b) Request and receive status reports from the department related
19 to its progress on the recommendations of the joint task force on
20 offenders programs, sentencing and supervision authorized by chapter
21 267, Laws of 2006, implementation of the provisions of this act, and
22 other topics as appropriate;

23 (c) Monitor coordination and collaboration between local government
24 and the department and efforts to share resources and reduce the
25 duplication of services;

26 (d)(i) Obtain access to all relevant records in the possession of
27 the department, except as prohibited by law; and (ii) make
28 recommendations to all branches of government;

29 (e) Request legislation;

30 (f) Conduct hearings into such matters as it deems necessary.

31 (3) Upon receipt of records from the department, the committee is
32 subject to the same confidentiality restrictions as the department.

33 (4) The committee will receive the necessary staff support from
34 both the senate and house of representatives staff resources.

35 (5) The members of the committee shall serve without additional
36 compensation, but will be reimbursed for their travel expenses, in
37 accordance with RCW 44.04.120, incurred while attending sessions of the

1 committee or meetings of a subcommittee of the committee, while engaged
2 on other committee business authorized by the committee, and while
3 going to and coming from committee sessions or committee meetings.

4 (6) This section expires July 1, 2012.

5 **PART X - MISCELLANEOUS**

6 **Sec. 1001.** RCW 9.94A.660 and 2006 c 339 s 302 and 2006 c 73 s 10
7 are each reenacted and amended to read as follows:

8 (1) An offender is eligible for the special drug offender
9 sentencing alternative if:

10 (a) The offender is convicted of a felony that is not a violent
11 offense or sex offense and the violation does not involve a sentence
12 enhancement under RCW 9.94A.533 (3) or (4);

13 (b) The offender is convicted of a felony that is not a felony
14 driving while under the influence of intoxicating liquor or any drug
15 under RCW 46.61.502(6) or felony physical control of a vehicle while
16 under the influence of intoxicating liquor or any drug under RCW
17 46.61.504(6);

18 (c) The offender has no current or prior convictions for a sex
19 offense at any time or violent offense within ten years before
20 conviction of the current offense, in this state, another state, or the
21 United States;

22 (d) For a violation of the Uniform Controlled Substances Act under
23 chapter 69.50 RCW or a criminal solicitation to commit such a violation
24 under chapter 9A.28 RCW, the offense involved only a small quantity of
25 the particular controlled substance as determined by the judge upon
26 consideration of such factors as the weight, purity, packaging, sale
27 price, and street value of the controlled substance;

28 (e) The offender has not been found by the United States attorney
29 general to be subject to a deportation detainer or order and does not
30 become subject to a deportation order during the period of the
31 sentence;

32 (f) The standard sentence range for the current offense is greater
33 than one year; and

34 (g) The offender has not received a drug offender sentencing
35 alternative more than once in the prior ten years before the current
36 offense.

1 (2) A motion for a sentence under this section may be made by the
2 court, the offender, or the state. If the sentencing court determines
3 that the offender is eligible for this alternative, the court may order
4 an examination of the offender. The examination shall, at a minimum,
5 address the following issues:

6 (a) Whether the offender suffers from drug addiction;

7 (b) Whether the addiction is such that there is a probability that
8 criminal behavior will occur in the future;

9 (c) Whether effective treatment for the offender's addiction is
10 available from a provider that has been licensed or certified by the
11 division of alcohol and substance abuse of the department of social and
12 health services; and

13 (d) Whether the offender and the community will benefit from the
14 use of the alternative.

15 (3) The examination report must contain:

16 (a) Information on the issues required to be addressed in
17 subsection (2) of this section; and

18 (b) A proposed treatment plan that must, at a minimum, contain:

19 (i) A proposed treatment provider that has been licensed or
20 certified by the division of alcohol and substance abuse of the
21 department of social and health services;

22 (ii) The recommended frequency and length of treatment, including
23 both residential chemical dependency treatment and treatment in the
24 community;

25 (iii) Details specifying where the treatment will take place and
26 when such substance abuse treatment will become readily available for
27 the offender to begin;

28 (iv) A proposed monitoring plan, including any requirements
29 regarding living conditions, lifestyle requirements, and monitoring by
30 family members and others; and

31 ~~((iv))~~ (v) Recommended crime-related prohibitions and affirmative
32 conditions.

33 (4) After receipt of the examination report, if the court
34 determines that a sentence under this section is appropriate, the court
35 shall waive imposition of a sentence within the standard sentence range
36 and impose a sentence consisting of either a prison-based alternative
37 under subsection (5) of this section or a residential chemical
38 dependency treatment-based alternative under subsection (6) of this

1 section. The residential chemical dependency treatment-based
2 alternative is only available if the midpoint of the standard range is
3 twenty-four months or less.

4 (5) The prison-based alternative shall include:

5 (a) A period of total confinement in a state facility for one-half
6 of the midpoint of the standard sentence range or twelve months,
7 whichever is greater. During incarceration in the state facility,
8 offenders sentenced under this subsection shall undergo a comprehensive
9 substance abuse assessment and receive, within available resources,
10 treatment services appropriate for the offender. The treatment
11 services shall be designed by the division of alcohol and substance
12 abuse of the department of social and health services, in cooperation
13 with the department of corrections;

14 (b) The remainder of the midpoint of the standard range as a term
15 of community custody which must include a readily available appropriate
16 substance abuse treatment in a program that has been approved by the
17 division of alcohol and substance abuse of the department of social and
18 health services. In the event that an approved substance abuse
19 treatment program is not readily available, the offender shall remain
20 in confinement in a state facility until such treatment program becomes
21 available. If the department finds that conditions have been willfully
22 violated, the offender may be reclassified to serve the remaining
23 balance of the original sentence. An offender who fails to complete
24 the program or who is administratively terminated from the program
25 shall be reclassified to serve the unexpired term of his or her
26 sentence as ordered by the sentencing court;

27 (c) Crime-related prohibitions including a condition not to use
28 illegal controlled substances;

29 (d) A requirement to submit to urinalysis or other testing to
30 monitor that status; and

31 (e) A term of community custody pursuant to RCW 9.94A.715 to be
32 imposed upon failure to complete or administrative termination from the
33 special drug offender sentencing alternative program.

34 (6) The residential chemical dependency treatment-based alternative
35 shall include:

36 (a) A term of community custody equal to one-half of the midpoint
37 of the standard sentence range or two years, whichever is greater,
38 provided that:

1 (i) An appropriate substance abuse treatment program is readily
2 available; and

3 (ii) Conditioned on the offender entering and remaining in
4 residential chemical dependency treatment certified under chapter
5 70.96A RCW for a period set by the court between three and six months.
6 In the event that a residential chemical dependency treatment program
7 is not readily available, the offender shall be transferred and
8 confined in a state facility until such treatment program becomes
9 available to the offender. If the court imposes a term of community
10 custody, the department shall, within available resources, make
11 chemical dependency assessment and treatment services available to the
12 offender during the term of community custody. The court shall impose,
13 as conditions of community custody, treatment and other conditions as
14 proposed in the plan under subsection (3)(b) of this section. The
15 department may impose conditions and sanctions as authorized in RCW
16 9.94A.715 (2), (3), (6), and (7), 9.94A.737, and 9.94A.740. The court
17 shall schedule a progress hearing during the period of residential
18 chemical dependency treatment, and schedule a treatment termination
19 hearing for three months before the expiration of the term of community
20 custody;

21 (b) Before the progress hearing and treatment termination hearing,
22 the treatment provider and the department shall submit written reports
23 to the court and parties regarding the offender's compliance with
24 treatment and monitoring requirements, and recommendations regarding
25 termination from treatment. At the hearing, the court may:

26 (i) Authorize the department to terminate the offender's community
27 custody status on the expiration date determined under (a) of this
28 subsection; or

29 (ii) Continue the hearing to a date before the expiration date of
30 community custody, with or without modifying the conditions of
31 community custody; or

32 (iii) Impose a term of total confinement equal to one-half the
33 midpoint of the standard sentence range, followed by a term of
34 community custody under RCW 9.94A.715;

35 (c) If the court imposes a term of total confinement under (b)(iii)
36 of this subsection, the department shall, within available resources,
37 make chemical dependency assessment and treatment services available to

1 the offender during the terms of total confinement and community
2 custody.

3 (7) If the court imposes a sentence under this section, the court
4 may prohibit the offender from using alcohol or controlled substances
5 and may require that the monitoring for controlled substances be
6 conducted by the department or by a treatment alternatives to street
7 crime program or a comparable court or agency-referred program. The
8 offender may be required to pay thirty dollars per month while on
9 community custody to offset the cost of monitoring. In addition, the
10 court may impose any of the following conditions:

- 11 (a) Devote time to a specific employment or training;
- 12 (b) Remain within prescribed geographical boundaries and notify the
13 court or the community corrections officer before any change in the
14 offender's address or employment;
- 15 (c) Report as directed to a community corrections officer;
- 16 (d) Pay all court-ordered legal financial obligations;
- 17 (e) Perform community restitution work;
- 18 (f) Stay out of areas designated by the sentencing court;
- 19 (g) Such other conditions as the court may require such as
20 affirmative conditions.

21 (8)(a) The court may bring any offender sentenced under this
22 section back into court at any time on its own initiative to evaluate
23 the offender's progress in treatment or to determine if any violations
24 of the conditions of the sentence have occurred.

25 (b) If the offender is brought back to court, the court may modify
26 the terms of the community custody or impose sanctions under (c) of
27 this subsection.

28 (c) The court may order the offender to serve a term of total
29 confinement within the standard range of the offender's current offense
30 at any time during the period of community custody if the offender
31 violates the conditions of the sentence or if the offender is failing
32 to make satisfactory progress in treatment.

33 (d) An offender ordered to serve a term of total confinement under
34 (c) of this subsection shall receive credit for any time previously
35 served under this section.

36 (9) If an offender sentenced to the prison-based alternative under
37 subsection (5) of this section is found by the United States attorney
38 general to be subject to a deportation order, a hearing shall be held

1 by the department unless waived by the offender, and, if the department
2 finds that the offender is subject to a valid deportation order, the
3 department may administratively terminate the offender from the program
4 and reclassify the offender to serve the remaining balance of the
5 original sentence.

6 (10) An offender sentenced under this section shall be subject to
7 all rules relating to earned release time with respect to any period
8 served in total confinement.

9 (11) Costs of examinations and preparing treatment plans under
10 subsections (2) and (3) of this section may be paid, at the option of
11 the county, from funds provided to the county from the criminal justice
12 treatment account under RCW 70.96A.350.

13 NEW SECTION. **Sec. 1002.** Part headings used in this act are not
14 any part of the law.

15 NEW SECTION. **Sec. 1003.** If any provision of this act or its
16 application to any person or circumstance is held invalid, the
17 remainder of the act or the application of the provision to other
18 persons or circumstances is not affected.

19 NEW SECTION. **Sec. 1004.** If specific funding for the purposes of
20 this act, referencing this act by bill or chapter number, is not
21 provided by June 30, 2007, in the omnibus appropriations act, this act
22 is null and void."

23 Correct the title.

--- END ---