
SUBSTITUTE HOUSE BILL 2905

State of Washington

61st Legislature

2010 Regular Session

By House Local Government & Housing (originally sponsored by Representatives Miloscia, Upthegrove, White, Springer, Williams, Appleton, Kenney, and Ormsby)

READ FIRST TIME 02/03/10.

1 AN ACT Relating to planning for the discontinuation of discharge of
2 vulnerable populations from state institutions into homelessness;
3 amending RCW 72.09.270, 72.09.270, 43.63A.305, 13.40.210, 71.05.350,
4 and 71.24.045; adding a new section to chapter 72.09 RCW; adding a new
5 section to chapter 43.20A RCW; creating a new section; providing an
6 effective date; providing an expiration date; and declaring an
7 emergency.

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

9 NEW SECTION. **Sec. 1.** (1) The legislature finds that an extremely
10 high risk of homelessness exists for persons discharged from state
11 institutions and persons under ongoing care or supervision of state
12 agencies, including but not limited to youth aging out of the foster
13 care system, any former dependent of the state under chapter 13.34 RCW,
14 persons being released from psychiatric hospitalization, youth being
15 released from children's long-term inpatient programs, adults receiving
16 or denied ongoing mental health care from regional support networks,
17 persons with developmental disabilities and traumatic brain injuries
18 denied or losing eligibility for services, former offenders being
19 released from state correctional facilities, and former offenders under

1 active supervision. Providing safe and viable options for housing to
2 these populations to avoid homelessness confers a valuable benefit on
3 the public that is intended to reduce recidivism and public spending,
4 and improve public health, safety, and welfare.

5 (2) It is the goal of this state to:

6 (a) Gather evidence to discover the true nature and extent of the
7 problem of homelessness as it relates to persons discharged from state
8 institutions and persons under ongoing care or supervision of state
9 agencies; and

10 (b) Collect adequate and appropriate data related to the housing
11 status of persons discharged from state institutions and persons under
12 ongoing care or supervision of state agencies by January 2011; and

13 (c) In compliance with a United States department of housing and
14 urban development regulation for jurisdictions receiving federal
15 emergency shelter grant dollars, develop a certification that the state
16 has established a policy for the discharge of persons from publicly
17 funded institutions or systems of care in order to prevent such
18 discharge from rapidly resulting in homelessness for such persons; and

19 (d) Identify the strategies and resources necessary to ensure that
20 all persons discharged from state institutions and persons under
21 ongoing care or supervision of state agencies have access to decent,
22 appropriate, and affordable housing in a healthy safe environment; and

23 (e) Identify the strategies and resources necessary to eliminate
24 the occurrence of any state institution discharging persons into
25 homelessness by 2015.

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

28 Not later than December 1, 2010, the department of corrections
29 shall submit to the appropriate committees of the legislature a plan by
30 which the department proposes to eliminate the discharge of offenders
31 from the custody of the department into homelessness or a time-limited
32 housing program that terminates in less than twelve months. The plan
33 must specifically identify the resources necessary and actions required
34 to eliminate the discharge of any offender into homelessness or a
35 time-limited housing program that terminates in less than twelve months
36 by 2015. Individuals with long-term disabilities, including but not
37 limited to, mental illness that would qualify for regional support

1 network services, co-occurring mental illness and chemical dependency,
2 developmental disabilities, or chronic physical disabilities, must be
3 discharged to permanent housing. The plan must also include
4 performance measures to gauge the effectiveness of the plan in
5 increasing the percentage of released offenders who secure and retain
6 stable housing and decreasing the percentage of released offenders who
7 enter homelessness. The department must include stakeholders in the
8 planning process. Existing department plans may be used to partially
9 fulfill the planning requirement, but must be updated with
10 implementation strategies to meet this new goal.

11 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.20A RCW
12 to read as follows:

13 Not later than December 1, 2010, the department of social and
14 health services shall submit to the legislature a plan by which the
15 department proposes to eliminate the discharge into homelessness or a
16 time-limited housing program that terminates in less than twelve months
17 of youth aging out of the foster care system, youth being discharged
18 from the juvenile justice system, chronically mentally ill persons
19 being released from involuntary psychiatric commitment, and by which
20 the department proposes to address the housing needs of chronically
21 mentally ill persons receiving ongoing mental health care from regional
22 support networks. The plan must specifically identify the resources
23 necessary and actions required to eliminate the discharge of such youth
24 and adults into homelessness or a time-limited housing program that
25 terminates in less than twelve months by 2015. Individuals with long-
26 term disabilities, including but not limited to, mental illness that
27 would qualify for regional support network services, co-occurring mental
28 illness and chemical dependency, developmental disabilities, or chronic
29 physical disabilities, must be discharged to permanent housing. The
30 plan must also include performance measures to gauge the effectiveness
31 of the plan in increasing the percentage of released persons who secure
32 and retain stable housing and decreasing the percentage of released
33 persons who enter homelessness. The department must include
34 stakeholders in the planning process. Existing department plans may be
35 used to partially fulfill the planning requirement, but must be updated
36 with implementation strategies to meet this new goal.

1 **Sec. 4.** RCW 72.09.270 and 2008 c 231 s 48 are each amended to read
2 as follows:

3 (1) The department of corrections shall develop an individual
4 reentry plan as defined in RCW 72.09.015 for every offender who is
5 committed to the jurisdiction of the department except:

6 (a) Offenders who are sentenced to life without the possibility of
7 release or sentenced to death under chapter 10.95 RCW; and

8 (b) Offenders who are subject to the provisions of 8 U.S.C. Sec.
9 1227.

10 (2) The individual reentry plan may be one document, or may be a
11 series of individual plans that combine to meet the requirements of
12 this section.

13 (3) In developing individual reentry plans, the department shall
14 assess all offenders using standardized and comprehensive tools to
15 identify the criminogenic risks, programmatic needs, and educational
16 and vocational skill levels for each offender. The assessment tool
17 should take into account demographic biases, such as culture, age, and
18 gender, as well as the needs of the offender, including any learning
19 disabilities, substance abuse or mental health issues, and social or
20 behavior deficits.

21 (4)(a) The initial assessment shall be conducted as early as
22 sentencing, but, whenever possible, no later than forty-five days of
23 being sentenced to the jurisdiction of the department of corrections.

24 (b) The offender's individual reentry plan shall be developed as
25 soon as possible after the initial assessment is conducted, but,
26 whenever possible, no later than sixty days after completion of the
27 assessment, and shall be periodically reviewed and updated as
28 appropriate.

29 (5) The individual reentry plan shall, at a minimum, include:

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

34 (b) An individualized portfolio for each offender that includes the
35 offender's education achievements, certifications, employment, work
36 experience, skills, and any training received prior to and during
37 incarceration; and

1 (c) A plan for the offender during the period of incarceration
2 through reentry into the community that addresses the needs of the
3 offender including education, employment, substance abuse treatment,
4 mental health treatment, family reunification, housing, and other areas
5 which are needed to facilitate a successful reintegration into the
6 community.

7 (6)(a) Prior to discharge of any offender, the department shall:

8 (i) Evaluate the offender's needs and, to the extent possible,
9 connect the offender with existing services and resources that meet
10 those needs; (~~and~~)

11 (ii) Connect the offender with a community justice center and/or
12 community transition coordination network in the area in which the
13 offender will be residing once released from the correctional system if
14 one exists; and

15 (iii) Record the housing status, including an address, of the
16 confirmed housing situation arranged for the offender pending the
17 offender's release from custody.

18 (b) If the department recommends partial confinement in an
19 offender's individual reentry plan, the department shall maximize the
20 period of partial confinement for the offender as allowed pursuant to
21 RCW 9.94A.728 to facilitate the offender's transition to the community.

22 (7) The department shall establish mechanisms for sharing
23 information from individual reentry plans to those persons involved
24 with the offender's treatment, programming, and reentry, when deemed
25 appropriate. When feasible, this information shall be shared
26 electronically.

27 (8)(a) In determining the county of discharge for an offender
28 released to community custody or community placement, the department
29 may not approve a residence location that is not in the offender's
30 county of origin unless it is determined by the department that the
31 offender's return to his or her county of origin would be inappropriate
32 considering any court-ordered condition of the offender's sentence,
33 victim safety concerns, negative influences on the offender in the
34 community, or the location of family or other sponsoring persons or
35 organizations that will support the offender.

36 (b) If the offender is not returned to his or her county of origin,
37 the department shall provide the law and justice council of the county
38 in which the offender is placed with a written explanation.

1 (c) For purposes of this section, the offender's county of origin
2 means the county of the offender's first felony conviction in
3 Washington.

4 (9) Nothing in this section creates a vested right in programming,
5 education, or other services.

6 (10) The department shall record housing status as a data element:

7 (a) For the duration of an offender's supervision; and

8 (b) When otherwise obtaining and entering data on the offender's
9 status.

10 (11) The department shall make every reasonable effort to find an
11 appropriate placement for all offenders who are otherwise eligible for
12 an early release date. Nothing in this section shall be construed to
13 prevent the release of an offender past his or her earned release date.

14 **Sec. 5.** RCW 72.09.270 and 2008 c 231 s 48 are each amended to read
15 as follows:

16 (1) The department of corrections shall develop an individual
17 reentry plan as defined in RCW 72.09.015 for every offender who is
18 committed to the jurisdiction of the department except:

19 (a) Offenders who are sentenced to life without the possibility of
20 release or sentenced to death under chapter 10.95 RCW; and

21 (b) Offenders who are subject to the provisions of 8 U.S.C. Sec.
22 1227.

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24 series of individual plans that combine to meet the requirements of
25 this section.

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

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35 sentencing, but, whenever possible, no later than forty-five days of
36 being sentenced to the jurisdiction of the department of corrections.

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3 whenever possible, no later than sixty days after completion of the
4 assessment, and shall be periodically reviewed and updated as
5 appropriate.

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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, housing, and other areas
19 which are needed to facilitate a successful reintegration into the
20 community.

21 (6)(a) Prior to discharge of any offender, the department shall:

22 (i) Evaluate the offender's needs and, to the extent possible,
23 connect the offender with existing services and resources that meet
24 those needs; (~~and~~)

25 (ii) Connect the offender with a community justice center and/or
26 community transition coordination network in the area in which the
27 offender will be residing once released from the correctional system if
28 one exists; and

29 (iii) Record the housing status, including an address, of the
30 confirmed housing situation arranged for the offender pending the
31 offender's release from custody.

32 (b) If the department recommends partial confinement in an
33 offender's individual reentry plan, the department shall maximize the
34 period of partial confinement for the offender as allowed pursuant to
35 RCW 9.94A.728 to facilitate the offender's transition to the community.

36 (7) The department shall establish mechanisms for sharing
37 information from individual reentry plans to those persons involved

1 with the offender's treatment, programming, and reentry, when deemed
2 appropriate. When feasible, this information shall be shared
3 electronically.

4 (8)(a) In determining the county of discharge for an offender
5 released to community custody, the department may not approve a
6 residence location that is not in the offender's county of origin
7 unless it is determined by the department that the offender's return to
8 his or her county of origin would be inappropriate considering any
9 court-ordered condition of the offender's sentence, victim safety
10 concerns, negative influences on the offender in the community, or the
11 location of family or other sponsoring persons or organizations that
12 will support the offender.

13 (b) If the offender is not returned to his or her county of origin,
14 the department shall provide the law and justice council of the county
15 in which the offender is placed with a written explanation.

16 (c) For purposes of this section, the offender's county of origin
17 means the county of the offender's first felony conviction in
18 Washington.

19 (9) Nothing in this section creates a vested right in programming,
20 education, or other services.

21 (10) The department shall record housing status as a data element:

22 (a) For the duration of an offender's supervision; and

23 (b) When otherwise obtaining and entering data on the offender's
24 status.

25 (11) The department shall make every reasonable effort to find an
26 appropriate placement for all offenders who are otherwise eligible for
27 an early release date. Nothing in this section shall be construed to
28 prevent the release of an offender past his or her earned release date.

29 **Sec. 6.** RCW 43.63A.305 and 2009 c 148 s 1 are each amended to read
30 as follows:

31 (1) The independent youth housing program is created in the
32 department to provide housing stipends to eligible youth to be used for
33 independent housing. In developing a plan for the design,
34 implementation, and operation of the independent youth housing program,
35 the department shall:

36 (a) Adopt policies, requirements, and procedures necessary to
37 administer the program;

1 (b) Contract with one or more eligible organizations described
2 under RCW 43.185A.040 to provide services and conduct administrative
3 activities as described in subsection (3) of this section;

4 (c) Establish eligibility criteria for youth to participate in the
5 independent youth housing program, giving priority to youth who have
6 been dependents of the state for at least one year;

7 (d) Refer interested youth to the designated subcontractor
8 organization administering the program in the area in which the youth
9 intends to reside;

10 (e) Develop a method for determining the amount of the housing
11 stipend, first and last month's rent, and security deposit, where
12 applicable, to be dedicated to participating youth. The method for
13 determining a housing stipend must take into account a youth's age, the
14 youth's total income from all sources, the fair market rent for the
15 area in which the youth lives or intends to live, and a variety of
16 possible living situations for the youth. The amount of housing
17 stipends must be adjusted, by a method and formula established by the
18 department, to promote the successful transition for youth to complete
19 housing self-sufficiency over time;

20 (f) Ensure that the independent youth housing program is integrated
21 and aligned with other state rental assistance and case management
22 programs operated by the department, as well as case management and
23 supportive services programs, including the independent living program,
24 the transitional living program, and other related programs offered by
25 the department of social and health services; and

26 (g) Consult with the department of social and health services and
27 other stakeholders involved with dependent youth, homeless youth, and
28 homeless young adults, as appropriate.

29 (2) The department of social and health services shall collaborate
30 with the department in implementing and operating the independent youth
31 housing program including, but not limited to, the following:

32 (a) Refer potential eligible youth to the department before the
33 youth's eighteenth birthday, if feasible, to include an indication, if
34 known, of where the youth plans to reside after aging out of foster
35 care;

36 (b) Provide information to all youth aged fifteen or older, who are
37 dependents of the state under chapter 13.34 RCW, about the independent

1 youth housing program, encouraging dependents nearing their eighteenth
2 birthday to consider applying for enrollment in the program;

3 (c) Encourage organizations participating in the independent living
4 program and the transitional living program to collaborate with
5 independent youth housing program providers whenever possible to
6 capitalize on resources and provide the greatest amount and variety of
7 services to eligible youth;

8 (d) Annually provide to the department data reflecting changes in
9 the percentage of youth aging out of the state dependency system each
10 year who are eligible for state assistance, as well as any other data
11 and performance measures that may assist the department to measure
12 program success, including but not limited to the number of youth aging
13 out of the state dependency system who do not have stable affordable
14 housing, as defined in RCW 43.185B.010, upon discharge; and

15 (e) Annually, beginning by December 31, 2007, provide to the
16 appropriate committees of the legislature and the interagency council
17 on homelessness as described under RCW 43.185C.170 recommendations of
18 strategies to reach the goals described in RCW 43.63A.311(2)(g).

19 (3) Under the independent youth housing program, subcontractor
20 organizations shall:

21 (a) Use moneys awarded to the organizations for housing stipends,
22 security deposits, first and last month's rent stipends, case
23 management program costs, and administrative costs(~~(.———When~~
24 ~~subcontractor organizations determine that it is necessary to assist~~
25 ~~participating youth in accessing and maintaining independent housing,~~
26 ~~subcontractor organizations may also use moneys awarded to pay for~~
27 ~~professional mental health services and tuition costs for court-ordered~~
28 ~~classes and programs))~~);

29 (i) Administrative costs for each subcontractor organization may
30 not exceed twelve percent of the estimated total annual grant amount to
31 the subcontractor organization;

32 (ii) All housing (~~(stipends, security deposits, and first and last~~
33 ~~month's rent))~~ stipends must be payable only to a landlord or housing
34 manager of any type of independent housing;

35 (b) Enroll eligible youth who are referred by the department and
36 who choose to reside in their assigned service area;

37 (c) Enter eligible youth program participants into the homeless
38 client management information system as described in RCW 43.185C.180;

1 (d) Monitor participating youth's housing status;

2 (e) Evaluate participating youth's eligibility and compliance with
3 department policies and procedures at least twice a year;

4 (f) Assist participating youth to develop or update an independent
5 living plan focused on obtaining and retaining independent housing or
6 collaborate with a case manager with whom the youth is already involved
7 to ensure that the youth has an independent living plan;

8 (g) Educate participating youth on tenant rights and
9 responsibilities;

10 (h) Provide support to participating youth in the form of general
11 case management and information and referral services, when necessary,
12 or collaborate with a case manager with whom the youth is already
13 involved to ensure that the youth is receiving the case management and
14 information and referral services needed;

15 (i) Connect participating youth, when possible, with individual
16 development account programs, other financial literacy programs, and
17 other programs that are designed to help young people acquire economic
18 independence and self-sufficiency, or collaborate with a case manager
19 with whom the youth is already involved to ensure that the youth is
20 receiving information and referrals to these programs, when
21 appropriate;

22 (j) Submit expenditure and performance reports, including
23 information related to the performance measures in RCW 43.63A.311, to
24 the department on a time schedule determined by the department; and

25 (k) Provide recommendations to the department regarding program
26 improvements and strategies that might assist the state to reach its
27 goals as described in RCW 43.63A.311(2)(g).

28 **Sec. 7.** RCW 13.40.210 and 2009 c 187 s 1 are each amended to read
29 as follows:

30 (1)(a) The secretary shall set a release date for each juvenile
31 committed to its custody. The release date shall be within the
32 prescribed range to which a juvenile has been committed under RCW
33 13.40.0357 or 13.40.030 except as provided in RCW 13.40.320 concerning
34 offenders the department determines are eligible for the juvenile
35 offender basic training camp program. Such dates shall be determined
36 prior to the expiration of sixty percent of a juvenile's minimum term
37 of confinement included within the prescribed range to which the

1 juvenile has been committed. The secretary shall release any juvenile
2 committed to the custody of the department within four calendar days
3 prior to the juvenile's release date or on the release date set under
4 this chapter. Days spent in the custody of the department shall be
5 tolled by any period of time during which a juvenile has absented
6 himself or herself from the department's supervision without the prior
7 approval of the secretary or the secretary's designee.

8 (b) Prior to release, the department shall record details,
9 including an address, of the confirmed housing situation arranged for
10 the juvenile pending the juvenile's release from custody.

11 (c) Nothing in this section shall be construed to prevent the
12 release of an offender past his or her release date.

13 (2) The secretary shall monitor the average daily population of the
14 state's juvenile residential facilities. When the secretary concludes
15 that in-residence population of residential facilities exceeds one
16 hundred five percent of the rated bed capacity specified in statute, or
17 in absence of such specification, as specified by the department in
18 rule, the secretary may recommend reductions to the governor. On
19 certification by the governor that the recommended reductions are
20 necessary, the secretary has authority to administratively release a
21 sufficient number of offenders to reduce in-residence population to one
22 hundred percent of rated bed capacity. The secretary shall release
23 those offenders who have served the greatest proportion of their
24 sentence. However, the secretary may deny release in a particular case
25 at the request of an offender, or if the secretary finds that there is
26 no responsible custodian, as determined by the department, to whom to
27 release the offender, or if the release of the offender would pose a
28 clear danger to society. The department shall notify the committing
29 court of the release at the time of release if any such early releases
30 have occurred as a result of excessive in-residence population. In no
31 event shall an offender adjudicated of a violent offense be granted
32 release under the provisions of this subsection.

33 (3)(a) Following the release of any juvenile under subsection (1)
34 of this section, the secretary may require the juvenile to comply with
35 a program of parole to be administered by the department in his or her
36 community which shall last no longer than eighteen months, except that
37 in the case of a juvenile sentenced for rape in the first or second
38 degree, rape of a child in the first or second degree, child

1 molestation in the first degree, or indecent liberties with forcible
2 compulsion, the period of parole shall be twenty-four months and, in
3 the discretion of the secretary, may be up to thirty-six months when
4 the secretary finds that an additional period of parole is necessary
5 and appropriate in the interests of public safety or to meet the
6 ongoing needs of the juvenile. A parole program is mandatory for
7 offenders released under subsection (2) of this section and for
8 offenders who receive a juvenile residential commitment sentence of
9 theft of a motor vehicle 1, possession of a stolen motor vehicle, or
10 taking a motor vehicle without permission 1. The decision to place an
11 offender on parole shall be based on an assessment by the department of
12 the offender's risk for reoffending upon release. The department shall
13 prioritize available parole resources to provide supervision and
14 services to offenders at moderate to high risk for reoffending.

15 (b) The secretary shall, for the period of parole, facilitate the
16 juvenile's reintegration into his or her community and to further this
17 goal shall require the juvenile to refrain from possessing a firearm or
18 using a deadly weapon and refrain from committing new offenses and may
19 require the juvenile to: (i) Undergo available medical, psychiatric,
20 drug and alcohol, sex offender, mental health, and other offense-
21 related treatment services; (ii) report as directed to a parole officer
22 and/or designee; (iii) pursue a course of study, vocational training,
23 or employment; (iv) notify the parole officer of the current address
24 where he or she resides; (v) be present at a particular address during
25 specified hours; (vi) remain within prescribed geographical boundaries;
26 (vii) submit to electronic monitoring; (viii) refrain from using
27 illegal drugs and alcohol, and submit to random urinalysis when
28 requested by the assigned parole officer; (ix) refrain from contact
29 with specific individuals or a specified class of individuals; (x) meet
30 other conditions determined by the parole officer to further enhance
31 the juvenile's reintegration into the community; (xi) pay any court-
32 ordered fines or restitution; and (xii) perform community restitution.
33 Community restitution for the purpose of this section means compulsory
34 service, without compensation, performed for the benefit of the
35 community by the offender. Community restitution may be performed
36 through public or private organizations or through work crews.

37 (c) The secretary may further require up to twenty-five percent of
38 the highest risk juvenile offenders who are placed on parole to

1 participate in an intensive supervision program. Offenders
2 participating in an intensive supervision program shall be required to
3 comply with all terms and conditions listed in (b) of this subsection
4 and shall also be required to comply with the following additional
5 terms and conditions: (i) Obey all laws and refrain from any conduct
6 that threatens public safety; (ii) report at least once a week to an
7 assigned community case manager; and (iii) meet all other requirements
8 imposed by the community case manager related to participating in the
9 intensive supervision program. As a part of the intensive supervision
10 program, the secretary may require day reporting.

11 (d) For the duration of the parole period, the department shall
12 record housing status as a data element when otherwise obtaining and
13 entering data on the juvenile's status. After termination of the
14 parole period, the juvenile shall be discharged from the department's
15 supervision.

16 (4)(a) The department may also modify parole for violation thereof.
17 If, after affording a juvenile all of the due process rights to which
18 he or she would be entitled if the juvenile were an adult, the
19 secretary finds that a juvenile has violated a condition of his or her
20 parole, the secretary shall order one of the following which is
21 reasonably likely to effectuate the purpose of the parole and to
22 protect the public: (i) Continued supervision under the same
23 conditions previously imposed; (ii) intensified supervision with
24 increased reporting requirements; (iii) additional conditions of
25 supervision authorized by this chapter; (iv) except as provided in
26 (a)(v) and (vi) of this subsection, imposition of a period of
27 confinement not to exceed thirty days in a facility operated by or
28 pursuant to a contract with the state of Washington or any city or
29 county for a portion of each day or for a certain number of days each
30 week with the balance of the days or weeks spent under supervision; (v)
31 the secretary may order any of the conditions or may return the
32 offender to confinement for the remainder of the sentence range if the
33 offense for which the offender was sentenced is rape in the first or
34 second degree, rape of a child in the first or second degree, child
35 molestation in the first degree, indecent liberties with forcible
36 compulsion, or a sex offense that is also a serious violent offense as
37 defined by RCW 9.94A.030; and (vi) the secretary may order any of the

1 conditions or may return the offender to confinement for the remainder
2 of the sentence range if the youth has completed the basic training
3 camp program as described in RCW 13.40.320.

4 (b) The secretary may modify parole and order any of the conditions
5 or may return the offender to confinement for up to twenty-four weeks
6 if the offender was sentenced for a sex offense as defined under RCW
7 9A.44.130 and is known to have violated the terms of parole.
8 Confinement beyond thirty days is intended to only be used for a small
9 and limited number of sex offenders. It shall only be used when other
10 graduated sanctions or interventions have not been effective or the
11 behavior is so egregious it warrants the use of the higher level
12 intervention and the violation: (i) Is a known pattern of behavior
13 consistent with a previous sex offense that puts the youth at high risk
14 for reoffending sexually; (ii) consists of sexual behavior that is
15 determined to be predatory as defined in RCW 71.09.020; or (iii)
16 requires a review under chapter 71.09 RCW, due to a recent overt act.
17 The total number of days of confinement for violations of parole
18 conditions during the parole period shall not exceed the number of days
19 provided by the maximum sentence imposed by the disposition for the
20 underlying offense pursuant to RCW 13.40.0357. The department shall
21 not aggregate multiple parole violations that occur prior to the parole
22 revocation hearing and impose consecutive twenty-four week periods of
23 confinement for each parole violation. The department is authorized to
24 engage in rule making pursuant to chapter 34.05 RCW, to implement this
25 subsection, including narrowly defining the behaviors that could lead
26 to this higher level intervention.

27 (c) If the department finds that any juvenile in a program of
28 parole has possessed a firearm or used a deadly weapon during the
29 program of parole, the department shall modify the parole under (a) of
30 this subsection and confine the juvenile for at least thirty days.
31 Confinement shall be in a facility operated by or pursuant to a
32 contract with the state or any county.

33 (5) A parole officer of the department of social and health
34 services shall have the power to arrest a juvenile under his or her
35 supervision on the same grounds as a law enforcement officer would be
36 authorized to arrest the person.

37 (6) If so requested and approved under chapter 13.06 RCW, the

1 secretary shall permit a county or group of counties to perform
2 functions under subsections (3) through (5) of this section.

3 **Sec. 8.** RCW 71.05.350 and 1997 c 112 s 29 are each amended to read
4 as follows:

5 (1) No indigent patient shall be conditionally released or
6 discharged from involuntary treatment without suitable clothing, and
7 the superintendent of a state hospital shall furnish the same, together
8 with such sum of money as he or she deems necessary for the immediate
9 welfare of the patient. Such sum of money shall be the same as the
10 amount required by RCW 72.02.100 to be provided to persons in need
11 being released from correctional institutions. As funds are available,
12 the secretary may provide payment to indigent persons conditionally
13 released pursuant to this chapter consistent with the optional
14 provisions of RCW 72.02.100 and 72.02.110, and may adopt rules and
15 regulations to do so. The department must also record the housing
16 status, including an address, of indigent patients when they are
17 discharged from a state hospital.

18 (2) Nothing in this section shall be construed to prevent the
19 discharge of a civilly committed person.

20 **Sec. 9.** RCW 71.24.045 and 2006 c 333 s 105 are each amended to
21 read as follows:

22 The regional support network shall:

23 (1) Contract as needed with licensed service providers. The
24 regional support network may, in the absence of a licensed service
25 provider entity, become a licensed service provider entity pursuant to
26 minimum standards required for licensing by the department for the
27 purpose of providing services not available from licensed service
28 providers;

29 (2) Operate as a licensed service provider if it deems that doing
30 so is more efficient and cost effective than contracting for services.
31 When doing so, the regional support network shall comply with rules
32 promulgated by the secretary that shall provide measurements to
33 determine when a regional support network provided service is more
34 efficient and cost effective;

35 (3) Monitor and perform biennial fiscal audits of licensed service
36 providers who have contracted with the regional support network to

1 provide services required by this chapter. The monitoring and audits
2 shall be performed by means of a formal process which insures that the
3 licensed service providers and professionals designated in this
4 subsection meet the terms of their contracts;

5 (4) Assure that the special needs of minorities, the elderly,
6 (~~disabled~~) persons with disabilities, children, and low-income
7 persons are met within the priorities established in this chapter;

8 (5)(a) Maintain patient tracking information in a central location
9 as required for resource management services and the department's
10 information system;

11 (b) Within the patient tracking system, track the housing status of
12 patients receiving care from regional support networks whenever there
13 is a change in housing status, or at a minimum, once a year;

14 (6) Collaborate to ensure that policies do not result in an adverse
15 shift of (~~mentally ill~~) persons with mental illnesses into state and
16 local correctional facilities;

17 (7) Work with the department to expedite the enrollment or re-
18 enrollment of eligible persons leaving state or local correctional
19 facilities and institutions for mental diseases;

20 (8) If a regional support network is not operated by the county,
21 work closely with the county designated mental health professional or
22 county designated crisis responder to maximize appropriate placement of
23 persons into community services; and

24 (9) Coordinate services for individuals who have received services
25 through the community mental health system and who become patients at
26 a state mental hospital to ensure they are transitioned into the
27 community in accordance with mutually agreed upon discharge plans and
28 upon determination by the medical director of the state mental hospital
29 that they no longer need intensive inpatient care.

30 NEW SECTION. Sec. 10. Section 4 of this act expires August 1,
31 2010.

32 NEW SECTION. Sec. 11. Section 5 of this act takes effect August
33 1, 2010.

34 NEW SECTION. Sec. 12. Sections 1 through 4, 6, 8, and 9 of this

1 act are necessary for the immediate preservation of the public peace,
2 health, or safety, or support of the state government and its existing
3 public institutions, and take effect immediately.

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