

SENATE BILL REPORT

SB 6407

As of February 1, 2012

Title: An act relating to transitional reentry housing through the department of corrections.

Brief Description: Providing transitional reentry housing through the department of corrections.

Sponsors: Senators Carrell, Regala and Kline.

Brief History:

Committee Activity: Human Services & Corrections: 1/31/12.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Shani Bauer (786-7468)

Background: Inmates may shorten their sentence time, if they display good behavior, through a program called earned early release. Depending on the crime committed, date of conviction, and the offenders' risk classification offenders may get from 10-50 percent time off of their sentence.

Offenders who are convicted of a sex offense, a violent offense, a crime against persons, or a drug crime are eligible to be released to community custody in lieu of earned early release. The Department of Corrections (DOC) may deny the transfer of the offender to community custody if the offender does not have an approved release plan. In the release plan, the offender must propose a residence location and living arrangements. If DOC finds that the proposed plan may violate the offender's conditions of sentence, place the offender at risk to reoffend, or compromise community safety, DOC will not approve the offender's release plan. In this case, the offender will remain incarcerated until a viable release plan is found or the sentence is served.

In 2009 the Legislature authorized DOC to provide rental vouchers to an offender for a period up to three months, if rental assistance will enable the offender to have an approved release plan. Since that time, DOC has substantially reduced the number of offenders incarcerated greater than 60 days past the offender's release date.

A person is guilty of criminal trespass if the person knowingly enters or remains unlawfully in or upon the premises of another. Criminal trespass may be a misdemeanor or gross misdemeanor. Certain living arrangements are exempt from the Residential Landlord Tenant

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Act (RLTA). These include residence at an institution, residence in a hotel, and occupancy by an employee whose right to occupy the premises is conditioned on employment.

DOC must follow specific siting procedures when attempting to establish or relocate a work release facility or other community based facility. The siting process includes mandatory public notifications and local public hearings about the proposed sites under consideration. Private entities contracting with DOC must follow the same public notification and public hearing requirements that DOC must follow.

Summary of Bill: The authority to provide rental vouchers is removed. DOC is authorized to provide transitional reentry housing for a period of up to three months if housing assistance will enable the offender to have an approved release plan. Within amounts appropriated, DOC must contract with housing providers for a sufficient number of beds to meet the needs of transitioning offenders in need of housing in order to qualify for release. DOC must give preference to housing providers that provide a small, family oriented, living environment with between three and ten beds and that provide transition support.

To the extent feasible, DOC must consolidate housing providers so that one provider is contracted to provide at least three beds. DOC must assign a community corrections officer (CCO) as the primary contact for a housing provider and provide local law enforcement with a list of housing providers in the agency's jurisdiction.

If a housing provider has cause to terminate a tenancy under this section, the housing provider must give notice to the assigned CCO within 48 hours prior to termination. A housing provider may subsequently terminate the tenancy and require the offender to vacate the premises within 48 hours of receipt of written notice if the offender has:

- misused a controlled substance;
- engaged in harassment or verbal abuse of neighbors, staff, or other tenants;
- absconded;
- returned to the physical custody of DOC for greater than 30 days; or
- engaged in other behavior that is incompatible with the rules of the house and has been given at least three written violation notices.

An offender's failure to vacate the premises after termination constitutes criminal trespass. A housing provider may enlist the assistance of law enforcement in removing the offender. A public agency or unit of local government is immune from civil liability for damages for assisting a housing provider in removing an offender under this section.

Transitional reentry housing provided under contract with DOC is not governed by the provisions of the RLTA.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill would help in creating a structured environment for offenders when transitioning from prison. If a tenant is making the program more difficult, this will allow a provider to easily get the person out of the house so as not to affect other people who want to be there. There are many stories of difficulties in trying to get a person evicted once it is clear that they are still committed to a criminal lifestyle. The RLTA does not help in these types of situations.

CON: This bill does not expand the supply of housing or remove any barriers for these populations. All of the individuals in this bill are subject to community custody. A community custody officer has a range of tools that can be used to address volatile behavior. The provisions exempt a housing provider from the safe housing provisions of the RLTA in addition to those that would assist with terminating a tenancy which is much broader than it needs to be.

OTHER: This bill ends the housing voucher program in DOC that has been so successful in reducing the offender population held over their early release date and requires DOC to provide a steady stream of housing. DOC has released 1100 offenders to the housing voucher program in the last two years and has reduced the average hold over time from 110 days to 65. This bill would increase DOC's costs in making that happen.

Persons Testifying: PRO: Jim Tharpe, Unity House; Pastor Lawrence Willis, Robert Jeffrey, United Black Christian Clergy of WA.

CON: Greg Provenzano, Columbia Legal Services.

OTHER: Anmarie Aylward, DOC.