

# HOUSE BILL REPORT

## 2SHB 2791

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### As Amended by the Senate

**Title:** An act relating to the Washington statewide reentry council.

**Brief Description:** Creating the Washington statewide reentry council.

**Sponsors:** House Committee on Appropriations (originally sponsored by Representatives Pettigrew, Goodman, Moscoso, Senn, Frame, Stanford, Santos and Walkinshaw).

#### Brief History:

##### Committee Activity:

Public Safety: 1/26/16, 2/3/16 [DPS];

Appropriations: 2/8/16, 2/9/16 [DP2S(w/o sub PS)].

##### Floor Activity:

Passed House: 2/15/16, 94-3.

Senate Amended.

Passed Senate: 3/4/16, 44-1.

#### Brief Summary of Second Substitute Bill

- Creates the Washington Statewide Reentry Council.

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### HOUSE COMMITTEE ON PUBLIC SAFETY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton, Griffey, Moscoso, Pettigrew and Wilson.

**Staff:** Kelly Leonard (786-7147).

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### HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Public Safety. Signed by 25 members: Representatives Dunshee, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Cody, Fitzgibbon,

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Haler, Hansen, Harris, Hudgins, S. Hunt, Jinkins, Kagi, Lytton, MacEwen, Magendanz, Pettigrew, Robinson, Sawyer, Senn, Springer, Stokesbary, Sullivan, Tharinger and Van Werven.

**Minority Report:** Do not pass. Signed by 5 members: Representatives Buys, Condotta, Dent, Schmick and Taylor.

**Minority Report:** Without recommendation. Signed by 1 member: Representative Parker, Assistant Ranking Minority Member.

**Staff:** Meghan Morris (786-7119).

### **Background:**

*Department of Commerce.* The Department of Commerce (Department) is an executive branch agency responsible for enhancing and promoting sustainable community and economic vitality in Washington. Among its other statutory duties, the Department administers a diverse portfolio of programs as well as several state boards and commissions.

*Joint Legislative Audit and Review Committee.* The Joint Legislative Audit and Review Committee (JLARC) is the Legislature's performance auditor. The JLARC conducts performance audits, program evaluations, sunset reviews, and other analyses at the direction of the Legislature.

*Washington State Institute for Public Policy.* The Washington State Institute for Public Policy (WSIPP) carries out nonpartisan research at the direction of the Legislature. Fiscal and administrative services for the WSIPP are provided by The Evergreen State College.

### **Summary of Second Substitute Bill:**

The Washington Statewide Reentry Council (Council) is created for the purpose of promoting successful reentry of offenders after incarceration. The Council is located within the Department.

*Membership.* The Council is comprised of 13 members appointed by the Governor with representatives of the following:

- the Department of Corrections;
- the Juvenile Rehabilitation Administration (JRA);
- a statewide organization representing community and technical colleges;
- a statewide organization representing law enforcement interests;
- a statewide organization representing the interests of crime victims;
- a statewide organization representing prosecutors;
- a statewide organization representing public defenders;
- a statewide or local organization representing businesses and employers;
- housing providers;
- faith-based organizations or communities;
- two persons with experience reentering the community after incarceration; and
- two other community leaders.

When making appointments, the Governor must consider certain factors contained in the bill. One membership position is reserved for a person with a background in tribal affairs. Initial appointees serve staggered terms of four, three, and two years. Subsequent appointments are for two-year terms. The Council must elect co-chairs from among its membership.

*Executive Director.* The Council must select an executive director to administrate the business of the Council. Employment of the executive director is for a term of three years, which may be extended by the Council. The executive director is located in and paid by the Department. The Department is prohibited from designating additional full-time staff to the administration of the Council beyond the executive director.

*Powers and Responsibilities.* The Council is empowered to:

- advise the Legislature and the Governor on issues relating to reentry and reintegration of offenders;
- review, study, and make policy and funding recommendations on issues directly and indirectly related to reentry and reintegration of offenders in Washington, including, but not limited to: correctional programming and other issues in state and local correctional facilities; housing; employment; education; treatment; and other issues contributing to recidivism;
- apply for, receive, use, and leverage public and private grants as well as specifically appropriated funds to establish, manage, and promote initiatives and programs related to successful reentry and reintegration of offenders;
- to contract for services in order to carry out initiatives and programs;
- create committees and subcommittees; and
- create and consult with advisory groups comprised of nonmembers.

The Council must solicit input and participation from stakeholders interested in reducing recidivism, promoting public safety, and improving community conditions for people reentering the community from incarceration. The Council must consult: the two largest caucuses in the House of Representatives; the two largest caucuses in the Senate; the Governor; local governments; educators; mental health and substance abuse providers; behavioral health organizations; managed care organizations; city and county jails; the Department of Corrections; specialty courts; persons with expertise in evidence-based and research-based reentry practices; and persons with criminal histories and their families.

The Council must meet at least four times each year. The Council must submit to the Governor and appropriate committees of the Legislature a preliminary report no later than December 1, 2016, and a full report every two years thereafter.

*Performance Audit.* The JLARC must conduct a performance audit of the Council every six years, with the first audit to be completed by November 1, 2022.

*Study.* The WSIPP must conduct a meta-analysis on the effectiveness of programs aimed at assisting offenders with reentering the community after incarceration. The study must include a review and update of the literature on reentry programs in Washington and across the country. The WSIPP must report on the types of programs demonstrated to be effective in reducing recidivism among the general offender population. The WSIPP must report

results to the Governor, the appropriate committees of the Legislature, and the Council no later than June 1, 2017.

**EFFECT OF SENATE AMENDMENT(S):**

The Senate amendments: (1) require the executive director to be confirmed by the Senate; (2) remove the deadline for the Governor to make initial member appointments to the Council; (3) remove the requirement for two Council meetings to be held in 2016; and (4) remove the requirement for the first JLARC audit of the Council to be completed by November 1, 2022.

The Senate amendments make certain provisions subject to the availability of funds appropriated for the specific purpose of those provisions, including the following: the creation of the Council; the selection of the executive director; the funding of the executive director by the Department; and the study conducted by the WSIPP.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony (Public Safety):**

(In support) Incarceration trends are troubling. More than 18,000 persons are incarcerated in Washington. More than 95 percent will be released into the community. A disproportionate percentage of incarcerated persons are people of color. On a national level, one in three African-American men may be incarcerated during their lifetimes. Most will never break free of the cycle of incarceration and poverty. After being released from prison, people face employment discrimination, housing discrimination, and other social and economic barriers extending far beyond the boundaries of the criminal justice system. This is a human rights issue that affects every one of us.

Prison is another world, and reentering society can be overwhelming and difficult. A person reentering society can feel enormous guilt and shame, and it can be difficult to view yourself as anyone other than a criminal. Many people believe that their lives are over after being convicted of a crime. Convictions should not define people for a lifetime. Good people make mistakes, and society should give them a real chance to become productive members of their communities.

A Council would bring together community voices with a structured leadership aimed at creating accountability and improving the functionality of the system. The Council can facilitate a coordinated effort at improving reentry by involving various organizations, community groups, and leaders. The Council can focus on improving outcomes for persons reentering communities after being released from incarceration. The Council should fill the gaps in our current system. People need support. The community does not want to set

people up to fail. Several states have similar task forces or councils, Washington should follow suit.

The bill should be amended to include a representative of the JRA. Reentry and reintegration issues are just as critical to juveniles as adults. Their voices should be represented at the table.

(Opposed) None.

**Staff Summary of Public Testimony (Appropriations):**

(In support) We all have a love-hate relationship with task forces. We come in, work our tails off, provide recommendations to an agency or the Legislature, and often times that work becomes a doorstop. This particular topic needs more than that to bring people together and determine how to best improve the chances of people leaving incarceration and successfully reentering our communities. The goal is to lower recidivism and improve the chances of self-sufficient trajectories rather than falling back into homelessness or prison. This is the product of long-term discussions between the Legislature, the Department of Corrections, and nonprofit and community organizations on how to lower the financial and human costs of the recidivism cycle.

There is a substantial fiscal note by the Department. It is great that the Department assumes this important work will require that much effort, but the bill will not require the estimated 2.6 full-time employees. We are working on a way to reduce agency staff with community and nonprofit organizations who can pick up some workload to lower the assumed costs in the fiscal note.

(Opposed) None.

**Persons Testifying (Public Safety):** Representative Pettigrew, prime sponsor; Karen Lee, Pioneer Human Services; Vaughn Radford, Pioneer Industries; Bonnie Glenn, Juvenile Rehabilitation Administration; Jimmie James, Washington Christian Leaders Coalition; and Durell Green, Partnering for Youth Achievement.

**Persons Testifying (Appropriations):** Nick Federici, Pioneer Human Services.

**Persons Signed In To Testify But Not Testifying (Public Safety):** None.

**Persons Signed In To Testify But Not Testifying (Appropriations):** None.