

# SENATE BILL REPORT

## SB 6277

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As of February 7, 2018

**Title:** An act relating to creating a graduated reentry program of partial confinement for certain offenders.

**Brief Description:** Creating a graduated reentry program of partial confinement for certain offenders.

**Sponsors:** Senators Darneille, Kuderer and Saldaña; by request of Department of Corrections.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 1/23/18, 1/30/18 [DPS-WM].  
**Ways & Means:** 2/05/18.

### Brief Summary of First Substitute Bill

- Creates a graduated reentry program allowing an incarcerated individual to be transferred to home detention for up to the last six months of the individual's sentence.
- Requires an individual to have served at least twelve months of incarceration in a department correctional facility to be eligible for the program.
- Requires individuals placed on home detention under the program to be placed on community supervision and participate in evidence based programming and treatment.
- Extends work release eligibility from the last 6 months to the last 12 months of an individual's sentence.
- Requires individuals to participate in evidence-based programming.

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** That Substitute Senate Bill No. 6277 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle, Frockt and Miloscia.

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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.*

**Staff:** Keri Waterland (786-7490)

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## SENATE COMMITTEE ON WAYS & MEANS

**Staff:** Travis Sugarman (786-7446)

**Background:** As of July 1, 2017, the Department of Corrections (DOC) operated 13 work release facilities at a total funded capacity of 679 individuals. On July 31, 2017, there were 1,378 individuals in minimum custody, which is the level at which an individual may be eligible for participation in work release.

Partial confinement is confinement in a facility or institution operated or utilized under contract by the state or any other unit of government, for no more than one year. Partial confinement includes:

- work release;
- electronic monitoring; and
- home detention.

Work release is a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school. Work release may be authorized for an individual:

- to participate in full-time employment or part-time employment in a specialized program;
- to participate in a vocational training program, including attendance at an accredited college;
- to secure services to support transition back to the community; or
- as a sanction for violating community supervision conditions.

Electronic monitoring is a system for tracking the location of an individual through the use of technology capable of determining the individual's presence at a particular location, including but not limited to:

- radio frequency signaling technology, which detects if the monitored individual is or is not at an approved location and notifies the monitoring agency of the time that the monitored individual either leaves the approved location or tampers with or removes the monitoring device; or
- active or passive global positioning system technology, which detects the location of the monitored individual and notifies the monitoring agency of the monitored individual's location.

Home detention is a form of electronic monitoring which provides a program of partial confinement available to offenders wherein the offender is confined in a private residence 24 hours a day, unless absence from the residence is approved, authorized, or otherwise permitted by court order and the individual is subject to electronic monitoring. Housing options include supportive recovery facilities, veteran care facilities, personal residences, or other forms of supportive housing.

**Summary of Bill (First Substitute):** DOC must implement a graduated reentry program allowing individuals who have served at least 12 months of incarceration in a department

correctional facility to serve no more than the last six months of their sentence in partial confinement as home detention. Individuals in the program must:

- provide an approved residence and living arrangement prior to transfer to home detention;
- be on electronic home monitoring;
- be on community supervision; and
- participate in evidence based programming and treatment.

DOC may return program participants to total confinement for violating any conditions of their release. DOC may issue housing vouchers for individuals in the program if an approved residence cannot be obtained.

Eligibility for work release is extended from the last six months to the last 12 months of an individual's sentence. DOC may impose home detention as partial confinement for individuals in the program. No more than the final six months of an individual's sentence may be served in partial confinement as home detention as part of the program.

#### **EFFECT OF CHANGES MADE BY HUMAN SERVICES & CORRECTIONS COMMITTEE (First Substitute):**

- Adds that only offenders who have served at least 12 months of incarceration in a DOC facility are eligible for the graduated reentry program.
- Adds that the secretary of DOC may only transfer an offender from a DOC facility to home detention in the community if there is available evidence based programming and treatment.
- Requires that programming and treatment be evidence based, and that DOC assign individuals in the graduated reentry program to participate in evidence based programming and treatment.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

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

#### **Staff Summary of Public Testimony on Original Bill (Human Services & Corrections):**

*The committee recommended a different version of the bill than what was heard.* PRO: If not for this bill, currently 36 percent of people releasing would have no community supervision services. This bill allows people to have a home, homelessness increases risk of recidivism, and 8 percent of the releasing population is homeless. Savings would be reinvested for programming, EHM, and supervision. This bill will reduce the census of DOC, whose population is growing. This bill is where we come together before they hit the gate and potentially can reunite families for six months while they live in the community. This will save the state money. DOC is capable of supervision of these cases.

CON: There is no capacity currently in work release, and now they do not need to work, but can just get out six months early and into the community. This may be bad if there is a short sentence, and the six months of this program should not be for people who are not there for at least 12 months. Under this bill a person may get less time, so we oppose that, but are completely supportive of reentry. Treatment should be mandatory in the bill.

**Persons Testifying (Human Services & Corrections):** PRO: Zachary Kinneman, citizen; Alex MacBain, DOC.

CON: James McMahan, Washington Association of Sheriffs & Police Chiefs; Tom McBride, Washington Association of Prosecuting Attorneys.

**Persons Signed In To Testify But Not Testifying (Human Services & Corrections):** No one.

**Staff Summary of Public Testimony (Ways & Means):** PRO: Ninety-six percent of the folks in the corrections system are set to go back to the community. This provides for a structured transition back to the community for individuals that have been in the corrections system for at least twelve months and are work release eligible which is the lowest risk level in Corrections. WSIPP has shown that community supervision with programming does reduce recidivism. The bill does require programming. The substitute will likely bring down the effect on prisons down by 50 percent.

OTHER: We are typically skeptical of bills like this, but are starting to come around especially because this bill would provide supervision for a population that would not get supervision otherwise. We believe there is a piece of the bill that could be read to require 12 months of work release—double the current length—plus six months in the community which we do not believe is the intent. We would also like the savings to be put back into evidence-based programming.

**Persons Testifying (Ways & Means):** PRO: ALEX MacBain, DOC.

OTHER: James McMahan, Washington Association of Sheriffs & Police Chiefs.

**Persons Signed In To Testify But Not Testifying (Ways & Means):** No one.