

SENATE BILL REPORT

SB 5080

As of January 23, 2019

Title: An act relating to earned release time and graduated reentry for educational participation and achievement for certain offenders.

Brief Description: Concerning earned release time and graduated reentry for educational participation and achievement for certain offenders.

Sponsors: Senators McCoy, Darneille, Hasegawa, Kuderer and Saldaña.

Brief History:

Committee Activity: Human Services, Reentry & Rehabilitation: 1/22/19.

Brief Summary of Bill

- Grants incarcerated individuals earned release time for attendance, participation, and completion of basic education.
- Expands the Department of Corrections graduated reentry program to include educational enrollment, and finding and furthering educational opportunities in the community, or both.

SENATE COMMITTEE ON HUMAN SERVICES, REENTRY & REHABILITATION

Staff: Keri Waterland (786-7490)

Background: In 2018 the Legislature passed HB 2638 passed which:

- created 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, for programming and treatment;
- required individuals placed on home detention under the program to be placed on community supervision while participating in programming and treatment; and
- extended work release eligibility from the last six months to the last 12 months of an individual's sentence.

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:

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

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.

Electronic monitoring is a system for tracking a person's location using technology capable of determining the individual's presence at a given location, including but not limited to:

- radio frequency signaling technology, which detects whether or not the monitored individual is at an approved location, and notifies the monitoring agency if and when the subject monitored either leaves the approved location, or tampers with or removes the monitoring device; or
- active or passive global positioning system technology, which detects and reports the location of monitored individuals to monitoring agencies.

Earned release time is the term of the sentence that may be reduced, in accordance with procedures developed and adopted by the Department of Corrections (DOC) or local agencies with jurisdiction where the offender is confined. The earned release time shall be based on good behavior and performance, as determined by the presiding correctional agency. The offender shall not be credited with earned release credits in advance by the correctional agency.

Each adult prison offers adult basic education (ABE) programs which provide foundational education in reading, writing, math, and English, including General Education Development preparation programs.

Summary of Bill: DOC must include, as part of the graduated reentry program, the following:

- offenders who participate in education, that the department shall assign based on an offender's plan for continued education; and
- a community corrections officer who will monitor the offender's compliance with academic enrollment.

Eligibility for the final 12 months of the offender's term of confinement to be served in partial confinement is expanded to include finding and furthering educational opportunities in the community.

Eligibility for earned release time is expanded to include time granted for regular attendance, good performance, and attainment or completion of certificates and degrees specifically in required ABE programs.

Appropriation: None.

Fiscal Note: Requested on January 15, 2019.

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: PRO: This was the result of visiting Monroe Correctional Complex and talking with those impacted by correctional education. This bill continues opportunity for these individuals to rebuild their lives. This bill is a step in the right direction and supports the successful handoff between onsite—inside of a correctional institution, and offsite—community, educational navigators. The hope is that education will lead to better choices. This bill gives us a carrot for motivating these individuals to participate and succeed in education.

OTHER: Supportive of the policy concept, but think this bill would not actually change current DOC practice. Concerns with Section 2 and some technical fixes needed.

Persons Testifying: PRO: Senator John McCoy, Prime Sponsor; Dr. Wanda Billingsly, Edmonds Community College, Dean Corrections Education, Monroe Corrections; DawnMoon Jaques, citizen; Patricia Seibert-Love, State Board for Community and Technical Colleges.

OTHER: Alex MacBain, DOC.

Persons Signed In To Testify But Not Testifying: No one.