

2SSB 5695 - H COMM AMD

By Committee on Public Safety

NOT ADOPTED 03/02/2022

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** This act may be known and cited as the
4 drug free prisons act.

5 NEW SECTION. **Sec. 2.** The legislature recognizes that the
6 department of corrections is responsible for enhancing public safety
7 through the operation of safe and secure facilities. The legislature
8 recognizes that safe and secure facilities improve safety and well-
9 being for those experiencing incarceration, departmental employees,
10 visitors, and volunteers. The legislature recognizes that one of the
11 greatest risks to operating safe and secure facilities is the
12 introduction and movement of contraband, including but not limited to
13 alcohol and drugs. The legislature recognizes that undiagnosed,
14 untreated, or unaddressed substance use disorder can lead to
15 increased rates of recidivism. Therefore, the legislature intends to
16 protect human dignity by reducing or eliminating strip searches, and
17 to increase public safety by reducing access to drugs and alcohol in
18 correctional facilities and to increase substance use disorder
19 diagnosis, treatment, and services.

20 NEW SECTION. **Sec. 3.** A new section is added to chapter 72.09
21 RCW to read as follows:

22 (1)(a) The department shall establish a comprehensive body
23 scanner program at the Washington corrections center for women and at
24 a state correctional facility serving male incarcerated individuals
25 as part of an expanded pilot program to create drug-free state
26 correctional facilities. The scanner must be capable of detecting the
27 presence of contraband contained under clothing and within body
28 cavities, and must meet applicable federal and state radiation and
29 safety standards.

1 (b) The department shall develop policies and procedures
2 necessary to establish a comprehensive body scanner program that
3 shall be utilized to conduct security screenings for employees,
4 contractors, visitors, volunteers, incarcerated individuals, and
5 other persons entering the secure perimeter of the correctional
6 facility participating in the pilot program under this section.
7 Alternative search methods shall be used for persons who are minors,
8 individuals who are health compromised, individuals with
9 disabilities, individuals who may be pregnant, and individuals who
10 may meet the maximum allowable monthly or annual radiation dosage
11 limit specified by the department of health.

12 (2) The department shall provide appropriate custody and nursing
13 staff levels for body scanners installed at a state correctional
14 facility under this section. Staffing must be adequate to provide for
15 subsequent searches and dry cell watches if a body scan indicates the
16 presence of contraband.

17 (a) An incarcerated individual with a body scan indicating the
18 presence of substance-related contraband shall undergo, if
19 appropriate, a comprehensive assessment for substance use disorder
20 and receive relevant substance use disorder treatment services,
21 including medication-assisted treatment. The department shall
22 prioritize substance use disorder treatment services for incarcerated
23 individuals with cognitive, behavioral, and physiological symptoms
24 indicating the incarcerated individual is experiencing a substance
25 use disorder. The department shall distinguish between incarcerated
26 individuals who have symptoms indicating a substance use disorder and
27 incarcerated individuals who transport substances for other
28 individuals and do not have symptoms indicating a substance use
29 disorder.

30 (b) A department employee, contractor, visitor, or volunteer with
31 a body scan indicating the presence of contraband shall be
32 disciplined in accordance with department policies.

33 (3) The department shall provide appropriate radiation safety and
34 body scanner operation training to all staff who will administer the
35 body scan. Only staff who have completed all related trainings may be
36 permitted to operate the body scanner and review body scans. The
37 department shall develop policies, in consultation and collaboration
38 with the department of health, on scanner use and screening
39 procedures, including frequency and radiation exposure limits, to
40 minimize harmful radiation exposure while safely and effectively

1 utilizing the full body scanners to create drug-free correctional
2 facilities. The department shall develop a method to track and
3 maintain records on the frequency of body scans conducted on any
4 individual subject to the comprehensive body scanner program to
5 comply with any maximum allowable monthly and annual radiation dosage
6 limits that may be set by the department of health.

7 (4) The secretary shall adopt any rules and policies necessary to
8 implement the requirements of this section.

9 (5) By December 1st each year, and in compliance with RCW
10 43.01.036, the department shall submit a report to the governor and
11 the legislature on:

12 (a) The number and types of individuals, including visitors,
13 employees, contractors, and volunteers, with positive body scans in
14 the prior year and the disciplinary action taken;

15 (b) The types of contraband detected by the body scanner;

16 (c) The number of confiscated substances in the prior five years;

17 (d) The number of incarcerated individuals with positive body
18 scans for substance-related contraband in the prior year who were
19 assessed for substance use disorder and received substance use
20 disorder treatment services while incarcerated; and

21 (e) The number and length of time incarcerated individuals with
22 positive body scans were placed on dry cell watch in the prior year.

23 (6) For the purposes of this section:

24 (a) "Contraband" has the meaning as in RCW 9A.76.010;

25 (b) "Dry cell watch" means the placement of an incarcerated
26 person in a secure room or cell for the safe recovery of internally
27 concealed contraband; and

28 (c) "Substance use disorder treatment services" means services
29 licensed by the department of health or provided as part of a
30 substance use disorder treatment program that has been approved by
31 the department of health.

32 (7) This section expires June 30, 2024."

33 Correct the title.

EFFECT: Provides that the Department of Corrections (DOC) must
prioritize substance use disorder treatment services for incarcerated
individuals with certain symptoms indicating the individual is
experiencing a substance use disorder (instead of prioritizing
substance use disorder treatment services for incarcerated
individuals with certain symptoms indicating the individual is
experiencing a substance use disorder "rather than transporting the

substance for another"). Adds a provision stating that the DOC must distinguish between incarcerated individuals who have symptoms indicating a substance use disorder and incarcerated individuals who transport substances for other individuals and do not have symptoms indicating a substance use disorder.

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