

HOUSE BILL REPORT

ESSB 5118

As Passed House - Amended:

April 8, 2021

Title: An act relating to supporting successful reentry.

Brief Description: Supporting successful reentry.

Sponsors: Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Senators Darneille, Das, Hasegawa, Liias, Mullet, Nguyen, Saldaña and Wilson, C.).

Brief History:

Committee Activity:

Children, Youth & Families: 3/15/21, 3/18/21 [DPA];

Appropriations: 3/30/21, 3/31/21 [DPA(CYF)].

Floor Activity:

Passed House: 4/8/21, 67-31.

Brief Summary of Engrossed Substitute Bill (As Amended By House)

- Requires that persons serving a term of imprisonment in a juvenile rehabilitation institution are included in the requirement to bring an untried indictment, information, or complaint against the person to trial within 120 days after the prisoner delivers to the prosecutor and the superior court written notice of the prisoner's place of imprisonment and a request for a final disposition.
- Includes community facilities, the group care facilities operated for the care of juveniles committed to the Department of Children, Youth, and Families (DCYF), within the definition of "essential public facilities" for purposes of siting.
- Requires the DCYF, at least 30 days before an individual's release from a residential facility, to send written notice of the planned release to the

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person's health care insurance provider or assist the individual in obtaining coverage.

HOUSE COMMITTEE ON CHILDREN, YOUTH & FAMILIES

Majority Report: Do pass as amended. Signed by 7 members: Representatives Senn, Chair; Harris-Talley, Vice Chair; Rule, Vice Chair; Callan, Goodman, Ortiz-Self and Wicks.

Minority Report: Do not pass. Signed by 2 members: Representatives Klippert and Young.

Minority Report: Without recommendation. Signed by 4 members: Representatives Dent, Ranking Minority Member; Chase, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Eslick.

Staff: Luke Wickham (786-7146).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended by Committee on Children, Youth & Families. Signed by 23 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Corry, Assistant Ranking Minority Member; Caldier, Chopp, Cody, Dolan, Fitzgibbon, Frame, Hansen, Harris, Johnson, J., Lekanoff, Pollet, Rude, Ryu, Senn, Springer, Stonier, Sullivan and Tharinger.

Minority Report: Without recommendation. Signed by 9 members: Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Boehnke, Chandler, Dye, Hoff, Jacobsen, Schmick and Steele.

Staff: Yvonne Walker (786-7841).

Background:

Disposition of Untried Complaint Against a Prisoner.

Whenever there is a untried indictment, information, or complaint against a prisoner, the prisoner must be brought to trial within 120 days after the prisoner delivers to the prosecutor and the superior court of the county where the indictment, information, or complaint is pending written notice of the prisoner's place of imprisonment and a request for a final disposition. This request must be accompanied by a certificate of the superintendent having custody of the prisoner. The court may grant a continuance in open court for good cause shown, and the prisoner has a right to be present during that hearing.

Siting of Essential Public Facilities.

The Growth Management Act (GMA) is the comprehensive land use planning framework for counties and cities in Washington. Originally enacted in 1990 and 1991, the GMA establishes land use designation and environmental protection requirements for all Washington counties and cities. The GMA also establishes a significantly wider array of planning duties for 28 counties, and the cities within those counties, that are obligated to satisfy all planning requirements of the GMA.

The comprehensive plan for each county that is required to complete planning activities must include a process for identifying and siting essential public facilities. Siting is the process of finding a place to build. Essential public facilities include those facilities that are typically difficult to site, such as:

- airports;
- state education facilities and state or regional transportation facilities;
- regional transit authority facilities;
- state and local correctional facilities;
- solid waste handling facilities; and
- inpatient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities.

All cities and counties, whether required to complete planning activities or not, must establish a process for siting secure community transition facilities.

The Office of Financial Management is required to maintain a list of those essential state public facilities that are required or likely to be built within the next six years.

No local comprehensive plan or development regulation may preclude the siting of essential public facilities.

Summary of Amended Bill:

Disposition of Untried Complaint Against an Incarcerated Person.

Persons serving a term of imprisonment in a juvenile rehabilitation institution are included in the requirement to bring an untried indictment, information, or complaint against the person to trial within 120 days after the person delivers to the prosecutor and the superior court written notice of the person's place of imprisonment and a request for a final disposition.

The following time periods are excluded from the 120-day calculation described above:

- arraignment, pretrial proceedings, trial, and sentencing on an unrelated charge in a different county than the court where the charge is pending;
- proceedings related to competency to stand trial on the pending charge; and
- time during which the person is detained in a federal jail or prison and subject to

conditions of release not imposed by Washington.

The superintendent that provides a certificate required for a person requesting a final disposition for an untried indictment, information, or complaint is required to inform any prosecutor or court requesting transportation of the person's current location and availability for trial. If the person is unavailable for transportation due to court proceedings in another county, the superintendent must inform the prosecuting attorney or court when the person becomes available for transportation and provide a new certificate.

Siting of Essential Public Facilities.

Community facilities, the group care facilities operated for the care of juveniles committed to the Department of Children, Youth, and Families (DCYF), are included within the definition of "essential public facilities" for purposes of siting.

New community facilities may not be sited in Eastern Washington unless there is an equal or greater number of sited community facilities in Western Washington.

Health Coverage for Individuals Releasing from a Department of Children, Youth, and Families Facility.

At least 30 days before release from a residential facility, the DCYF is required to send written notice of the planned release to the person's health care insurance provider. The notice must include the person's current location and contact information, as well as the person's expected location and contact information upon release.

If the person is not enrolled in a health insurance program, the DCYF and the Health Care Authority must assist the person in obtaining coverage that they are eligible for at least 30 days before release.

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 (Children, Youth & Families):

(In support) There are three distinct buckets in this bill. The first issue involves resolving warrants; currently this happens after an individual leaves an institution instead of resolving the warrant while that individual is incarcerated. This will require some costs for transportation.

The second bucket of the bill addresses step down facilities. These step down facilities have existed for 20 years. These are 16-bed facilities. There are five in Eastern

Washington and three on the west side of Washington. No new facilities have been sited in the last 20 years. There is an aging infrastructure for these facilities. Youth often leave these facilities with a full-time job.

The third portion of the bill relates to continuing medical coverage for individuals leaving juvenile residential facilities. The bill will increase care coordination efforts between the DCYF and health plans. Care coordination is especially important for this population. Having 30 days of notice before release will help ensure that youth can receive available necessary care.

This bill will help remedy the consequences of the *State v. Peeler* decision. This bill puts some exclusionary language to clear a warrant when that individual is undergoing proceedings in another court. Outstanding warrants can impact an individual's ability to transition into another facility. Allowing an individual to be transported while an individual serves a sentence will greatly improve the individual's reentry success.

(Opposed) None.

Staff Summary of Public Testimony (Appropriations):

(In support) Currently, the Intrastate Detainer Act is a provision that allows an adult who is incarcerated to seek a way to resolve other pending cases. This bill expands that act and provides juveniles with an opportunity to end pending warrants. As a result, such juveniles will no longer need to bounce from court to court or county to county to resolve pending court matters upon reentry into the community following release from incarceration.

Lastly, the section of the bill requiring coordination of health care services is particularly a wise investment. It will enhance efforts that the Juvenile Rehabilitation Administration and the Coordinated Care Health Plan are working on to ensure all youth exiting incarceration are proactively connecting with a health care team prior to release. Incarcerated youth are at a vulnerable stage in their life, and informing a youth's health care plan at least 30 days prior to their release will ensure that needed services and support are in place upon their release from incarceration. Discharge planning is important to ensure continuity of care.

(Opposed) None.

Persons Testifying (Children, Youth & Families): Senator Darneille, prime sponsor; Russell Brown, Washington Association of Prosecuting Attorneys; and Marissa Ingalls, Coordinated Care.

Persons Testifying (Appropriations): Marissa Ingalls, Coordinated Care; and Russell Brown, Washington Association of Prosecuting Attorneys.

Persons Signed In To Testify But Not Testifying (Children, Youth & Families): None.

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