

SENATE BILL REPORT

ESSB 5118

As Passed Senate, February 26, 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: Human Services, Reentry & Rehabilitation: 1/15/21, 1/22/21 [DPS-WM, DNP].

Ways & Means: 2/01/21, 2/15/21 [DPS (HSRR), DNP, w/oRec].

Floor Activity: Passed Senate: 2/26/21, 32-14.

Brief Summary of Engrossed First Substitute Bill

- Expands the Intrastate Detainer Act to include individuals in juvenile rehabilitation and warrants pending in superior, district, municipal, or juvenile court.
- Designates the Department of Children, Youth, & Families Juvenile Rehabilitation Division's community facilities as essential public facilities.
- Requires written notification of a committed individual's planned release be sent to the individual's health care insurance provider.

SENATE COMMITTEE ON HUMAN SERVICES, REENTRY & REHABILITATION

Majority Report: That Substitute Senate Bill No. 5118 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Gildon, Ranking Member; Saldaña and Wilson, C.

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

Minority Report: Do not pass.

Signed by Senators Dozier and McCune.

Staff: Julie Tran (786-7283)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 5118 as recommended by Committee on Human Services, Reentry & Rehabilitation be substituted therefor, and the substitute bill do pass.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Carlyle, Conway, Darneille, Dhingra, Gildon, Hasegawa, Hunt, Keiser, Liias, Mullet, Muzzall, Pedersen, Rivers, Van De Wege, Warnick and Wellman.

Minority Report: Do not pass.

Signed by Senators Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital.

Minority Report: That it be referred without recommendation.

Signed by Senators Braun and Wagoner.

Staff: Kayla Hammer (786-7305)

Background: Juvenile Rehabilitation Institutions. On July 1, 2019, the Juvenile Rehabilitation (JR) Division transferred to the Department of Children, Youth and Families (DCYF). JR operates three juvenile institutions for juveniles, who are convicted of crimes and serving more than 30 days of confinement, and eight community facilities.

Intrastate Detainer Act. This law enacted in 1956 allows for individuals incarcerated in Washington State prisons to request information about their warrants related to untried criminal cases and create a written request for resolution of any superior court warrants. The prosecuting attorney must bring the individual to trial within 120 days after receiving the request or the criminal charge must be dismissed with prejudice and jurisdiction over the matter is lost.

The superintendent, who forwards the prisoner's request to the prosecuting attorney and superior court, must also provide a certificate stating the following:

- individual's term of commitment;
- the time already served;
- the time remaining to be served;
- the amount of good time earned;
- the time of parole eligibility; and
- any of the indeterminate sentence review board's decisions related to the individual.

Growth Management Act. The Growth Management Act (GMA) is the comprehensive land-use planning framework for cities and counties in Washington State. Since its enactment in 1990 and 1991, the GMA establishes land use designation and environmental protection requirements for all Washington cities and counties.

The GMA directs planning jurisdictions to adopt internally consistent comprehensive land use plans that are generalized, coordinated land use policy statements of the governing body. Comprehensive plans must address specified planning elements, each of which is a subset of a comprehensive plan.

Essential Public Facilities. Comprehensive plans must include a process for identifying and siting essential public facilities. Under the GMA, essential public facilities include those that are typically difficult to site, such as airports, state education facilities, state or regional transportation facilities, regional transit authority facilities, state and local correctional facilities, solid waste facilities, and certain inpatient facilities, such as substance abuse facilities or group homes. Comprehensive plans and development regulations may not preclude the siting of essential public facilities.

Medicaid Suspension. In 2016, the Legislature passed SSB 6430 and directed the Washington State Health Care Authority to suspend, rather than terminate, medical assistance benefits for individuals who are incarcerated. The State Medicaid Plan, consistent with federal law, does not allow for expenditures and Medicaid funding for a person while they are incarcerated in a prison or jail, or detained for civil commitment in a large psychiatric institution.

Summary of Engrossed First Substitute Bill: Intrastate Detainer Act. The Intrastate Detainer Act is expanded to allow:

- participation by individuals incarcerated in a JR institution; and
- an individual to request to resolve untried warrants in district and municipal court.

The following time periods must be excluded from the 120-day period:

- proceedings on an unrelated charge in a different county than the court where the charge is pending;
- proceedings related to competency to stand trial; and
- time during which the individual is detained in a federal jail or prison.

When the superintendent receives a request to transport an individual to resolve an untried warrant, they must inform the requesting party of the individual's current location and availability for trial. If the person is unavailable for transportation due to court proceedings in another county, the superintendent must provide an updated certificate and inform the requesting party when the individual becomes available for transport.

Essential Public Facilities. DCYF's community facilities operated for JR are designated as essential public facilities. DCYF cannot site new community facilities in eastern

Washington or east of the crest of the Cascade mountain range until there is an equal amount of sited community facilities in western Washington.

Healthcare Notification. A written notification of a committed individual's planned release must be sent to the individual's health care insurance provider at least 30 days before the final release. The notice must include the following:

- current location;
- contact information;
- expected location; and
- contact information upon release.

If the committed individual is not enrolled in a health insurance program, they will receive assistance in obtaining eligible coverage.

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, Reentry & Rehabilitation): *The committee recommended a different version of the bill than what was heard.* PRO: The provisions included in this bill are appreciated. Allowing individuals serving in JR to resolve pending warrants is a big way to help them as they transition back into the community. The 120 day time period exclusions are a reasonable and methodical way to resolve warrants without running the risk that an individual be entitled to a dismissal despite anything a city or county can do. The 30-day release notification to health care providers will enhance care coordination and discharge planning, which will improve the continuity of care especially for children and youth.

Persons Testifying (Human Services, Reentry & Rehabilitation): PRO: Senator Jeannie Darneille, Prime Sponsor; Marissa Ingalls, Coordinated Care; Russell Brown, Washington Association of Prosecuting Attorneys.

Persons Signed In To Testify But Not Testifying (Human Services, Reentry & Rehabilitation): No one.

Staff Summary of Public Testimony on First Substitute (Ways & Means): PRO: It is a wise investment to allow for continuity of care for individuals that are reentering the community by connecting them to their community health plans. Outstanding warrants can impact the success of individuals releasing back into the community. Continuity for an individual after release is beneficial versus bouncing them from county to county as they

work their way through any outstanding warrants after release.

Persons Testifying (Ways & Means): PRO: Marissa Ingalls, Coordinated Care; Russell Brown, Washington Association of Prosecuting Attorneys.

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