
SUBSTITUTE SENATE BILL 5304

State of Washington

67th Legislature

2021 Regular Session

By Senate Human Services, Reentry & Rehabilitation (originally sponsored by Senators Wilson, C., Dhingra, Darneille, Das, Frockt, Hasegawa, Holy, Lovelett, Nguyen, Rivers, and Wellman)

READ FIRST TIME 02/05/21.

1 AN ACT Relating to providing reentry services to persons
2 releasing from state and local institutions; amending RCW 74.09.670,
3 74.09.555, 9.94.049, 72.09.370, 71.24.470, 71.24.480, and 72.09.270;
4 adding a new section to chapter 71.24 RCW; and creating new sections.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds that the success of
7 persons with behavioral health needs being released from confinement
8 in a prison, jail, juvenile rehabilitation facility, state hospital,
9 and other state and local institutions can be increased with access
10 to continuity of medical assistance, supportive services, and other
11 targeted assistance. The legislature finds that this act provides
12 strategies to prevent interruption of medical assistance benefits and
13 to allow for a seamless transfer between systems of care. The
14 legislature further finds that this act removes stigmatizing language
15 from the program created under RCW 72.09.370 and 71.24.470 and
16 creates a work group to study how to expand the cost-effective
17 strategies of this program to other populations and settings to
18 enhance recovery, reduce recidivism, and improve safety.

19 **Sec. 2.** RCW 74.09.670 and 2016 c 154 s 2 are each amended to
20 read as follows:

1 ~~((The))~~ When the authority receives information that a person
2 enrolled in medical assistance is confined in a setting in which
3 federal financial participation is disallowed by the state's
4 agreements with the federal government, the authority ~~((is directed~~
5 ~~to))~~ shall suspend, rather than terminate, medical assistance
6 benefits ~~((by July 1, 2017,))~~ for these persons, including those who
7 are incarcerated in a correctional institution as defined in RCW
8 9.94.049, or committed to a state hospital or other treatment
9 facility. ~~((This must include the ability for a))~~ A person who is not
10 currently enrolled in medical assistance must be allowed to apply for
11 medical assistance in suspense status during ~~((incarceration))~~
12 confinement, and the ability to apply may not depend upon knowledge
13 of the release or discharge date of the person. ~~((The authority must~~
14 ~~provide a progress report describing program design and a detailed~~
15 ~~fiscal estimate to the governor and relevant committees of the~~
16 ~~legislature by December 1, 2016.))~~

17 **Sec. 3.** RCW 74.09.555 and 2019 c 325 s 4005 are each amended to
18 read as follows:

19 (1) The authority shall adopt rules and policies providing that
20 when persons ~~((with a mental disorder,))~~ who were enrolled in medical
21 assistance immediately prior to confinement, or who become enrolled
22 in medical assistance in suspense status during the period of
23 confinement, are released from confinement, their medical assistance
24 coverage ~~((will))~~ shall be fully reinstated ~~((on the day))~~ no later
25 than at the moment of their release, subject to any expedited review
26 of their continued eligibility for medical assistance coverage that
27 is required under federal or state law. The authority may reinstate
28 medical assistance prior to the day of release provided that no
29 federal funds are expended for any purpose that is not authorized by
30 the state's agreements with the federal government.

31 (2) The authority, in collaboration with the Washington
32 association of sheriffs and police chiefs, the department of
33 corrections, the department of children, youth, and families, managed
34 care organizations, and behavioral health administrative services
35 organizations, shall establish procedures for coordination between
36 the authority and department field offices, institutions for mental
37 disease, and correctional institutions, as defined in RCW 9.94.049,
38 that result in prompt reinstatement of eligibility and speedy
39 eligibility determinations for ~~((persons who are likely to be~~

1 ~~eligible for~~) medical assistance services upon release from
2 confinement. Procedures developed under this subsection must address:

3 (a) Mechanisms for receiving medical assistance services
4 applications on behalf of confined persons in anticipation of their
5 release from confinement;

6 (b) Expeditious review of applications filed by or on behalf of
7 confined persons and, to the extent practicable, completion of the
8 review before the person is released;

9 (c) Mechanisms for providing medical assistance services identity
10 cards to persons eligible for medical assistance services
11 (~~immediately upon~~) before their release from confinement; (~~and~~)

12 (d) Coordination with the federal social security administration,
13 through interagency agreements or otherwise, to expedite processing
14 of applications for federal supplemental security income or social
15 security disability benefits, including federal acceptance of
16 applications on behalf of confined persons; and

17 (e) Assuring that notification of the person's release date,
18 current location, and other appropriate information is provided to
19 the person's managed care organization at least 30 days before the
20 person's scheduled release from confinement, or as soon as
21 practicable thereafter.

22 (3) Where medical or psychiatric examinations during a person's
23 confinement indicate that the person is disabled, the correctional
24 institution or institution for mental diseases shall provide the
25 authority with that information for purposes of making medical
26 assistance eligibility and enrollment determinations prior to the
27 person's release from confinement. The authority shall, to the
28 maximum extent permitted by federal law, use the examination in
29 making its determination whether the person is disabled and eligible
30 for medical assistance.

31 (4) For purposes of this section, "confined" or "confinement"
32 means incarcerated in a correctional institution, as defined in RCW
33 9.94.049, or admitted to an institute for mental disease, as defined
34 in 42 C.F.R. part 435, Sec. 1009 on July 24, 2005.

35 (~~For purposes of this section, "likely to be eligible" means~~
36 ~~that a person:~~

37 ~~(a) Was enrolled in medicaid or supplemental security income or~~
38 ~~the medical care services program immediately before he or she was~~
39 ~~confined and his or her enrollment was terminated during his or her~~
40 ~~confinement; or~~

1 ~~(b) Was enrolled in medicaid or supplemental security income or~~
2 ~~the medical care services program at any time during the five years~~
3 ~~before his or her confinement, and medical or psychiatric~~
4 ~~examinations during the person's confinement indicate that the person~~
5 ~~continues to be disabled and the disability is likely to last at~~
6 ~~least twelve months following release.~~

7 ~~(6))~~ The economic services administration within the department
8 shall adopt standardized statewide screening and application
9 practices and forms designed to facilitate the application of a
10 confined person (~~who is likely to be eligible~~) for medicaid.

11 NEW SECTION. **Sec. 4.** (1) The health care authority shall apply
12 for a waiver allowing the state to provide medicaid services to
13 persons who are confined in a correctional institution as defined in
14 RCW 9.94.049 or confined in a state hospital or other treatment
15 facility up to 30 days prior to the person's release or discharge to
16 the community. The purpose is to create continuity of care and
17 provide reentry services.

18 (2) The health care authority shall consult with the work group
19 established under section 9 of this act about how to optimize the
20 waiver application and its chance of success, including by limiting
21 its scope if deemed appropriate.

22 (3) The health care authority shall inform the governor and
23 relevant committees of the legislature in writing when the waiver
24 application is submitted and update them as to progress of the waiver
25 at appropriate points.

26 (4) No provision of this section may be interpreted to require
27 the health care authority to provide medicaid services to persons who
28 are confined in a correctional institution, state hospital, or other
29 treatment facility up to 30 days prior to the person's release or
30 discharge unless the health care authority obtains final approval for
31 its waiver application from the centers for medicare and medicaid
32 services.

33 **Sec. 5.** RCW 9.94.049 and 1995 c 314 s 6 are each amended to read
34 as follows:

35 (1) For the purposes of this chapter, the term "correctional
36 institution" means any place designated by law for the keeping of
37 persons held in custody under process of law, or under lawful arrest,
38 including state prisons, county and local jails, juvenile detention

1 centers, and other facilities operated by the department of
2 corrections, department of children, youth, and families, or local
3 governmental units primarily for the purposes of punishment,
4 correction, or rehabilitation following conviction or adjudication of
5 a criminal offense.

6 (2) For the purposes of RCW 9.94.043 and 9.94.045, "state
7 correctional institution" means all state correctional facilities
8 under the supervision of the secretary of the department of
9 corrections used solely for the purpose of confinement of convicted
10 felons.

11 **Sec. 6.** RCW 72.09.370 and 2019 c 325 s 5025 are each amended to
12 read as follows:

13 (1) The ~~((offender))~~ reentry community ~~((safety))~~ services
14 program is established to provide intensive services to ~~((offenders))~~
15 persons identified under this subsection and to thereby promote
16 successful reentry, public safety, and recovery. The secretary shall
17 identify ~~((offenders))~~ persons in confinement or partial confinement
18 who: (a) Are reasonably believed to ~~((be dangerous))~~ present a danger
19 to themselves or others if released to the community without
20 supportive services; and (b) have a mental disorder. In ~~((determining~~
21 ~~an offender's dangerousness))~~ evaluating these criteria, the
22 secretary shall consider behavior known to the department and
23 factors, based on research, that are linked to ~~((an increased))~~ risk
24 ~~((for))~~ of dangerousness ~~((of offenders))~~ for persons with mental
25 illnesses within the criminal justice system and shall include
26 consideration of ~~((an offender's))~~ the person's history of substance
27 use disorder or abuse.

28 (2) Prior to release of ~~((an offender))~~ a person identified under
29 this section, a team consisting of representatives of the department
30 of corrections, the health care authority, and, as necessary, the
31 indeterminate sentence review board, divisions or administrations
32 within the department of social and health services, specifically
33 including the division of developmental disabilities, the appropriate
34 managed care organization ~~((contracted with the health care~~
35 ~~authority, the appropriate))~~ or behavioral health administrative
36 services organization, and ~~((the))~~ reentry community services
37 providers, as appropriate, shall develop a plan, as determined
38 necessary by the team, for delivery of treatment and support services
39 to the ~~((offender))~~ person upon release. In developing the plan, the

1 ((~~offender~~)) person shall be offered assistance in executing a mental
2 health advance directive under chapter 71.32 RCW, after being fully
3 informed of the benefits, scope, and purposes of such directive. The
4 team may include a school district representative for ((~~offenders~~))
5 persons under the age of ((~~twenty-one~~)) 21. The team shall consult
6 with the ((~~offender's~~)) person's counsel, if any, and, as
7 appropriate, the ((~~offender's~~)) person's family and community. The
8 team shall notify the crime victim/witness program, which shall
9 provide notice to all people registered to receive notice under RCW
10 72.09.712 of the proposed release plan developed by the team.
11 Victims, witnesses, and other interested people notified by the
12 department may provide information and comments to the department on
13 potential safety risk to specific individuals or classes of
14 individuals posed by the specific ((~~offender~~)) person. The team may
15 recommend: (a) That the ((~~offender~~)) person be evaluated by ((~~the~~)) a
16 designated crisis responder, as defined in chapter 71.05 RCW; (b)
17 department-supervised community treatment; or (c) voluntary community
18 mental health or substance use disorder or abuse treatment.

19 (3) Prior to release of ((~~an offender~~)) a person identified under
20 this section, the team shall determine whether or not an evaluation
21 by a designated crisis responder is needed. If an evaluation is
22 recommended, the supporting documentation shall be immediately
23 forwarded to the appropriate designated crisis responder. The
24 supporting documentation shall include the ((~~offender's~~)) person's
25 criminal history, history of judicially required or administratively
26 ordered involuntary antipsychotic medication while in confinement,
27 and any known history of involuntary civil commitment.

28 (4) If an evaluation by a designated crisis responder is
29 recommended by the team, such evaluation shall occur not more than
30 ten days, nor less than five days, prior to release.

31 (5) A second evaluation by a designated crisis responder shall
32 occur on the day of release if requested by the team, based upon new
33 information or a change in the ((~~offender's~~)) person's mental
34 condition, and the initial evaluation did not result in an emergency
35 detention or a summons under chapter 71.05 RCW.

36 (6) If the designated crisis responder determines an emergency
37 detention under chapter 71.05 RCW is necessary, the department shall
38 release the ((~~offender~~)) person only to a state hospital or to a
39 consenting evaluation and treatment facility or secure withdrawal
40 management and stabilization facility. The department shall arrange

1 transportation of the ((~~offender~~)) person to the hospital or
2 facility.

3 (7) If the designated crisis responder believes that a less
4 restrictive alternative treatment is appropriate, he or she shall
5 seek a summons, pursuant to the provisions of chapter 71.05 RCW, to
6 require the ((~~offender~~)) person to appear at an evaluation and
7 treatment facility or secure withdrawal management and stabilization
8 facility. If a summons is issued, the ((~~offender~~)) person shall
9 remain within the corrections facility until completion of his or her
10 term of confinement and be transported, by corrections personnel on
11 the day of completion, directly to the identified ((~~evaluation and~~
12 ~~treatment~~)) facility.

13 (8) The secretary shall adopt rules to implement this section.

14 **Sec. 7.** RCW 71.24.470 and 2019 c 325 s 1030 are each amended to
15 read as follows:

16 (1) The director shall contract, to the extent that funds are
17 appropriated for this purpose, for case management services and such
18 other services as the director deems necessary to assist
19 ((~~offenders~~)) persons identified under RCW 72.09.370 for
20 participation in the ((~~offender~~)) reentry community ((~~safety~~))
21 services program. The contracts may be with any qualified and
22 appropriate entities.

23 (2) The case manager has the authority to assist these
24 ((~~offenders~~)) persons in obtaining the services, as set forth in the
25 plan created under RCW 72.09.370(2), for up to five years. The
26 services may include coordination of mental health services,
27 assistance with unfunded medical expenses, assistance obtaining
28 substance use disorder treatment, housing, employment services,
29 educational or vocational training, independent living skills,
30 parenting education, anger management services, peer services, and
31 such other services as the case manager deems necessary.

32 (3) The legislature intends that funds appropriated for the
33 purposes of RCW 72.09.370, 71.05.145, and 71.05.212, and this section
34 are to supplement and not to supplant general funding. Funds
35 appropriated to implement RCW 72.09.370, 71.05.145, and 71.05.212,
36 and this section are not to be considered available resources as
37 defined in RCW 71.24.025 and are not subject to the priorities,
38 terms, or conditions in the appropriations act established pursuant
39 to RCW 71.24.035.

1 (4) The ((offender)) reentry community ((safety)) services
2 program was formerly known as the community integration assistance
3 program.

4 **Sec. 8.** RCW 71.24.480 and 2019 c 325 s 1031 are each amended to
5 read as follows:

6 (1) A licensed or certified behavioral health agency acting in
7 the course of the ((provider's)) agency's duties under this
8 chapter((, is)) and its individual employees are not liable for civil
9 damages resulting from the injury or death of another caused by a
10 participant in the ((offender)) reentry community ((safety)) services
11 program who is a client of the ((provider or organization)) agency,
12 unless the act or omission of the ((provider or organization)) agency
13 or employee constitutes:

14 (a) Gross negligence;

15 (b) Willful or wanton misconduct; or

16 (c) A breach of the duty to warn of and protect from a client's
17 threatened violent behavior if the client has communicated a serious
18 threat of physical violence against a reasonably ascertainable victim
19 or victims.

20 (2) In addition to any other requirements to report violations,
21 the licensed or certified behavioral health agency shall report ((an
22 offender's)) a reentry community services program participant's
23 expressions of intent to harm or other predatory behavior, regardless
24 of whether there is an ascertainable victim, in progress reports and
25 other established processes that enable courts and supervising
26 entities to assess and address the progress and appropriateness of
27 treatment.

28 (3) A licensed or certified behavioral health agency's mere act
29 of treating a participant in the ((offender)) reentry community
30 ((safety)) services program is not negligence. Nothing in this
31 subsection alters the licensed or certified behavioral health
32 agency's normal duty of care with regard to the client.

33 (4) The limited liability provided by this section applies only
34 to the conduct of licensed or certified behavioral health agencies
35 and their employees and does not apply to conduct of the state.

36 (5) For purposes of this section, "participant in the
37 ((offender)) reentry community ((safety)) services program" means a
38 person who has been identified under RCW 72.09.370 as ((an offender))
39 a person who: (a) Is reasonably believed to ((be dangerous)) present

1 a danger to himself or herself or others if released to the community
2 without supportive services; and (b) has a mental disorder.

3 NEW SECTION. **Sec. 9.** A new section is added to chapter 71.24
4 RCW to read as follows:

5 (1) The authority shall convene a reentry services work group to
6 consider ways to improve reentry services for persons with an
7 identified behavioral health services need. The work group shall:

8 (a) Advise the authority on its waiver application under section
9 6 of this act;

10 (b) Develop a plan to assure notifications of the person's
11 release date, current location, and other appropriate information are
12 provided to the person's managed care organization at least 30 days
13 before the person's scheduled release from confinement, or as soon as
14 practicable thereafter, in accordance with RCW 74.09.555;

15 (c) Consider the value of expanding, replicating, or adapting the
16 essential elements of the reentry community services program under
17 RCW 72.09.370 and 71.24.470 to benefit new populations, such as:

18 (i) A larger group of incarcerated persons in the department of
19 corrections than those who currently have the opportunity to
20 participate;

21 (ii) State hospital patients committed under criminal insanity
22 laws under chapter 10.77 RCW;

23 (iii) Involuntary treatment patients committed under chapter
24 71.05 RCW;

25 (iv) Persons committed to juvenile rehabilitation;

26 (v) Persons confined in jail; and

27 (vi) Other populations recommended by the work group;

28 (d) Consider whether modifications should be made to the reentry
29 community services program;

30 (e) Identify potential costs and savings for the state and local
31 governments which could be realized through the use of telehealth
32 technology to provide mental and behavioral health services,
33 expansion or replication of the reentry community services program,
34 or other reentry programs which are supported by evidence;

35 (f) Consider the sustainability of reentry or diversion services
36 provided by pilot programs funded by contempt fines in *Trueblood, et*
37 *al., v. Washington State DSHS*, No. 15-35462;

38 (g) Recommend a means of funding expanded reentry services; and

1 (h) Consider incorporation of peer services into the reentry
2 community services programs.

3 (2) The authority shall invite participation in the work group by
4 stakeholders including but not limited to representatives from:
5 Disability rights Washington; behavioral health advocacy
6 organizations; behavioral health peers; reentry community services
7 providers; community behavioral health agencies; advocates for
8 persons with developmental disabilities; the department of
9 corrections; the department of children, youth, and families; the
10 Washington association of sheriffs and police chiefs; prosecutors;
11 defense attorneys; the Washington state association of counties; King
12 county behavioral health and recovery division; the department of
13 social and health services; state hospital employees who serve
14 patients committed under chapters 10.77 and 71.05 RCW; the public
15 safety review panel under RCW 10.77.270; managed care organizations;
16 behavioral health administrative services organizations; the
17 Washington statewide reentry council; the Washington state senate;
18 the Washington state house of representatives; and the Washington
19 state institute for public policy.

20 (3) The work group must provide a progress report to the governor
21 and appropriate committees of the legislature by December 1, 2021,
22 and a final report by December 1, 2022.

23 NEW SECTION. **Sec. 10.** By January 1, 2022, the health care
24 authority shall revise its contracts with managed care organizations
25 and behavioral health administrative services organizations to ensure
26 that enough providers are available to provide services to eligible
27 clients through the reentry community services program under RCW
28 72.09.370 and 71.24.470.

29 NEW SECTION. **Sec. 11.** The Washington state institute for public
30 policy shall update its previous evaluations of the reentry community
31 services program under RCW 72.09.370 and 71.24.470, and broaden its
32 cost-benefit analysis to include impacts on the use of public
33 services, and other factors. The institute shall collaborate with the
34 work group established under section 9 of this act to determine
35 research parameters and help the work group answer additional
36 research questions including, but not limited to, the potential cost,
37 benefit, and risks involved in expanding or replicating the reentry
38 community services program; and what modifications to the program are

1 most likely to prove advantageous based on the current state of
2 knowledge about evidence-based, research-based, and promising
3 programs. The department of corrections, health care authority,
4 administrative office of the courts, King county, and department of
5 social and health services must cooperate with the institute to
6 facilitate access to data or other resources necessary to complete
7 this work. The institute must provide a preliminary report by
8 December 1, 2021, and a final report by November 1, 2022, to the
9 governor and relevant committees of the legislature.

10 **Sec. 12.** RCW 72.09.270 and 2008 c 231 s 48 are each amended to
11 read as follows:

12 (1) The department of corrections shall develop an individual
13 reentry plan as defined in RCW 72.09.015 for every ~~((offender))~~
14 person who is committed to the jurisdiction of the department except:

15 (a) ~~((Offenders))~~ Persons who are sentenced to life without the
16 possibility of release or sentenced to death under chapter 10.95 RCW;
17 and

18 (b) ~~((Offenders))~~ Persons who are subject to the provisions of 8
19 U.S.C. Sec. 1227.

20 (2) The individual reentry plan may be one document, or may be a
21 series of individual plans that combine to meet the requirements of
22 this section.

23 (3) In developing individual reentry plans, the department shall
24 assess all ~~((offenders))~~ persons using standardized and comprehensive
25 tools to identify the criminogenic risks, programmatic needs, and
26 educational and vocational skill levels for each ~~((offender))~~ person.
27 The assessment tool should take into account demographic biases, such
28 as culture, age, and gender, as well as the needs of the ~~((offender))~~
29 person, including any learning disabilities, substance abuse or
30 mental health issues, and social or behavior deficits.

31 (4)(a) The initial assessment shall be conducted as early as
32 sentencing, but, whenever possible, no later than ~~((forty-five))~~ 45
33 days of being sentenced to the jurisdiction of the department of
34 corrections.

35 (b) The ~~((offender's))~~ person's individual reentry plan shall be
36 developed as soon as possible after the initial assessment is
37 conducted, but, whenever possible, no later than ~~((sixty))~~ 60 days
38 after completion of the assessment, and shall be periodically
39 reviewed and updated as appropriate.

1 (5) The individual reentry plan shall, at a minimum, include:

2 (a) A plan to maintain contact with the inmate's children and
3 family, if appropriate. The plan should determine whether parenting
4 classes, or other services, are appropriate to facilitate successful
5 reunification with the ~~((offender's))~~ person's children and family;

6 (b) An individualized portfolio for each ~~((offender))~~ person that
7 includes the ~~((offender's))~~ person's education achievements,
8 certifications, employment, work experience, skills, and any training
9 received prior to and during incarceration; and

10 (c) A plan for the ~~((offender))~~ person during the period of
11 incarceration through reentry into the community that addresses the
12 needs of the ~~((offender))~~ person including education, employment,
13 substance abuse treatment, mental health treatment, family
14 reunification, and other areas which are needed to facilitate a
15 successful reintegration into the community.

16 (6)(a) Prior to discharge of any ~~((offender))~~ person, the
17 department shall:

18 (i) Evaluate the ~~((offender's))~~ person's needs and, to the extent
19 possible, connect the ~~((offender))~~ person with existing services and
20 resources that meet those needs; and

21 (ii) Connect the ~~((offender))~~ person with a community justice
22 center and/or community transition coordination network in the area
23 in which the ~~((offender))~~ person will be residing once released from
24 the correctional system if one exists.

25 (b) If the department recommends partial confinement in ~~((an~~
26 ~~offender's))~~ a person's individual reentry plan, the department shall
27 maximize the period of partial confinement for the ~~((offender))~~
28 person as allowed pursuant to RCW 9.94A.728 to facilitate the
29 ~~((offender's))~~ person's transition to the community.

30 (7) The department shall establish mechanisms for sharing
31 information from individual reentry plans to those persons involved
32 with the ~~((offender's))~~ person's treatment, programming, and reentry,
33 when deemed appropriate. When feasible, this information shall be
34 shared electronically.

35 (8)(a) In determining the county of discharge for ~~((an-offender))~~
36 a person released to community custody, the department may ~~((not))~~
37 approve a residence location that is not in the ~~((offender's))~~
38 person's county of origin ~~((unless it is determined by the))~~ if the
39 department determines that the ~~((offender's return to his or her~~
40 ~~county of origin would be inappropriate considering))~~ residence

1 location would be appropriate based on any court-ordered condition of
2 the ((offender's)) person's sentence, victim safety concerns,
3 ((negative influences on the offender in the community, or the)) and
4 factors that increase opportunities for successful reentry and long-
5 term support including, but not limited to, location of family or
6 other sponsoring persons or organizations that will support the
7 ((offender)) person, availability of appropriate programming or
8 treatment, and access to housing, employment, and prosocial
9 influences on the person in the community.

10 (b) In implementing the provisions of this subsection, the
11 department shall approve residence locations in a manner that will
12 not cause any one county to be disproportionately impacted.

13 (c) If the ((offender)) person is not returned to his or her
14 county of origin, the department shall provide the law and justice
15 council of the county in which the ((offender)) person is placed with
16 a written explanation.

17 ((-e)) (d)(i) For purposes of this section, except as provided
18 in (d)(ii) of this subsection, the ((offender's)) person's county of
19 origin means the county of the ((offender's)) person's residence at
20 the time of the person's first felony conviction in Washington state.

21 (ii) If the person is a homeless person as defined in RCW
22 43.185C.010, or the person's residence is unknown, then the person's
23 county of origin means the county of the person's first felony
24 conviction in Washington state.

25 (9) Nothing in this section creates a vested right in
26 programming, education, or other services.

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