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ENGROSSED SECOND SUBSTITUTE SENATE BILL 5304

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State of Washington

67th Legislature

2021 Regular Session

**By** Senate Ways & Means (originally sponsored by Senators Wilson, C., Dhingra, Darneille, Das, Frockt, Hasegawa, Holy, Lovelett, Nguyen, Rivers, and Wellman)

READ FIRST TIME 02/22/21.

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 before the person's scheduled  
20 release from confinement, or as soon as practicable thereafter.

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

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

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

36 ~~(a) Was enrolled in medicaid or supplemental security income or~~  
37 ~~the medical care services program immediately before he or she was~~  
38 ~~confined and his or her enrollment was terminated during his or her~~  
39 ~~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. The director shall ensure the authority has  
23 coverage in all counties of the state for the purposes of providing  
24 reentry community services program services.

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

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

1 terms, or conditions in the appropriations act established pursuant  
2 to RCW 71.24.035.

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

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

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

16 (a) Gross negligence;

17 (b) Willful or wanton misconduct; or

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

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

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

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

38 (5) For purposes of this section, "participant in the  
39 ~~((offender))~~ reentry community ~~((safety))~~ services program" means a



1 person who has been identified under RCW 72.09.370 as (~~(an offender)~~)  
2 a person who: (a) Is reasonably believed to (~~(be dangerous)~~) present  
3 a danger to himself or herself or others if released to the community  
4 without supportive services; and (b) has a mental disorder.

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

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

10 (a) Advise the authority on its waiver application under section  
11 6 of this act;

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

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

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

23 (ii) State hospital patients committed under criminal insanity  
24 laws under chapter 10.77 RCW;

25 (iii) Involuntary treatment patients committed under chapter  
26 71.05 RCW;

27 (iv) Persons committed to juvenile rehabilitation;

28 (v) Persons confined in jail; and

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

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

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

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

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

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

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

22 (3) The work group must provide a progress report to the governor  
23 and appropriate committees of the legislature by July 1, 2022, and a  
24 final report by December 1, 2023.

25 NEW SECTION. **Sec. 10.** The Washington state institute for public  
26 policy shall update its previous evaluations of the reentry community  
27 services program under RCW 72.09.370 and 71.24.470, and broaden its  
28 cost-benefit analysis to include impacts on the use of public  
29 services, and other factors. The institute shall collaborate with the  
30 work group established under section 9 of this act to determine  
31 research parameters and help the work group answer additional  
32 research questions including, but not limited to, the potential cost,  
33 benefit, and risks involved in expanding or replicating the reentry  
34 community services program; and what modifications to the program are  
35 most likely to prove advantageous based on the current state of  
36 knowledge about evidence-based, research-based, and promising  
37 programs. The department of corrections, health care authority,  
38 administrative office of the courts, King county, and department of  
39 social and health services must cooperate with the institute to

1 facilitate access to data or other resources necessary to complete  
2 this work. The institute must provide a preliminary report by July 1,  
3 2022, and a final report by November 1, 2023, to the governor and  
4 relevant committees of the legislature.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (b) If the department recommends partial confinement in (~~an~~  
21 ~~offender's~~) a person's individual reentry plan, the department shall  
22 maximize the period of partial confinement for the (~~offender~~)  
23 person as allowed pursuant to RCW 9.94A.728 to facilitate the  
24 (~~offender's~~) person's transition to the community.

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

30 (8)(a) In determining the county of discharge for (~~an offender~~)  
31 a person released to community custody, the department may (~~not~~)  
32 approve a residence location that is not in the (~~offender's~~)  
33 person's county of origin (~~unless it is determined by the~~) if the  
34 department determines that the (~~offender's return to his or her~~  
35 ~~county of origin would be inappropriate considering~~) residence  
36 location would be appropriate based on any court-ordered condition of  
37 the (~~offender's~~) person's sentence, victim safety concerns,  
38 (~~negative influences on the offender in the community, or the~~) and  
39 factors that increase opportunities for successful reentry and long-  
40 term support including, but not limited to, location of family or

1 other sponsoring persons or organizations that will support the  
2 ~~((offender))~~ person, availability of appropriate programming or  
3 treatment, and access to housing, employment, and prosocial  
4 influences on the person in the community.

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

8 (c) If the ~~((offender))~~ person is not returned to his or her

9 county of origin, the department shall provide the law and justice  
10 council of the county in which the ~~((offender))~~ person is placed with  
11 a written explanation.

12 ~~((e))~~ (d)(i) For purposes of this section, except as provided  
13 in (d)(ii) of this subsection, the ~~((offender's))~~ person's county of

14 origin means the county of the ~~((offender's))~~ person's residence at  
15 the time of the person's first felony conviction in Washington state.

16 (ii) If the person is a homeless person as defined in RCW  
17 43.185C.010, or the person's residence is unknown, then the person's  
18 county of origin means the county of the person's first felony  
19 conviction in Washington state.

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

--- END ---