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**SUBSTITUTE SENATE BILL 5695**

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**State of Washington**

**67th Legislature**

**2022 Regular Session**

**By** Senate Human Services, Reentry & Rehabilitation (originally sponsored by Senators Dhingra, Wagoner, Brown, Gildon, Kuderer, Lovick, Mullet, Wellman, and C. Wilson)

READ FIRST TIME 01/31/22.

1 AN ACT Relating to a body scanner pilot program at the department  
2 of corrections; adding a new section to chapter 72.09 RCW; creating  
3 new sections; and providing an expiration date.

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

5 NEW SECTION. **Sec. 1.** This act may be known and cited as the  
6 drug free prisons act.

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

1 correctional facilities and to increase substance use disorder  
2 diagnosis, treatment, and services.

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

5 (1)(a) The department shall establish a comprehensive body  
6 scanner program at the Washington corrections center for women and at  
7 a state correctional facility serving male incarcerated individuals  
8 as part of an expanded pilot program to create drug-free state  
9 correctional facilities. The scanner must be capable of detecting the  
10 presence of contraband contained under clothing and within body  
11 cavities, and must meet applicable federal and state radiation and  
12 safety standards.

13 (b) The department shall develop policies and procedures  
14 necessary to establish a comprehensive body scanner program that  
15 shall be utilized to conduct security screenings for employees,  
16 contractors, visitors, volunteers, incarcerated individuals, and  
17 other persons entering the secure perimeter of the correctional  
18 facility participating in the pilot program under this section.  
19 Alternative search methods shall be used for persons who are minors,  
20 individuals who are health compromised, individuals with  
21 disabilities, individuals who may be pregnant, and individuals who  
22 may meet the maximum allowable monthly or annual radiation dosage  
23 limit specified by the department of health.

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

29 (a) An incarcerated individual with a body scan indicating the  
30 presence of substance-related contraband shall undergo, if  
31 appropriate, a comprehensive assessment for substance use disorder  
32 and receive relevant substance use disorder treatment services,  
33 including medication-assisted treatment. The department shall  
34 prioritize substance use disorder treatment services for incarcerated  
35 individuals with cognitive, behavioral, and physiological symptoms  
36 indicating the incarcerated individual is experiencing a substance  
37 use disorder rather than transporting the substance for another.

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

4 (3) The department shall provide appropriate radiation safety and  
5 body scanner operation training to all staff who will administer the  
6 body scan. Only staff who have completed all related trainings may be  
7 permitted to operate the body scanner and review body scans. The  
8 department shall develop policies, in consultation and collaboration  
9 with the department of health, on scanner use and screening  
10 procedures, including frequency and radiation exposure limits, to  
11 minimize harmful radiation exposure while safely and effectively  
12 utilizing the full body scanners to create drug-free correctional  
13 facilities. The department shall develop a method to track and  
14 maintain records on the frequency of body scans conducted on any  
15 individual subject to the comprehensive body scanner program to  
16 comply with any maximum allowable monthly and annual radiation dosage  
17 limits that may be set by the department of health.

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

20 (5) By December 1st each year, and in compliance with RCW  
21 43.01.036, the department shall submit a report to the governor and  
22 the legislature on:

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

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

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

28 and

29 (d) The number of incarcerated individuals with positive body  
30 scans for substance-related contraband in the prior year who were  
31 assessed for substance use disorder and received substance use  
32 disorder treatment services while incarcerated.

33 (6) For the purposes of this section:

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

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

38 (c) "Substance use disorder treatment services" means services  
39 licensed by the department of health or provided as part of a

1 substance use disorder treatment program that has been approved by  
2 the department of health.

3 (7) This section expires June 30, 2024.

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