
**Community Safety, Justice, & Reentry
Committee**

2SSB 5893

Brief Description: Providing gate money to incarcerated individuals at the department of corrections.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Wilson, C., Kuderer, Frame, Hasegawa, Nguyen, Nobles, Trudeau and Wellman).

Brief Summary of Second Substitute Bill

- Requires the superintendent of a state correctional facility to supply incarcerated persons with specified clothing, gate money, and transportation at the moment of certain transfers from total confinement to partial confinement or community custody.
- Requires the Department of Corrections to supply furloughed prisoners with specified clothing, gate money, and transportation.

Hearing Date: 2/19/24

Staff: Corey Patton (786-7388).

Background:

Resources for Persons Released from Confinement.

Any person serving a sentence for a term of confinement in a state correctional facility who is released upon an order of parole by the Indeterminate Sentence Review Board, discharged from custody upon expiration of sentence, or discharged from custody by a court order, is entitled to retain earnings from labor or employment while incarcerated. The superintendent of the facility must also supply the person with suitable and presentable clothing, no less than \$40 for

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.

subsistence, and transportation by the least expensive method of public transportation not to exceed \$100 to an authorized location, unless the superintendent has reasonable cause to believe that the person has ample funds to assume such expenses. The money provided for subsistence is commonly referred to as gate money.

Furloughs.

An incarcerated person who meets certain statutory eligibility criteria may be granted a furlough, which is an authorized leave of absence without any requirement that the person be accompanied by, or be in the custody of, any law enforcement or corrections official while on such leave. Furloughs may not exceed 30 days at a given time or a total of 60 days in any 12-month period. The Department of Corrections (DOC) may arrange for transportation for furloughed prisoners to the designated place of residence in the state, and may also supply funds not to exceed \$40 and suitable clothing to be returned upon expiration of the furlough.

Partial Confinement.

Under certain circumstances, an incarcerated person's term of total confinement may be converted to partial confinement. Partial confinement may include work release, home detention, work crew, or electronic monitoring. Examples of specific partial confinement programs include the Graduated Reentry Program and the Community Parenting Alternative, which allow qualifying incarcerated persons to serve part of their sentence on home detention in the community. Persons subject to partial confinement may be required to comply with crime-related prohibitions and affirmative conditions imposed by the court or the DOC. Portions of a sentence attributed to certain sentencing enhancements are not eligible to be served in partial confinement.

Community Custody.

Community custody is the portion of a person's criminal sentence served in the community under the DOC's supervision following release from confinement in a state correctional facility. Persons on community custody are subject to conditions imposed by the court and the DOC. The Secretary of the DOC may issue a warrant for the arrest of any person who violates a condition of community custody, and the person may be subject to sanctions.

Earned Release Time.

An incarcerated person's sentence may be reduced by earned release time, which is accrued through good behavior and performance as determined by the correctional agency of jurisdiction. Certain persons who are eligible for earned release time must be transferred to community custody in lieu of earned release time. Before transferring a person from confinement into supervised community custody, the DOC must approve the person's release plan, including the proposed residence and living arrangements.

Mandatory Deductions.

When an incarcerated person receives any funds, in addition to the person's wages or gratuities, the additional funds are subject to mandatory deductions for specified accounts, legal financial obligations, the cost of incarceration, and applicable payments for child support and civil

judgments. Money received by the DOC on behalf of an incarcerated person for payment of postage expenses, educational programs, medical expenses, and commissary purchases are not subject to such deductions.

Summary of Bill:

The statutory provisions requiring the superintendent of a state correctional facility to supply an incarcerated person with specified clothing, gate money, and transportation upon release from confinement are expanded to apply to incarcerated persons who are:

- transferred to community custody under the supervision of the Department of Corrections (DOC), or in lieu of earned release time;
- transferred to partial confinement as home detention in the community through the Graduated Reentry Program or the Community Parenting Alternative;
- transferred to partial confinement in lieu of earned early release or as part of the work release program; or
- conditionally released by the Indeterminate Sentence Review Board with conditions of community custody under the DOC's supervision.

The resources supplied by the superintendent must be provided at the moment of the person's transfer from total confinement to partial confinement or community custody. The DOC may only provide gate money once to a person serving a sentence for a term of incarceration. The DOC must arrange for transportation for furloughed prisoners to their designated place of residence, supply gate money not to exceed \$40, and supply suitable clothing to be returned upon expiration of the furlough. Gate money issued by the DOC is exempt from otherwise mandatory deductions.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.