

SENATE BILL REPORT

SB 5893

As Reported by Senate Committee On:
Human Services, January 18, 2024
Ways & Means, February 5, 2024

Title: An act relating to providing gate money to individuals releasing from custody prior to the expiration of their sentence.

Brief Description: Providing gate money to individuals releasing from custody prior to the expiration of their sentence. [**Revised for 2nd Substitute:** Providing gate money to incarcerated individuals at the department of corrections.]

Sponsors: Senators Wilson, C., Kuderer, Frame, Hasegawa, Nguyen, Nobles, Trudeau and Wellman.

Brief History:

Committee Activity: Human Services: 1/16/24, 1/18/24 [DPS-WM, w/oRec].
Ways & Means: 2/01/24, 2/05/24 [DP2S, DNP, w/oRec].

Brief Summary of Second Substitute Bill

- Extends the provision of gate money to individuals transferring to partial confinement settings and community custody.
- Aligns gate money for furloughed individuals with gate money requirements for other releases.

SENATE COMMITTEE ON HUMAN SERVICES

Majority Report: That Substitute Senate Bill No. 5893 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Wilson, C., Chair; Kauffman, Vice Chair; Frame, Nguyen and Wilson, J..

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: That it be referred without recommendation.

Signed by Senators Boehnke, Ranking Member; Warnick.

Staff: Kelsey-anne Fung (786-7479)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 5893 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Robinson, Chair; Mullet, Vice Chair, Capital; Nguyen, Vice Chair, Operating; Billig, Conway, Dhingra, Hasegawa, Hunt, Keiser, Pedersen, Randall, Saldaña, Van De Wege and Wellman.

Minority Report: Do not pass.

Signed by Senators Wilson, L., Ranking Member, Operating; Schoesler, Ranking Member, Capital; Wagoner.

Minority Report: That it be referred without recommendation.

Signed by Senators Gildon, Assistant Ranking Member, Operating; Rivers, Assistant Ranking Member, Capital; Warnick, Assistant Ranking Member, Capital; Boehnke, Braun, Muzzall and Torres.

Staff: Sarian Scott (786-7729)

Background: Gate Money. Persons releasing or discharging from the Department of Corrections (DOC) custody must be supplied with suitable and presentable clothing, the sum of \$40 for subsistence, and transportation by the least expensive method of public transportation not to exceed \$100. The \$40 for subsistence is commonly referred to as gate money. Legislation from 2023 changed the gate money amount to be no less than \$40, and the 2023-2025 operating budget increased gate money from \$40 to \$300.

Partial Confinement. A person sentenced to DOC custody may not leave the correctional facility or be released prior to the expiration of the sentence unless a statutory exception applies. Partial confinement is one such exception for qualifying incarcerated individuals, and refers to work release, home detention, work crew, electronic home monitoring, or a combination of these programs. Certain incarcerated individuals may not qualify for transfer to partial confinement such as individuals serving sentences for offenses with mandatory minimums.

Work Release. The work release program is a partial confinement program where eligible incarcerated individuals may serve up to the last 12 months of their sentence in a work release facility, known as a reentry center. Work release may be authorized to allow the individual to participate in full-time or part-time employment at specialized programs; participate in a vocational training program, including attendance at an accredited college;

to secure services to support transition back to the community; or as a sanction for violating community supervision conditions. Only incarcerated individuals with minimum security status may be transferred to work release.

Graduated Reentry. The Graduated Reentry Program (GRE) is a partial confinement program that allows incarcerated individuals to serve part of their sentence on home detention in the community. There are two tracks with different eligibility requirements, minimum total confinement times, and maximum lengths of participation. GRE must be an appropriate placement for the incarcerated individual. The individual must have an approved residence and living arrangement prior to transfer to home detention, and may be eligible to receive a rental voucher for up to six months. GRE participants must be placed on electronic home monitoring, participate in programming and treatment, and be monitored by a community corrections officer.

Community Parenting Alternative. The Community Parenting Alternative (CPA) is a partial confinement program where eligible incarcerated individuals may serve up to the last 12 months of their sentence on home detention in the community. The parenting program must be an appropriate placement for the incarcerated individual and in the best interests of the child, among other eligibility requirements. The individual must have an approved residence and living arrangement prior to transfer to home detention, and participants must be placed on electronic home monitoring, participate in programming and treatment, and be monitored by a community corrections officer.

Community Custody. Community custody is the portion of a person's criminal sentence served in the community under DOC supervision following release from confinement in a state correctional facility. There are certain crimes for which community custody must be imposed by the courts. While on community custody, individuals are subject to conditions imposed by DOC and the court. The Secretary of DOC may issue a warrant for the arrest of any person who violates a condition of community custody. Sanctions vary depending on the type of violation, the underlying offense, and other conditions.

Earned Release Time. An individual's term of confinement may be reduced by earned release time for good behavior and good performance. A person who is eligible for earned early release and who will be supervised by DOC shall be transferred to community custody in lieu of earned release time, provided they provide a release plan with an approved residence and living arrangement. If DOC is unable to approve the person's release plan, DOC may transfer the person to partial confinement in lieu of earned early release for up to three months or provide rental vouchers for up to six months.

Indeterminate Sentence Review Board. In 1981 the Legislature passed the Sentencing Reform Act (SRA), which established determinate sentencing. There are some exceptions to determinate sentencing where certain incarcerated individuals are eligible for review after serving a certain number of years. The Indeterminate Sentence Review Board (ISRB) has the authority to review and release incarcerated individuals if the statutory criteria is met for

the following three populations:

- Parole Cases—persons who committed crimes prior to the enactment of the SRA, July 1, 1984;
- Community Custody Board (CCB)—persons who committed certain sex offenses after August 31, 2001, and who have determinate-plus sentences; and
- Juvenile Board Cases (JUVBRD)—persons who committed crimes under age 18 and were sentenced for terms longer than 20 years.

For parole cases, after a hearing, if the ISRB decision is for parole, a plan is made to move the incarcerated individual into the community and parolees must follow the terms of supervision set by the court, DOC, and ISRB. ISRB discharges the individual from supervision if the conditions are followed for 36 months.

For community custody board cases, in addition to the other terms of the sentence, the court must sentence the individual to community custody under the supervision of DOC and authority of ISRB until the expiration of the maximum term of the sentence. If ISRB determines at a hearing that the person is releasable, the person is transferred to community custody.

For juvenile board cases, individuals released by ISRB are subject to community custody under DOC supervision and the authority of ISRB for a period of time determined by ISRB.

Furloughs. A furlough is an authorized unaccompanied leave of absence for an eligible incarcerated individual. Furloughs may not exceed 30 days at a given time or a total of 60 days in any 12-month period. DOC may arrange for transportation for furloughed individuals to the designated place of residence in the state and may also supply funds not to exceed \$40 and suitable clothing.

Mandatory Deductions. When an incarcerated individual receives any funds, in addition to the person's wages or gratuities, the additional funds are subject to the following deductions:

- 5 percent to the crime victims' compensation account;
- 10 percent to a DOC personal inmate savings account;
- 20 percent for payment of legal financial obligations for all incarcerated individuals who have legal financial obligations owing in any Washington State superior court;
- 20 percent for any child support owed under a support order;
- 20 percent to DOC to contribute to the cost of incarceration; and
- 20 percent for payment of any civil judgment for assault for all incarcerated individuals who are subject to a civil judgment for assault in any Washington State court or federal court.

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

Summary of Bill (Second Substitute): The requirement to provide suitable and presentable clothing, gate money, and transportation to a person released or discharged from custody after serving a term of confinement in a state correctional facility shall also apply to any person who is:

- transferred to community custody under DOC supervision;
- transferred to partial confinement as part of the Graduated Reentry Program, the Community Parenting Alternative, or the work release program; or
- conditionally released by ISRB with conditions of community custody under DOC supervision.

These items and arrangements must be supplied by the superintendent of the state correctional facility at the moment of the person's transfer from total confinement to partial confinement, or transfer from total confinement to community custody. DOC may only provide gate money one time to a person serving a sentence for a term of incarceration.

For furloughed individuals, DOC must arrange for transportation to the designated place of residence within the state and must also supply no less than \$40 and suitable clothing.

Mandatory deductions do not apply to gate money issued by DOC.

EFFECT OF CHANGES MADE BY WAYS & MEANS COMMITTEE (Second Substitute):

- Exempts gate money from any mandatory deductions by DOC.

EFFECT OF CHANGES MADE BY HUMAN SERVICES COMMITTEE (First Substitute):

- Clarifies that gate money may only be provided one time to a person serving a sentence for a term of confinement at a state correctional facility.
- Changes the title.

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): *The committee recommended a different version of the bill than what was heard.* PRO: Research shows that there are higher rates of successful reentry when individuals releasing from confinement are provided basic necessities. This bill will extend gate money to anyone

exiting community custody or partial confinement. Gate money is one of the important tools formerly incarcerated individuals need to get started on the right foot, with the resources and support to successfully transition and sustain the road to recovery and rehabilitation. It is essential to have support so individuals will have better, more supportive transitions back to the community.

OTHER: The initial hours following release from confinement are crucial. This bill will remove significant financial stress and help individuals focus on rebuilding their lives and transitioning back to their communities. This bill will expand the number of people eligible for gate money when releasing from supervision or partial confinement. There are fiscal impacts with expanding the number of people eligible to receive gate money and costs for administration of funds.

Persons Testifying (Human Services): PRO: Senator Claire Wilson, Prime Sponsor; Candice Baughman.

OTHER: Danielle Armbruster, Washington State Department of Corrections.

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

Staff Summary of Public Testimony on First Substitute (Ways & Means): *The committee recommended a different version of the bill than what was heard.* None.

Persons Testifying (Ways & Means): No one.

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