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**SUBSTITUTE SENATE BILL 5134**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senate Human Services (originally sponsored by Senators C. Wilson, Dhingra, Frame, Hasegawa, Kuderer, Nguyen, Nobles, Randall, Saldaña, and Wellman)

READ FIRST TIME 01/27/23.

1 AN ACT Relating to reentry services and supports; amending RCW  
2 72.02.100 and 72.09.270; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that successful  
5 rehabilitation and reentry has a positive impact on reduced  
6 recidivism rates and increased community safety. The legislature  
7 further finds that the success of individuals releasing from  
8 confinement in correctional institutions can be increased through  
9 access to supportive services, medical assistance, and other  
10 necessities. The legislature recognizes that the mortality rate in  
11 the first 72 hours following release from confinement is on average  
12 18 times higher than the general population. The legislature further  
13 finds that access to basic human needs like food, medication,  
14 clothing, transportation, and shelter are necessary supports for most  
15 individuals exiting confinement. Therefore, the legislature resolves  
16 to enhance recovery, reduce recidivism, and improve public safety by  
17 providing increased access to supportive services and assistance  
18 following release from confinement.

19 **Sec. 2.** RCW 72.02.100 and 2022 c 29 s 2 are each amended to read  
20 as follows:

1 (1) Any person serving a sentence for a term of confinement in a  
2 state correctional facility for convicted felons, pursuant to court  
3 commitment, who is thereafter released upon an order of parole of the  
4 indeterminate sentence review board, or who is discharged from  
5 custody upon expiration of sentence, or who is ordered discharged  
6 from custody by a court of appropriate jurisdiction, shall be  
7 entitled to retain his or her earnings from labor or employment while  
8 in confinement and shall be supplied by the superintendent of the  
9 state correctional facility with suitable and presentable clothing,  
10 the sum of ((~~\$40~~)) no less than \$300 as adjusted for inflation for  
11 subsistence, and transportation by the least expensive method of  
12 public transportation not to exceed the cost of \$100 to his or her  
13 place of residence or the place designated in his or her parole plan,  
14 or to the place from which committed if such person is being  
15 discharged on expiration of sentence, or discharged from custody by a  
16 court of appropriate jurisdiction: PROVIDED, That up to ((~~60~~  
17 ~~additional dollars~~)) an additional \$60 may be made available to the  
18 parolee for necessary personal and living expenses upon application  
19 to and approval by such person's community corrections officer. If in  
20 the opinion of the superintendent suitable arrangements have been  
21 made to provide the person to be released with suitable clothing  
22 and/or the expenses of transportation, the superintendent may consent  
23 to such arrangement. If the superintendent has reasonable cause to  
24 believe that the person to be released has ample funds, with the  
25 exception of earnings from labor or employment while in confinement,  
26 to assume the expenses of clothing, transportation, or the expenses  
27 for which payments made pursuant to this section or RCW 72.02.110 or  
28 any one or more of such expenses, the person released shall be  
29 required to assume such expenses.

30 (2) (a) The department of corrections may provide temporary  
31 housing assistance for a person being released from any state  
32 correctional facility through the use of rental vouchers, for a  
33 period not to exceed six months, if the department finds that such  
34 assistance will support the person's release into the community by  
35 preventing housing instability or homelessness. The department's  
36 authority to provide vouchers under this section is independent of  
37 its authority under RCW 9.94A.729; however, a person may not receive  
38 a combined total of rental vouchers in excess of six months for each  
39 release from a state correctional facility.

1 (b) The department shall establish policies for prioritizing  
2 funds available for housing vouchers under this section for persons  
3 at risk of releasing homeless or becoming homeless without assistance  
4 while taking into account risk to reoffend.

5 (3) The minimum subsistence amount in subsection (1) of this  
6 section must be adjusted for inflation annually beginning July 1,  
7 2024, based upon changes in the consumer price index during the past  
8 year. "Consumer price index" means, for any calendar year, that  
9 year's annual average consumer price index, for Washington state, for  
10 urban wage earners and clerical workers, all items, compiled by the  
11 bureau of labor statistics, United States department of labor. If the  
12 bureau of labor statistics develops more than one consumer price  
13 index for areas within the state, the index covering the greatest  
14 number of people, covering areas exclusively within the boundaries of  
15 the state, and including all items shall be used for the adjustments  
16 for inflation in this section.

17 **Sec. 3.** RCW 72.09.270 and 2021 c 200 s 3 are each amended to  
18 read as follows:

19 (1) The department of corrections shall develop an individual  
20 reentry plan as defined in RCW 72.09.015 for every incarcerated  
21 individual who is committed to the jurisdiction of the department  
22 except:

23 (a) Incarcerated individuals who are sentenced to life without  
24 the possibility of release or sentenced to death under chapter 10.95  
25 RCW; and

26 (b) Incarcerated individuals who are subject to the provisions of  
27 8 U.S.C. Sec. 1227.

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

31 (3) In developing individual reentry plans, the department shall  
32 assess all incarcerated individuals using standardized and  
33 comprehensive tools to identify the criminogenic risks, programmatic  
34 needs, and educational and vocational skill levels for each  
35 incarcerated individual. The assessment tool should take into account  
36 demographic biases, such as culture, age, and gender, as well as the  
37 needs of the incarcerated individual, including any learning  
38 disabilities, substance abuse or mental health issues, and social or  
39 behavior challenges.

1 (4) (a) The initial assessment shall be conducted as early as  
2 sentencing, but, whenever possible, no later than forty-five days of  
3 being sentenced to the jurisdiction of the department of corrections.

4 (b) The incarcerated individual's individual reentry plan shall  
5 be developed as soon as possible after the initial assessment is  
6 conducted, but, whenever possible, no later than sixty days after  
7 completion of the assessment, and shall be periodically reviewed and  
8 updated as appropriate.

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

10 (a) A plan to maintain contact with the incarcerated individual's  
11 children and family, if appropriate. The plan should determine  
12 whether parenting classes, or other services, are appropriate to  
13 facilitate successful reunification with the incarcerated  
14 individual's children and family;

15 (b) An individualized portfolio for each incarcerated individual  
16 that includes the incarcerated individual's education achievements,  
17 certifications, employment, work experience, skills, and any training  
18 received prior to and during incarceration; and

19 (c) A plan for the incarcerated individual during the period of  
20 incarceration through reentry into the community that addresses the  
21 needs of the incarcerated individual including education, employment,  
22 substance abuse treatment, mental health treatment, family  
23 reunification, and other areas which are needed to facilitate a  
24 successful reintegration into the community.

25 (6) (a) (~~Prior to~~) Within one year prior to the release or  
26 discharge of any incarcerated individual, the department shall  
27 develop an individual discharge plan and provide reentry linkage case  
28 management services as follows:

29 (i) Evaluate the incarcerated individual's behavioral health and  
30 physical health needs and, to the extent possible, connect the  
31 incarcerated individual with (~~existing services and resources that~~  
32 ~~meet those needs~~) relevant services, treatment programs, medication-  
33 assisted treatment, tribal and urban health clinics, and behavioral  
34 health services, and other resources based on the individual's  
35 evaluated needs;

36 (ii) Assist the incarcerated individual with obtaining  
37 identification upon release;

38 (iii) Assist the incarcerated individual with submitting  
39 applications for applicable state and federal government assistance  
40 and benefits programs on behalf of the incarcerated individual;

1        (iv) Prepare a 90-day supply of any necessary prescribed  
2 medications to be provided upon release, through a combination of a  
3 30-day supply of in-hand medications and 60-day supply of  
4 prescriptions, to ensure continuity of care and that medications are  
5 readily available for the incarcerated individual upon release; and

6        ~~((+ii))~~ (v) Connect the incarcerated individual with a community  
7 justice center and/or community transition coordination network in  
8 the area in which the incarcerated individual will be residing once  
9 released from the correctional system if one exists.

10        (b) If the department recommends partial confinement in an  
11 incarcerated individual's individual reentry plan, the department  
12 shall maximize the period of partial confinement for the incarcerated  
13 individual as allowed pursuant to RCW 9.94A.728 to facilitate the  
14 incarcerated individual's transition to the community.

15        (7) The department shall establish mechanisms for sharing  
16 information from individual reentry plans to those persons involved  
17 with the incarcerated individual's treatment, programming, and  
18 reentry, when deemed appropriate. When feasible, this information  
19 shall be shared electronically.

20        (8) (a) In determining the county of discharge for an incarcerated  
21 individual released to community custody, the department may approve  
22 a residence location that is not in the incarcerated individual's  
23 county of origin if the department determines that the residence  
24 location would be appropriate based on any court-ordered condition of  
25 the incarcerated individual's sentence, victim safety concerns, and  
26 factors that increase opportunities for successful reentry and long-  
27 term support including, but not limited to, location of family or  
28 other sponsoring persons or organizations that will support the  
29 incarcerated individual, ability to complete an educational program  
30 that the incarcerated individual is enrolled in, availability of  
31 appropriate programming or treatment, and access to housing,  
32 employment, and prosocial influences on the person in the community.

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

36        (c) If the incarcerated individual is not returned to his or her  
37 county of origin, the department shall provide the law and justice  
38 council of the county in which the incarcerated individual is placed  
39 with a written explanation.

1 (d)(i) For purposes of this section, except as provided in  
2 (d)(ii) of this subsection, the incarcerated individual's county of  
3 origin means the county of the incarcerated individual's residence at  
4 the time of the incarcerated individual's first felony conviction in  
5 Washington state.

6 (ii) If the incarcerated individual is a homeless person as  
7 defined in RCW 43.185C.010, or the incarcerated individual's  
8 residence is unknown, then the incarcerated individual's county of  
9 origin means the county of the incarcerated individual's first felony  
10 conviction in Washington state.

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

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