
SENATE BILL 5298

State of Washington

68th Legislature

2023 Regular Session

By Senator Wagoner

Read first time 01/12/23. Referred to Committee on Human Services.

1 AN ACT Relating to improving department of corrections operation
2 and oversight by transferring the office of corrections ombuds to the
3 department of social and health services; amending RCW 43.06C.020 and
4 43.131.426; adding a new section to chapter 43.06C RCW; creating a
5 new section; and repealing RCW 43.06C.030.

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

7 **Sec. 1.** RCW 43.06C.020 and 2018 c 270 s 2 are each amended to
8 read as follows:

9 Subject to the availability of amounts appropriated for this
10 specific purpose, there is hereby created an office of corrections
11 ombuds within the (~~office of the governor~~) department of social and
12 health services for the purpose of providing information to inmates
13 and their families, representatives of inmates, department employees,
14 and others regarding the rights of inmates; providing technical
15 assistance to support inmate self-advocacy; promoting public
16 awareness and understanding of the rights and responsibilities of
17 inmates; identifying system issues and responses for the governor and
18 the legislature to act upon; and ensuring compliance with relevant
19 statutes, rules, and policies pertaining to corrections facilities,
20 services, and treatment of inmates under the jurisdiction of the
21 department.

1 (~~The ombuds reports directly to the governor and exercises his~~
2 ~~or her powers and duties independently of the secretary.~~)

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.06C
4 RCW to read as follows:

5 (1) Subject to the availability of amounts appropriated for this
6 specific purpose, the department of social and health services shall
7 designate, by a competitive bidding process, the nonprofit
8 organization that will contract to operate the office. The contract
9 must last for a period of two years and may be renewed at the end of
10 the term. The department of social and health services shall select
11 an organization that possesses, directly or through subcontracts,
12 significant legal expertise, competence with mediation and
13 alternative dispute resolution, and experience working within
14 criminal justice and correctional environments. Other relevant
15 experience may include, but is not limited to, addressing issues
16 relating to chemical dependency treatment, disability and disability-
17 related accommodation, respect for racial, ethnic, and religious
18 diversity, and other civil rights and conditions issues. The selected
19 organization must have experience and the capacity to communicate
20 effectively regarding criminal justice issues with policymakers,
21 stakeholders, and the general public, and must be prepared and able
22 to provide all program and staff support necessary, directly or
23 through subcontracts, to carry out all duties of the office.

24 (2) The organization and its subcontractors, if any, are not
25 state agencies or departments, but instead are private, independent
26 entities operating under contract with the state.

27 (3) The organization must be an objective and neutral entity that
28 will impartially investigate complaints.

29 (4) The organization is subject to financial and other audits by
30 the state auditor's office, and its employees must abide by the
31 provisions of chapter 42.52 RCW.

32 NEW SECTION. **Sec. 3.** (1) The office of corrections ombuds is
33 transferred to the department of social and health services.

34 (2)(a) All reports, documents, surveys, books, records, files,
35 papers, or written material in the possession of the office of
36 corrections ombuds shall be delivered to the custody of the
37 department of social and health services. All funds, credits, or
38 other assets held in connection with the powers, functions, and

1 duties transferred shall be assigned to the department of social and
2 health services.

3 (b) Any appropriations made to the office of corrections ombuds
4 shall, on the effective date of this section, be transferred and
5 credited to the department of social and health services.

6 (c) If any question arises as to the transfer of any funds,
7 books, documents, records, papers, files, equipment, or other
8 tangible property used or held in the exercise of the powers and the
9 performance of the duties and functions transferred, the director of
10 financial management shall make a determination as to the proper
11 allocation and certify the same to the state agencies concerned.

12 (3) All rules and all pending business before the office of
13 corrections ombuds shall be continued and acted upon by the
14 department of social and health services. All existing contracts and
15 obligations shall remain in full force and shall be performed by the
16 department of social and health services.

17 (4) The transfer of the powers, duties, and functions of the
18 office of corrections ombuds shall not affect the validity of any act
19 performed before the effective date of this section.

20 (5) If apportionments of budgeted funds are required because of
21 the transfers directed by this section, the director of financial
22 management shall certify the apportionments to the agencies affected,
23 the state auditor, and the state treasurer. Each of these shall make
24 the appropriate transfer and adjustments in funds and appropriation
25 accounts and equipment records in accordance with the certification.

26 (6) The transfers to the department of social and health services
27 in this section shall be used by the department to facilitate
28 operation of the office of corrections ombuds by the nonprofit
29 organization selected by the competitive bidding process outlined in
30 section 2 of this act.

31 **Sec. 4.** RCW 43.131.426 and 2018 c 270 s 11 are each amended to
32 read as follows:

33 The following acts or parts of acts, as now existing or hereafter
34 amended, are each repealed, effective July 1, 2029:

- 35 (1) RCW 43.06C.005 and 2018 c 270 s 1;
36 (2) RCW 43.06C.020 and 2023 c . . . s 1 (section 1 of this act) &
37 2018 c 270 s 2;
38 (3) RCW 43.06C.010 and 2018 c 270 s 3;

- 1 (4) RCW ((~~43.06C.030 and 2018 c 270 s 4~~) 43.06C.--- and 2023
2 c . . . s 2 (section 2 of this act));
3 (5) RCW 43.06C.040 and 2018 c 270 s 5;
4 (6) RCW 43.06C.050 and 2018 c 270 s 6;
5 (7) RCW 43.06C.060 and 2018 c 270 s 7; and
6 (8) RCW 43.06C.070 and 2018 c 270 s 8.

7 NEW SECTION. **Sec. 5.** RCW 43.06C.030 (Appointment of ombuds—Term
8 —Other employees) and 2018 c 270 s 4 are each repealed.

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