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**SENATE BILL 5388**

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**State of Washington 69th Legislature 2025 Regular Session**

**By** Senators Dhingra, Nobles, Saldaña, Trudeau, and C. Wilson

AN ACT Relating to department of corrections behavioral health certification; amending RCW 9.94A.662; and creating a new section.

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

NEW SECTION. **Sec.**  The legislature finds that in 2020, the governor signed Second Substitute Senate Bill No. 6211 into law, which made various changes to the drug offender sentencing alternative statutes. As part of that legislation, revisions were made to RCW 9.94A.662 to state that treatment services provided in prisons be licensed by the department of health.

The legislature finds that prior to this time, the department of social and health services conducted oversight of the department of corrections behavioral health certification services, and that the department of health has interpreted Second Substitute Senate Bill No. 6211 to require licensure to standards above and beyond those previously required. The legislature finds that accomplishing this would require significant new resources.

The legislature further finds that national standards could be implemented in lieu of the department of health licensing for significant fiscal savings without compromising the quality of services provided. The legislature therefore resolves to direct the department of corrections to adopt certification standards from the national commission on correctional health care.

**Sec.**  RCW 9.94A.662 and 2021 c 215 s 103 are each amended to read as follows:

(1) The court may only order a prison-based special drug offender sentencing alternative if the high end of the standard sentence range for the current offense is greater than one year.

(2) A sentence for a prison-based special drug offender sentencing alternative shall include:

(a) A period of total confinement in a state facility for one-half the midpoint of the standard sentence range or ((~~twelve~~)) 12 months, whichever is greater;

(b) One-half the midpoint of the standard sentence range as a term of community custody, which must include appropriate substance use disorder treatment in a program that has been approved by the department of health, and for co-occurring drug and domestic violence cases, must also include an appropriate domestic violence treatment program by a state-certified domestic violence treatment provider pursuant to RCW 43.20A.735;

(c) Crime-related prohibitions, including a condition not to use illegal controlled substances;

(d) A requirement to submit to urinalysis or other testing to monitor that status; and

(e) A term of community custody pursuant to RCW 9.94A.701 to be imposed upon the failure to complete or administrative termination from the special drug offender sentencing alternative program.

(3)(a) During incarceration in the state facility, ((~~offenders~~)) individuals sentenced under this section shall undergo a comprehensive substance use disorder assessment and receive, within available resources, treatment services appropriate for the ((~~offender~~)) individual. The substance use disorder treatment services shall be ((~~licensed by the department of health~~)) provided by individuals licensed by the state of Washington. Subject to appropriations, the department of corrections shall seek accreditation through the national commission of correctional health care standards by July 1, 2028.

(b) When applicable for cases involving domestic violence, domestic violence treatment must be provided by a state-certified domestic violence treatment provider pursuant to RCW 43.20A.735 during the term of community custody.

(4) If the department finds that conditions of community custody have been willfully violated, the ((~~offender~~)) individual may be reclassified to serve the remaining balance of the original sentence. An ((~~offender~~)) individual who fails to complete the program or who is administratively terminated from the program shall be reclassified to serve the unexpired term of his or her sentence as ordered by the sentencing court.

(5) If an ((~~offender~~)) individual sentenced to the prison-based alternative under this section is found by the United States attorney general to be subject to a deportation order, a hearing shall be held by the department unless waived by the ((~~offender~~)) individual, and, if the department finds that the ((~~offender~~)) individual is subject to a valid deportation order, the department may administratively terminate the ((~~offender~~)) individual from the program and reclassify the ((~~offender~~)) individual to serve the remaining balance of the original sentence.

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