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**SENATE BILL 5499**

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

**By** Senators Christian, Dhingra, Hasegawa, Wagoner, and C. Wilson

AN ACT Relating to codifying the body scanner program at the department of corrections; adding a new section to chapter 72.09 RCW; and creating a new section.

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

NEW SECTION. **Sec.**  The legislature finds that in 2022, the governor signed into law 2nd Substitute Senate Bill No. 5695, the drug free prisons act to reduce entry of contraband into institutions and to increase personal dignity for incarcerated individuals. The legislature finds that since March 2018, the department of corrections has been using body scanners to detect contraband, which has resulted in the confiscation of nearly 1,000 unique items, over 43 grams of controlled substances, and over $100 in currency. The legislature recognizes that without passage of legislation, funding and authorization for the body scanner program will discontinue. Therefore, the legislature resolves to continue existing practice of the body scanner program by codifying operational standards and requiring continued utilization of scanners in certain institutions of total confinement.

NEW SECTION. **Sec.**  A new section is added to chapter 72.09 RCW to read as follows:

(1)(a) The department shall establish a comprehensive body scanner program at the Washington corrections center for women and at a state correctional facility serving male incarcerated individuals as part of a program to protect human dignity by reducing or eliminating strip searches and create drug-free state correctional facilities. The body scanner for incarcerated individuals must be capable of detecting the presence of contraband contained under clothing and within body cavities, and must meet applicable federal and state radiation and safety standards.

(b) The department shall develop gender responsive and trauma-informed policies and procedures necessary to establish a comprehensive body scanner program that shall be utilized to conduct security screenings for employees, contractors, visitors, volunteers, incarcerated individuals, and other persons entering the secure perimeter of the correctional facility participating in the program under this section. Alternative search methods shall be used for persons who are minors, individuals who are health compromised, individuals with disabilities, individuals who may be pregnant, and individuals who are likely to meet the maximum allowable monthly or annual radiation dosage limit specified by the department of health.

(2) The department shall provide appropriate custody and nursing staff levels for body scanners installed at a state correctional facility under this section. Staffing must be adequate to provide for subsequent searches and dry cell watches if a body scan indicates the presence of contraband.

(a) An incarcerated individual with a body scan indicating the presence of substance-related contraband shall undergo, if appropriate, a comprehensive assessment for substance use disorder and receive relevant substance use disorder treatment services, including medication-assisted treatment. The department shall prioritize substance use disorder treatment services for incarcerated individuals with cognitive, behavioral, and physiological symptoms indicating the incarcerated individual is experiencing a substance use disorder. The department shall distinguish between incarcerated individuals who have symptoms indicating a substance use disorder and incarcerated individuals who transport substances for other individuals and do not have symptoms indicating a substance use disorder.

(b) A department employee, contractor, visitor, or volunteer with a body scan indicating the presence of contraband shall be disciplined in accordance with department policies.

(3) The department shall provide appropriate radiation safety and body scanner operation training to all staff who will administer the body scan. Only staff who have completed all related trainings may be permitted to operate the body scanner and review body scans. The department shall develop policies, in accordance with the department of health rules for the use of body scanners, on scanner use and screening procedures, including frequency and radiation exposure limits, to minimize harmful radiation exposure while safely and effectively utilizing the full body scanners to create drug-free correctional facilities. The department shall develop a method to track and maintain records on the frequency of body scans conducted on any individual subject to the comprehensive body scanner program to comply with any maximum allowable monthly and annual radiation dosage limits that may be set by the department of health.

(4) The secretary shall adopt any rules and policies necessary to implement the requirements of this section.

(5) The department shall leverage existing funding and equipment to comply with the requirements of this section.

(6) By December 1st each year, and in compliance with RCW 43.01.036, the department shall submit a report to the governor and the legislature on:

(a) The number and types of individuals, including visitors, employees, contractors, and volunteers, with positive body scans in the prior year and the disciplinary action taken;

(b) The types of contraband detected by the body scanner;

(c) The number of confiscated substances in the prior five years;

(d) The number of incarcerated individuals with positive body scans for substance-related contraband in the prior year who were assessed for substance use disorder and received substance use disorder treatment services while incarcerated; and

(e) The number and length of time incarcerated individuals with positive body scans were placed on dry cell watch in the prior year.

(6) For the purposes of this section:

(a) "Contraband" has the meaning provided in RCW 9A.76.010;

(b) "Dry cell watch" means the placement of an incarcerated person in a secure room or cell for the safe recovery of internally concealed contraband; and

(c) "Substance use disorder treatment services" means services licensed by the department of health or provided as part of a substance use disorder treatment program that has been approved by the department of health.

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