
SENATE BILL 5121

State of Washington

67th Legislature

2021 Regular Session

By Senator Darneille; by request of Department of Corrections

Prefiled 01/08/21.

1 AN ACT Relating to expanding eligibility for the graduated
2 reentry program; and amending RCW 9.94A.733 and 9.94A.728.

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

4 **Sec. 1.** RCW 9.94A.733 and 2018 c 166 s 1 are each amended to
5 read as follows:

6 (1) (~~No more than the final six months of the offender's term of~~
7 ~~confinement may be served in partial confinement as home detention as~~
8 ~~part of the graduated reentry program developed by the department.~~
9 ~~However, an offender may not participate in the graduated reentry~~
10 ~~program under this section unless he or she has served at least~~
11 ~~twelve months in total confinement in a state correctional facility.~~

12 ~~(2))~~ The secretary of the department may transfer an offender
13 from a department correctional facility to home detention in the
14 community if it is determined that the graduated reentry program is
15 an appropriate placement and must assist the offender's transition
16 from confinement to the community.

17 ~~((3))~~ (2) The department and its officers, agents, and
18 employees are not liable for the acts of offenders participating in
19 the graduated reentry program unless the department or its officers,
20 agents, and employees acted with willful and wanton disregard.

1 ~~((4))~~ (3) All offenders placed on home detention as part of the
2 graduated reentry program must provide an approved residence and
3 living arrangement prior to transfer to home detention.

4 ~~((5))~~ (4) While in the community on home detention as part of
5 the graduated reentry program, the department must:

6 (a) Require the offender to be placed on electronic home
7 monitoring;

8 (b) Require the offender to participate in programming and
9 treatment that the department shall assign based on an offender's
10 assessed need; and

11 (c) Assign a community corrections officer who will monitor the
12 offender's compliance with conditions of partial confinement and
13 programming requirements.

14 ~~((6))~~ (5) The department retains the authority to return any
15 offender serving partial confinement in the graduated reentry program
16 to total confinement for any reason including, but not limited to,
17 the offender's noncompliance with any sentence requirement.

18 ~~((7))~~ (6) The department may issue rental vouchers for a period
19 not to exceed six months for those transferring to partial
20 confinement under this section if an approved address cannot be
21 obtained without the assistance of a voucher.

22 ~~((8))~~ (7) In the selection of offenders to participate in the
23 graduated reentry program, and in setting, modifying, and enforcing
24 the requirements of the graduated ~~((release—[reentry]))~~ reentry
25 program, the department is deemed to be performing a quasi-judicial
26 function.

27 **Sec. 2.** RCW 9.94A.728 and 2018 c 166 s 2 are each amended to
28 read as follows:

29 (1) No person serving a sentence imposed pursuant to this chapter
30 and committed to the custody of the department shall leave the
31 confines of the correctional facility or be released prior to the
32 expiration of the sentence except as follows:

33 (a) An offender may earn early release time as authorized by RCW
34 9.94A.729;

35 (b) An offender may leave a correctional facility pursuant to an
36 authorized furlough or leave of absence. In addition, offenders may
37 leave a correctional facility when in the custody of a corrections
38 officer or officers;

1 (c) (i) The secretary may authorize an extraordinary medical
2 placement for an offender when all of the following conditions exist:

3 (A) The offender has a medical condition that is serious and is
4 expected to require costly care or treatment;

5 (B) The offender poses a low risk to the community because he or
6 she is currently physically incapacitated due to age or the medical
7 condition or is expected to be so at the time of release; and

8 (C) It is expected that granting the extraordinary medical
9 placement will result in a cost savings to the state.

10 (ii) An offender sentenced to death or to life imprisonment
11 without the possibility of release or parole is not eligible for an
12 extraordinary medical placement.

13 (iii) The secretary shall require electronic monitoring for all
14 offenders in extraordinary medical placement unless the electronic
15 monitoring equipment interferes with the function of the offender's
16 medical equipment or results in the loss of funding for the
17 offender's medical care, in which case, an alternative type of
18 monitoring shall be utilized. The secretary shall specify who shall
19 provide the monitoring services and the terms under which the
20 monitoring shall be performed.

21 (iv) The secretary may revoke an extraordinary medical placement
22 under this subsection (1) (c) at any time.

23 (v) Persistent offenders are not eligible for extraordinary
24 medical placement;

25 (d) The governor, upon recommendation from the clemency and
26 pardons board, may grant an extraordinary release for reasons of
27 serious health problems, senility, advanced age, extraordinary
28 meritorious acts, or other extraordinary circumstances;

29 (e) No more than the final twelve months of the offender's term
30 of confinement may be served in partial confinement for aiding the
31 offender with: Finding work as part of the work release program under
32 chapter 72.65 RCW; or reestablishing himself or herself in the
33 community as part of the parenting program in RCW 9.94A.6551. This is
34 in addition to that period of earned early release time that may be
35 exchanged for partial confinement pursuant to RCW 9.94A.729(5) (d);

36 (f) (~~No more than the final six months~~) Any portion of the
37 offender's term of confinement may be served in partial confinement
38 as home detention as part of the graduated reentry program developed
39 by the department under RCW 9.94A.733;

40 (g) The governor may pardon any offender;

1 (h) The department may release an offender from confinement any
2 time within ten days before a release date calculated under this
3 section;

4 (i) An offender may leave a correctional facility prior to
5 completion of his or her sentence if the sentence has been reduced as
6 provided in RCW 9.94A.870;

7 (j) Notwithstanding any other provisions of this section, an
8 offender sentenced for a felony crime listed in RCW 9.94A.540 as
9 subject to a mandatory minimum sentence of total confinement shall
10 not be released from total confinement before the completion of the
11 listed mandatory minimum sentence for that felony crime of conviction
12 unless allowed under RCW 9.94A.540; and

13 (k) Any person convicted of one or more crimes committed prior to
14 the person's eighteenth birthday may be released from confinement
15 pursuant to RCW 9.94A.730.

16 (2) Offenders residing in a juvenile correctional facility
17 placement pursuant to RCW 72.01.410(1)(a) are not subject to the
18 limitations in this section.

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