

FINAL BILL REPORT

2SSB 5502

Brief Description: Ensuring access to substance use disorder treatment.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Gildon, Boehnke, Torres, Wilson, J. and Wilson, L.).

Senate Committee on Human Services

Senate Committee on Ways & Means

House Committee on Community Safety, Justice, & Reentry

House Committee on Appropriations

Background: Release Prior to Expiration of Sentence. Generally, a person sentenced to the Department of Corrections (DOC) custody may not leave the correctional facility or be released prior to the expiration of the sentence unless a statutory exception applies. Partial confinement is one such exception for qualifying incarcerated individuals, and partial confinement refers to work release, home detention, work crew, electronic home monitoring, or a combination of these programs. Certain incarcerated individuals may not qualify for transfer to partial confinement programs. For instance, individuals serving sentences for offenses with mandatory minimums cannot be released from total confinement prior to serving the minimum prescribed sentence.

Graduated Reentry Program. The Graduated Reentry (GRE) Program at DOC was established in law in 2018. According to DOC, the program improves public safety by targeting interventions and programs for an incarcerated individual's successful transition into the community. DOC administers the program, and must find that the program is an appropriate placement for the offender and will assist the offender's transition from confinement to the community.

In 2021, the Legislature altered the eligibility criteria by creating two participation tracks and modifying the length of participation and minimum total confinement requirements for each track. For track one, offenders who are not subject to deportation order, civil commitment, or interstate compact for adult offender supervision must serve at least six months in total confinement in a state correctional facility to be eligible to serve up to the final five months of the offender's term of confinement in the GRE Program. For track two, offenders who are not currently serving a sentence for a sex, violent, or crime against a

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person offense, and who are not subject to a deportation order or the jurisdiction of the Indeterminate Sentence Review Board, must serve at least four months in total confinement at a state correctional facility to be eligible to serve up to the final 18 months of the offender's term of confinement in the GRE Program.

While participating in the program, DOC must:

- require the offender be placed on electronic home monitoring;
- require the offender to participate in programming and treatment that DOC must assign based on the offender's assessed need; and
- assign a community corrections officer who will monitor the offender's compliance with conditions of partial confinement and programming requirements.

All participants must have an approved residence and living arrangement prior to transfer to home detention. DOC may issue rental vouchers for up to six months if an approved address cannot be obtained without the assistance of a rental voucher. A participant in the program may be returned to total confinement by DOC for any reason including, but not limited to, the participant's noncompliance with any sentence requirement. DOC performs a quasi-judicial function by selecting offenders to participate in the program and setting, modifying, and enforcing the requirements of the program. DOC is not liable for the acts of participants in the program unless DOC acted with willful and wanton disregard.

DOC must publish a monthly report on its website with the number of offenders who were transferred during the month to home detention as part of the GRE Program. DOC must submit an annual report by December 1st to the appropriate committees of the Legislature with the number of offenders who were transferred to home detention as part of the GRE Program during the prior year.

Substance Use Disorder. During incarceration in a state correctional facility, individuals sentenced under the prison-based drug offender sentencing alternative must undergo a comprehensive substance use disorder (SUD) assessment and receive, within available resources, treatment services appropriate for the person. DOC's policies require these individuals to receive the highest priority for prison SUD programs, and may be admitted 48 months prior to release.

DOC has internal policies and guidelines for the clinical management of individuals with a SUD. Individuals arriving at a reception diagnostic center may be administered an authorized SUD screening instrument, within available resources, to determine the need for an assessment. Individuals with initial screening results indicating the probability of a SUD may be assessed using the SUD assessment. An assessment indicating a SUD is required for admission into Department of Health-certified SUD treatment provided by DOC.

Referrals for DOC-funded treatment program services in the community will only be made if the individual has at least 90 days remaining until the scheduled end date of supervision to allow for completion of treatment. Referrals for treatment program services in prisons

may be accepted for individuals who have a SUD and are determined to need services.

Summary: An offender may not be transferred to participate in the GRE Program until DOC has conducted a comprehensive assessment for SUD. If the offender is assessed to have a SUD, DOC must assist the offender in enrolling in SUD treatment services at the level deemed appropriate by the SUD assessment.

Offenders transferred to the GRE Program must begin receiving SUD treatment services as soon as practicable after transfer to avoid any delays in treatment. SUD treatment services must include, as deemed necessary by the SUD assessment, access to medication-assisted treatment and counseling programs. Upon transfer to the GRE Program, when clinically appropriate, DOC must provide individuals with access to self-administered fentanyl testing supplies and medications designed to reverse the effects of opioid overdose.

Beginning July 1, 2023, DOC must collect and post to its website monthly data on the number of offenders who were transferred to the GRE Program who were assessed to have a SUD during the prior calendar month; and the number of offenders in the GRE Program during the prior 12 months who received outpatient SUD treatment, inpatient SUD treatment, or both outpatient and inpatient SUD treatment.

Beginning July 1, 2023, the Health Care Authority (HCA) must report monthly to DOC on the number of offenders in the GRE Program who received SUD outpatient treatment, while in the community, during the prior 12 months.

DOC must share data with HCA on offenders participating in the GRE Program.

Votes on Final Passage:

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| Senate | 49 | 0 | |
| House | 98 | 0 | (House amended) |
| Senate | 48 | 0 | (Senate concurred) |

Effective: Ninety days after adjournment of session in which bill is passed.