
SECOND SUBSTITUTE SENATE BILL 5502

AS AMENDED BY THE HOUSE

Passed Legislature - 2023 Regular Session

State of Washington 68th Legislature 2023 Regular Session

By Senate Ways & Means (originally sponsored by Senators Gildon, Boehnke, Torres, J. Wilson, and L. Wilson)

READ FIRST TIME 02/24/23.

1 AN ACT Relating to ensuring necessary access to substance use
2 disorder treatment for individuals entering the graduated reentry
3 program at the department of corrections; amending RCW 9.94A.733; and
4 creating a new section.

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

6 **Sec. 1.** RCW 9.94A.733 and 2021 c 266 s 1 are each amended to
7 read as follows:

8 (1)(a) Except as provided in (b) of this subsection, an offender
9 may not participate in the graduated reentry program under this
10 subsection unless he or she has served at least six months in total
11 confinement in a state correctional facility.

12 (i) An offender subject to (a) of this subsection may serve no
13 more than the final five months of the offender's term of confinement
14 in partial confinement as home detention as part of the graduated
15 reentry program developed by the department.

16 (ii) Home detention under (a) of this subsection may not be
17 imposed for individuals subject to a deportation order, civil
18 commitment, or the interstate compact for adult offender supervision
19 under RCW 9.94A.745.

20 (b) For offenders who meet the requirements of (b)(iii) of this
21 subsection, an offender may not participate in the graduated reentry

1 program unless he or she has served at least four months in total
2 confinement in a state correctional facility.

3 (i) An offender under this subsection (1)(b) may serve no more
4 than the final 18 months of the offender's term of confinement in
5 partial confinement as home detention as part of the graduated
6 reentry program developed by the department.

7 (ii) Home detention under this subsection (1)(b) may not be
8 imposed for individuals subject to a deportation order or subject to
9 the jurisdiction of the indeterminate sentence review board.

10 (iii) Home detention under this subsection (1)(b) may not be
11 imposed for offenders currently serving a term of confinement for the
12 following offenses:

13 (A) Any sex offense;

14 (B) Any violent offense; or

15 (C) Any crime against a person offense in accordance with the
16 categorization of crimes against persons outlined in RCW
17 9.94A.411(2).

18 (2) The secretary of the department may transfer an offender from
19 a department correctional facility to home detention in the community
20 if it is determined that the graduated reentry program is an
21 appropriate placement and must assist the offender's transition from
22 confinement to the community.

23 (3) The department and its officers, agents, and employees are
24 not liable for the acts of offenders participating in the graduated
25 reentry program unless the department or its officers, agents, and
26 employees acted with willful and wanton disregard.

27 (4) (a) All offenders placed on home detention as part of the
28 graduated reentry program must provide an approved residence and
29 living arrangement prior to transfer to home detention.

30 (b) The department may not transfer an offender to participate in
31 the graduated reentry program until the department has conducted a
32 comprehensive assessment for substance use disorder. If the offender
33 is assessed to have a substance use disorder, the department shall
34 assist the offender in enrolling in substance use disorder treatment
35 services at the level deemed appropriate by the assessment. Offenders
36 transferred to participate in the graduated reentry program must
37 begin receiving substance use disorder treatment services as soon as
38 practicable after transfer to avoid any delays in treatment.
39 Substance use disorder treatment services shall include, as deemed
40 necessary by the assessment, access to medication-assisted treatment

1 and counseling programs. Upon transfer to the graduated reentry
2 program, when clinically appropriate, individuals must be provided
3 with access to self-administered fentanyl testing supplies and
4 medications designed to reverse the effects of opioid overdose.

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

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

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

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

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

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

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

27 (9) The department shall publish a monthly report on its website
28 with the number of offenders who were transferred during the month to
29 home detention as part of the graduated reentry program. The
30 department shall submit an annual report by December 1st to the
31 appropriate committees of the legislature with the number of
32 offenders who were transferred to home detention as part of the
33 graduated reentry program during the prior year.

34 (10)(a) Beginning July 1, 2023, the following data must be
35 collected and posted to the department's website on a monthly basis:

36 (i) The number of offenders who were transferred to the graduated
37 reentry program who were assessed to have a substance use disorder
38 during the prior calendar month; and

39 (ii) The number of offenders in the graduated reentry program who
40 received during the prior 12 months:

1 (A) Outpatient substance use disorder treatment;
2 (B) Inpatient substance use disorder treatment; and
3 (C) Both outpatient and inpatient substance use disorder
4 treatment.

5 (b) Beginning July 1, 2023, the health care authority must report
6 monthly to the department on the number of offenders in the graduated
7 reentry program who received substance use disorder outpatient
8 treatment, while in the community, during the prior 12 months.

9 (11) The department must share data with the health care
10 authority on offenders participating in the graduated reentry
11 program.

12 NEW SECTION. Sec. 2. If specific funding for the purposes of
13 this act, referencing this act by bill or chapter number, is not
14 provided by June 30, 2023, in the omnibus appropriations act, this
15 act is null and void.

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