

Chapter 72.09 RCW
DEPARTMENT OF CORRECTIONS

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RCW 72.09.010 Legislative intent. It is the intent of the legislature to establish a comprehensive system of corrections for convicted law violators within the state of Washington to accomplish the following objectives.

(1) The system should ensure the public safety. The system should be designed and managed to provide the maximum feasible safety for the persons and property of the general public, the staff, and the inmates.

(2) The system should punish the offender for violating the laws of the state of Washington. This punishment should generally be limited to the denial of liberty of the offender.

(3) The system should positively impact offenders by stressing personal responsibility and accountability and by discouraging recidivism.

(4) The system should treat all offenders fairly and equitably without regard to race, religion, sex, national origin, residence, or social condition.

(5) The system, as much as possible, should reflect the values of the community including:

(a) Avoiding idleness. Idleness is not only wasteful but destructive to the individual and to the community.

(b) Adoption of the work ethic. It is the community expectation that all individuals should work and through their efforts benefit both themselves and the community.

(c) Providing opportunities for self improvement. All individuals should have opportunities to grow and expand their skills and abilities so as to fulfill their role in the community.

(d) Linking the receipt or denial of privileges to responsible behavior and accomplishments. The individual who works to improve himself or herself and the community should be rewarded for these efforts. As a corollary, there should be no rewards for no effort.

(e) Sharing in the obligations of the community. All citizens, the public and inmates alike, have a personal and fiscal obligation in the corrections system. All communities must share in the responsibility of the corrections system.

(6) The system should provide for prudent management of resources. The avoidance of unnecessary or inefficient public expenditures on the part of offenders and the department is essential. Offenders must be accountable to the department, and the department to the public and the legislature. The human and fiscal resources of the community are limited. The management and use of these resources can be enhanced by wise investment, productive programs, the reduction of duplication and waste, and the joining together of all involved parties in a common endeavor. Since most offenders return to the community, it is wise for the state and the communities to make an investment in effective rehabilitation programs for offenders and the wise use of resources.

(7) The system should provide for restitution. Those who have damaged others, persons or property, have a responsibility to make restitution for these damages.

(8) The system should be accountable to the citizens of the state. In return, the individual citizens and local units of government must meet their responsibilities to make the corrections system effective.

(9) The system should meet those national standards which the state determines to be appropriate. [1995 1st sp.s. c 19 s 2; 1981 c 136 s 2.]

Findings—Purpose—Short title—Severability—Effective date—1995 1st sp.s. c 19: See notes following RCW 72.09.450.

RCW 72.09.015 Definitions. The definitions in this section apply throughout this chapter.

(1) "Adult basic education" means education or instruction designed to achieve general competence of skills in reading, writing, and oral communication, including English as a second language and preparation and testing services for obtaining a high school diploma or a high school equivalency certificate as provided in RCW 28B.50.536.

(2) "Base level of correctional services" means the minimum level of field services the department of corrections is required by statute to provide for the supervision and monitoring of offenders.

(3) "Civil judgment for assault" means a civil judgment for monetary damages awarded to a correctional officer or department employee entered by a court of competent jurisdiction against an inmate that is based on, or arises from, injury to the correctional officer or department employee caused by the inmate while the correctional officer or department employee was acting in the course and scope of his or her employment.

(4) "Community custody" has the same meaning as that provided in RCW 9.94A.030 and also includes community placement and community supervision as defined in RCW 9.94B.020.

(5) "Contraband" means any object or communication the secretary determines shall not be allowed to be: (a) Brought into; (b) possessed while on the grounds of; or (c) sent from any institution under the control of the secretary.

(6) "Correctional facility" means a facility or institution operated directly or by contract by the secretary for the purposes of incarcerating adults in total or partial confinement, as defined in RCW 9.94A.030.

(7) "County" means a county or combination of counties.

(8) "Department" means the department of corrections.

(9) "Earned early release" means earned release as authorized by RCW 9.94A.729.

(10) "Evidence-based" means a program or practice that has had multiple-site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective in reducing recidivism for the population.

(11) "Extended family visit" means an authorized visit between an inmate and a member of his or her immediate family that occurs in a private visiting unit located at the correctional facility where the inmate is confined.

(12) "Good conduct" means compliance with department rules and policies.

(13) "Good performance" means successful completion of a program required by the department, including an education, work, or other program.

(14) "Immediate family" means the inmate's children, stepchildren, grandchildren, great grandchildren, parents, stepparents, grandparents, great grandparents, siblings, aunts, uncles, and a person legally married to or in a state registered domestic partnership with an inmate. "Immediate family" includes the immediate family of an inmate who was adopted as a child or an adult, but does not include an inmate adopted by another inmate.

(15) "Indigent inmate," "indigent," and "indigency" mean an inmate who has less than a \$25 balance of disposable income in his or her institutional account on the day a request is made to utilize funds and during the 30 days previous to the request.

(16) "Individual reentry plan" means the plan to prepare an offender for release into the community. It should be developed collaboratively between the department and the offender and based on an assessment of the offender using a standardized and comprehensive tool to identify the offender's risks and needs. The individual reentry plan describes actions that should occur to prepare individual offenders for release from prison or jail, specifies the supervision and services they will experience in the community, and describes an

offender's eventual discharge to aftercare upon successful completion of supervision. An individual reentry plan is updated throughout the period of an offender's incarceration and supervision to be relevant to the offender's current needs and risks.

(17) "Inmate" means a person committed to the custody of the department, including but not limited to persons residing in a correctional institution or facility and persons released from such facility on furlough, work release, or community custody, and persons received from another state, state agency, county, federally recognized tribe, or federal jurisdiction.

(18) "Labor" means the period of time before a birth during which contractions are of sufficient frequency, intensity, and duration to bring about effacement and progressive dilation of the cervix.

(19) "Physical restraint" means the use of any bodily force or physical intervention to control an offender or limit an offender's freedom of movement in a way that does not involve a mechanical restraint. Physical restraint does not include momentary periods of minimal physical restriction by direct person-to-person contact, without the aid of mechanical restraint, accomplished with limited force and designed to:

(a) Prevent an offender from completing an act that would result in potential bodily harm to self or others or damage property;

(b) Remove a disruptive offender who is unwilling to leave the area voluntarily; or

(c) Guide an offender from one location to another.

(20) "Postpartum recovery" means (a) the entire period a woman or youth is in the hospital, birthing center, or clinic after giving birth and (b) an additional time period, if any, a treating physician determines is necessary for healing after the woman or youth leaves the hospital, birthing center, or clinic.

(21) "Privilege" means any goods or services, education or work programs, or earned early release days, the receipt of which are directly linked to an inmate's (a) good conduct; and (b) good performance. Privileges do not include any goods or services the department is required to provide under the state or federal Constitution or under state or federal law.

(22) "Promising practice" means a practice that presents, based on preliminary information, potential for becoming a research-based or consensus-based practice.

(23) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

(24) "Restraints" means anything used to control the movement of a person's body or limbs and includes:

(a) Physical restraint; or

(b) Mechanical device including but not limited to: Metal handcuffs, plastic ties, ankle restraints, leather cuffs, other hospital-type restraints, tasers, or batons.

(25) "Secretary" means the secretary of corrections or his or her designee.

(26) "Significant expansion" includes any expansion into a new product line or service to the class I business that results from an increase in benefits provided by the department, including a decrease in labor costs, rent, or utility rates (for water, sewer, electricity, and disposal), an increase in work program space, tax advantages, or other overhead costs.

(27) "Superintendent" means the superintendent of a correctional facility under the jurisdiction of the Washington state department of corrections, or his or her designee.

(28) "Transportation" means the conveying, by any means, of an incarcerated pregnant woman or youth from the correctional facility to another location from the moment she leaves the correctional facility to the time of arrival at the other location, and includes the escorting of the pregnant incarcerated woman or youth from the correctional facility to a transport vehicle and from the vehicle to the other location.

(29) "Unfair competition" means any net competitive advantage that a business may acquire as a result of a correctional industries contract, including labor costs, rent, tax advantages, utility rates (water, sewer, electricity, and disposal), and other overhead costs. To determine net competitive advantage, the department of corrections shall review and quantify any expenses unique to operating a for-profit business inside a prison.

(30) "Vocational training" or "vocational education" means "vocational education" as defined in RCW 72.62.020.

(31) "Washington business" means an in-state manufacturer or service provider subject to chapter 82.04 RCW existing on June 10, 2004.

(32) "Work programs" means all classes of correctional industries jobs authorized under RCW 72.09.100. [2022 c 254 s 2; 2020 c 319 s 2; 2013 c 39 s 22. Prior: 2011 1st sp.s. c 21 s 38; 2011 c 282 s 1; 2010 c 181 s 1; 2009 c 521 s 165; 2008 c 231 s 47; 2007 c 483 s 202; 2004 c 167 s 6; 1995 1st sp.s. c 19 s 3; 1987 c 312 s 2.]

Finding—2022 c 254: "The legislature recognizes that many federally recognized Indian tribes in Washington exercise felony criminal jurisdiction, yet none operate or have access to a prison facility. Tribal defendants sentenced to greater than one year in custody must serve their time in local jail facilities ill-equipped to house inmates for long sentences. This act will authorize the Washington state department of corrections to negotiate agreements with Indian tribes that will provide a public safety benefit to all residents of Washington by allowing tribal court inmates to serve their felony sentences in an appropriate facility with access to rehabilitative services." [2022 c 254 s 1.]

Finding—2020 c 319: "The legislature recognizes the importance of maintaining strong family ties throughout an individual's period of incarceration to help facilitate rehabilitation. Studies have shown that regular visits from family members can reduce recidivism rates by thirteen percent. The legislature recognizes the importance and value that a strong, connected family network can provide to an individual once he or she is released from incarceration. The legislature further recognizes the financial and emotional toll that incarceration can take on the family of those experiencing incarceration. The legislature resolves to increase family interaction by expanding eligibility for family visitation and by providing transparency and availability of services inside correctional institutions. Furthermore, the current indigent cap of ten dollars, which has not increased since 1995, limits access to services inside correctional institutions. Therefore, the legislature finds and declares that the cap shall be increased to twenty-five dollars." [2020 c 319 s 1.]

Effective date—2011 1st sp.s. c 21: See note following RCW 72.23.025.

Effective dates—2009 c 521 ss 5-8, 79, 87-103, 107, 151, 165, 166, 173-175, and 190-192: See note following RCW 2.10.900.

Intent—Application—Application of repealers—Effective date—2008 c 231: See notes following RCW 9.94A.701.

Severability—2008 c 231: See note following RCW 9.94A.500.

Intent—2007 c 483: See note following RCW 72.09.270.

Findings—2007 c 483: See RCW 72.78.005.

Findings—Purpose—Short title—Severability—Effective date—1995 1st sp.s. c 19: See notes following RCW 72.09.450.

RCW 72.09.030 Department created—Secretary. There is created a department of state government to be known as the department of corrections. The executive head of the department shall be the secretary of corrections who shall be appointed by the governor with the consent of the senate. The secretary shall serve at the pleasure of the governor and shall receive a salary to be fixed under RCW 43.03.040. [1981 c 136 s 3.]

RCW 72.09.040 Transfer of functions from department of social and health services. All powers, duties, and functions assigned to the secretary of social and health services and to the department of social and health services relating to adult correctional programs and institutions are hereby transferred to the secretary of corrections and to the department of corrections. Except as may be specifically provided, all functions of the department of social and health services relating to juvenile rehabilitation and the juvenile justice system shall remain in the department of social and health services. Where functions of the department of social and health services and the department of corrections overlap in the juvenile rehabilitation and/or juvenile justice area, the governor may allocate such functions between these departments. [1998 c 245 s 139; 1981 c 136 s 4.]

RCW 72.09.050 Powers and duties of secretary. The secretary shall manage the department of corrections and shall be responsible for the administration of adult correctional programs, including but not limited to the operation of all state correctional institutions or facilities used for the confinement of convicted felons. In addition, the secretary shall have broad powers to enter into agreements with any federal agency, any federally recognized tribe, or any other state, or any Washington state agency or local government providing for the operation of any correctional facility or program for persons convicted of felonies or misdemeanors or for juvenile offenders. Such agreements for counties with local law and justice councils shall be required in the local law and justice plan pursuant to RCW 72.09.300. The agreements may provide for joint operation or operation by the

department of corrections, alone, for by any of the other governmental entities, alone. The secretary may employ persons to aid in performing the functions and duties of the department. The secretary may delegate any of his or her functions or duties to department employees, including the authority to certify and maintain custody of records and documents on file with the department. The secretary is authorized to promulgate standards for the department of corrections within appropriation levels authorized by the legislature.

Pursuant to the authority granted in chapter 34.05 RCW, the secretary shall adopt rules providing for inmate restitution when restitution is determined appropriate as a result of a disciplinary action. [2022 c 254 s 3; 2020 c 318 s 5. Prior: 1999 c 309 s 1902; 1999 c 309 s 924; 1995 c 189 s 1; 1991 c 363 s 149; 1987 c 312 s 4; 1986 c 19 s 1; 1981 c 136 s 5.]

Finding—2022 c 254: See note following RCW 72.09.015.

Findings—Intent—Construction—Effective date—2020 c 318: See notes following RCW 72.68.110.

Effective dates—1999 c 309 ss 927-929, 931, and 1101-1902: See note following RCW 43.79.480.

Severability—Effective date—1999 c 309: See notes following RCW 41.06.152.

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

RCW 72.09.055 Affordable housing—Inventory of suitable property. (1) The department shall identify and catalog real property that is no longer required for department purposes and is suitable for the development of affordable housing for very low-income, low-income, and moderate-income households as defined in RCW 43.63A.510. The inventory shall include the location, approximate size, and current zoning classification of the property. The department shall provide a copy of the inventory to the department of commerce by November 1, 1993, and every November 1 thereafter.

(2) By November 1 of each year, beginning in 1994, the department shall purge the inventory of real property of sites that are no longer available for the development of affordable housing. The department shall include an updated listing of real property that has become available since the last update. As used in this section, "real property" means buildings, land, or buildings and land. [2023 c 470 s 2120; 1995 c 399 s 202; 1993 c 461 s 12.]

Explanatory statement—2023 c 470: See note following RCW 10.99.030.

Finding—1993 c 461: See note following RCW 43.63A.510.

RCW 72.09.057 Fees for reproduction, shipment, and certification of documents and records. The department may charge reasonable fees for the reproduction, shipment, and certification of documents,

records, and other materials in the files of the department. [1995 c 189 s 2.]

RCW 72.09.060 Organization of department—Program for public involvement and volunteers. The department of corrections may be organized into such divisions or offices as the secretary may determine, but shall include divisions for (1) correctional industries, (2) prisons and other custodial institutions and (3) probation, parole, community restitution, restitution, and other nonincarcerative sanctions. The secretary shall have at least one person on his or her staff who shall have the responsibility for developing a program which encourages the use of volunteers, for citizen advisory groups, and for similar public involvement programs in the corrections area. Minimum qualification for staff assigned to public involvement responsibilities shall include previous experience in working with volunteers or volunteer agencies. [2002 c 175 s 48; 1989 c 185 s 3; 1981 c 136 s 6.]

Effective date—2002 c 175: See note following RCW 7.80.130.

RCW 72.09.070 Correctional industries advisory committee—Recommendations. There is created a correctional industries advisory committee which shall have the composition provided in RCW 72.09.080. The advisory committee shall make recommendations to the secretary regarding the implementation of RCW 72.09.100. [2011 1st sp.s. c 21 s 35; 2004 c 167 s 1; 1994 sp.s. c 7 s 535; 1993 sp.s. c 20 s 3; 1989 c 185 s 4; 1981 c 136 s 8.]

Effective date—2011 1st sp.s. c 21: See note following RCW 72.23.025.

Finding—Intent—Severability—1994 sp.s. c 7: See notes following RCW 43.70.540.

RCW 72.09.080 Correctional industries advisory committee—Appointment of members, chair—Compensation—Support. (1) The correctional industries advisory committee shall consist of 11 voting members in total, with nine of the voting members appointed by the secretary and two of the voting members appointed by the governor. Each member shall serve a three-year staggered term. The speaker of the house of representatives and the president of the senate shall each appoint one member from each of the two largest caucuses in their respective houses. The legislators so appointed shall be nonvoting members and shall serve two-year terms, or until they cease to be members of the house from which they were appointed, whichever occurs first. The nine members appointed by the secretary shall include three representatives from labor, three representatives from business representing cross sections of industries and all sizes of employers, and three members from the general public. The two voting members appointed by the governor must be individuals from underrepresented populations who have direct lived experience as those terms are defined in RCW 43.18A.010, but may not be currently incarcerated in total confinement as that term is defined in RCW 9.94A.030.

(2) The committee shall elect a chair and such other officers as it deems appropriate from among the voting members.

(3) The voting members of the committee shall serve with compensation pursuant to RCW 43.03.240 and shall be reimbursed by the department for travel expenses and per diem under RCW 43.03.050 and 43.03.060, as now or hereafter amended. Legislative members shall be reimbursed under RCW 44.04.120, as now or hereafter amended.

(4) The secretary shall provide such staff services, facilities, and equipment as the board shall require to carry out its duties. [2025 c 184 s 1; 2011 1st sp.s. c 21 s 40; 1993 sp.s. c 20 s 4; 1989 c 185 s 5; 1981 c 136 s 9.]

Effective date—2011 1st sp.s. c 21: See note following RCW 72.23.025.

RCW 72.09.090 Correctional industries account—Expenditure—Profits—Appropriations. The correctional industries account is established in the state treasury. The department of corrections shall deposit in the account all moneys collected and all profits that accrue from the industrial and agricultural operations of the department and any moneys appropriated to the account. Moneys in the account may be spent only for expenses arising in the correctional industries operations.

The division's net profits from correctional industries' sales and contracts shall be reinvested, without appropriation, in the expansion and improvement of correctional industries. However, the secretary shall annually recommend that some portion of the profits from correctional industries be returned to the state general fund.

The secretary shall request appropriations or increased appropriations whenever it appears that additional money is needed to provide for the establishment and operation of a comprehensive correctional industries program. During the 2015-2017 fiscal biennium, the legislature may appropriate from the correctional industries account for increased caseload costs at the department of corrections such amounts as reflect the excess fund balance of the account. [2016 sp.s. c 36 s 945; 2011 1st sp.s. c 21 s 36; 1989 c 185 s 6; 1987 c 7 s 203; 1981 c 136 s 10.]

Effective date—2016 sp.s. c 36: See note following RCW 18.20.430.

Effective date—2011 1st sp.s. c 21: See note following RCW 72.23.025.

Severability—1987 c 7: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1987 c 7 s 901.]

RCW 72.09.092 Institutional welfare account. The institutional welfare account is created in the state treasury. Moneys in the account may be spent only after appropriation. The account shall consist of all moneys in the incarcerated individual betterment fund held by the department as of July 1, 2025, and any revenue and

receipts into the incarcerated individual betterment fund on or after July 1, 2025. Expenditures from the account may be used only for the benefit of incarcerated individuals within the department. Such benefits include, but are not limited to, support for family visitation, prison visiting areas and extended family visit programs, family-centered activities, law library books, subscriptions, recreation and hobby expenditures, reentry services, and television system, phone, and computer communication expenditures. [2025 c 399 s 10.]

Effective dates—2025 c 399 ss 1-13, 15, and 17: "(1) Sections 1 through 5, 7 through 13, 15, and 17 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2025.

(2) Section 6 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 20, 2025]." [2025 c 399 s 20.]

RCW 72.09.093 Institutional welfare account—Incarcerated individual betterment fund must be deposited. Effective July 1, 2025, the moneys in the incarcerated individual betterment fund established outside the state treasury and held by the department must be deposited into the institutional welfare account created in RCW 72.09.092. On and after July 1, 2025, all revenues and receipts of the incarcerated individual betterment fund must be deposited into the institutional welfare account created in RCW 72.09.092. Beginning July 1, 2025, the department may not make expenditures or transfers from the incarcerated individual betterment fund, except to deposit moneys into the institutional welfare account created in RCW 72.09.092. [2025 c 399 s 11.]

Effective dates—2025 c 399 ss 1-13, 15, and 17: See note following RCW 72.09.092.

RCW 72.09.095 Institutional welfare account—Transfer of funds to department of labor and industries for crime victims' compensation. Each year the state treasurer shall transfer 25 percent of the total annual revenues and receipts received in the institutional welfare account, created in RCW 72.09.092, to the department of labor and industries for the purpose of providing direct benefits to crime victims through the crime victims' compensation program as outlined in chapter 7.68 RCW. For purposes of this section, revenues and receipts exclude those amounts transferred on July 1, 2025, from the incarcerated individual betterment fund established outside the state treasury provided those moneys have already been subject to the 25 percent transfer requirement contained herein.

Any funds so transferred to the department of labor and industries shall be in addition to the crime victims' compensation amount provided in an omnibus appropriation bill. It is the intent of the legislature that the funds forecasted or transferred pursuant to this section shall not reduce the funding levels provided by appropriation. [2025 c 399 s 9; 1995 c 234 s 2.]

Effective dates—2025 c 399 ss 1-13, 15, and 17: See note following RCW 72.09.092.

Finding—1995 c 234: "The legislature finds that the responsibility for criminal activity should fall squarely on the criminal. To the greatest extent possible society should not be expected to have to pay the price for crimes twice, once for the criminal activity and again by feeding, clothing, and housing the criminal. The corrections system should be the first place criminals are given the opportunity to be responsible for paying for their criminal act, not just through the loss of their personal freedom, but by making financial contributions to alleviate the pain and suffering of victims of crime." [1995 c 234 s 1.]

RCW 72.09.100 Inmate work program—Classes of work programs—Participation—Benefits. It is the intent of the legislature to vest in the department the power to provide for a comprehensive inmate work program and to remove statutory and other restrictions which have limited work programs in the past. It is also the intent of the legislature to ensure that the department, in developing and selecting correctional industries work programs, does not encourage the development of, or provide for selection of or contracting for, or the significant expansion of, any new or existing class I correctional industries work programs that unfairly compete with Washington businesses. The legislature intends that the requirements relating to fair competition in the correctional industries work programs be liberally construed by the department to protect Washington businesses from unfair competition. For purposes of establishing such a comprehensive program, the legislature recommends that the department consider adopting any or all, or any variation of, the following classes of work programs:

(1) CLASS I: FREE VENTURE INDUSTRIES.

(a) The employer model industries in this class shall be operated and managed in total or in part by any profit or nonprofit organization pursuant to an agreement between the organization and the department. The organization shall produce goods or services for sale to both the public and private sector.

(b) The customer model industries in this class shall be operated and managed by the department to provide Washington state manufacturers or businesses with products or services currently produced or provided by out-of-state or foreign suppliers.

(c) The department shall review these proposed industries, including any potential new class I industries work program or the significant expansion of an existing class I industries work program, before the department contracts to provide such products or services. The review shall include the analysis required under RCW 72.09.115 to determine if the proposed correctional industries work program will compete with any Washington business. An agreement for a new class I correctional industries work program, or an agreement for a significant expansion of an existing class I correctional industries work program, that unfairly competes with any Washington business is prohibited.

(d) The department shall supply appropriate security and custody services without charge to the participating firms.

(e) Inmates who work in free venture industries shall do so at their own choice. They shall be paid a wage comparable to the wage paid for work of a similar nature in the locality in which the industry is located, as determined by the director of correctional industries. If the director cannot reasonably determine the comparable wage, then the pay shall not be less than the federal minimum wage.

(f) An inmate who is employed in the class I program of correctional industries shall not be eligible for unemployment compensation benefits pursuant to any of the provisions of Title 50 RCW until released on parole or discharged.

(2) CLASS II: TAX REDUCTION INDUSTRIES.

(a) Industries in this class shall be state-owned and operated enterprises designed primarily to reduce the costs for goods and services for tax-supported agencies and for nonprofit organizations.

(b) (i) The industries selected for development within this class shall, as much as possible, match the available pool of inmate work skills and aptitudes with the work opportunities in the free community. The industries shall be closely patterned after private sector industries but with the objective of reducing public support costs rather than making a profit.

(ii) Except as provided in *RCW 43.19.534(3) and this section, the products and services of this industry, including purchased products and services necessary for a complete product line, may be sold to the following:

(A) Public agencies;

(B) Nonprofit organizations;

(C) Private contractors when the goods purchased will be ultimately used by a public agency or a nonprofit organization;

(D) An employee and immediate family members of an employee of the department;

(E) A person under the supervision of the department and his or her immediate family members; and

(F) A licensed health professional for the sole purpose of providing eyeglasses to enrollees of the state medical program at no more than the health professional's cost of acquisition.

(iii) The department shall authorize the type and quantity of items that may be purchased and sold under (b) (ii) (D) and (E) of this subsection.

(iv) It is prohibited to purchase any item purchased under (b) (ii) (D) and (E) of this subsection for the purpose of resale.

(v) Clothing manufactured by an industry in this class may be donated to nonprofit organizations that provide clothing free of charge to low-income persons.

(c) Under no circumstance shall offenders under the custody of the department of corrections make or assemble uniforms to be worn by correctional officers employed with the department.

(d) (i) Class II correctional industries products and services shall be reviewed by the department before offering such products and services for sale to private contractors.

(ii) The secretary shall conduct a yearly marketing review of the products and services offered under this subsection. Such review shall include an analysis of the potential impact of the proposed products and services on the Washington state business community. To avoid waste or spoilage and consequent loss to the state, when there is no public sector market for such goods, by-products and surpluses of timber, agricultural, and animal husbandry enterprises may be sold to private persons, at private sale. Surplus by-products and surpluses of

timber, agricultural and animal husbandry enterprises that cannot be sold to public agencies or to private persons may be donated to nonprofit organizations. All sales of surplus products shall be carried out in accordance with rules prescribed by the secretary.

(e) Security and custody services shall be provided without charge by the department.

(f) Inmates working in this class of industries shall do so at their own choice and shall be paid for their work on a gratuity scale which shall not exceed the wage paid for work of a similar nature in the locality in which the industry is located and which is approved by the director of correctional industries.

(g) Provisions of RCW 41.06.142 shall not apply to contracts with Washington state businesses entered into by the department through class II industries.

(3) CLASS III: INSTITUTIONAL SUPPORT INDUSTRIES.

(a) Industries in this class shall be operated by the department. They shall be designed and managed to accomplish the following objectives:

(i) Whenever possible, to provide basic work training and experience so that the inmate will be able to qualify for better work both within correctional industries and the free community. It is not intended that an inmate's work within this class of industries should be his or her final and total work experience as an inmate.

(ii) Whenever possible, to provide forty hours of work or work training per week.

(iii) Whenever possible, to offset tax and other public support costs.

(b) Class III correctional industries shall be reviewed by the department to set policy for work crews. The department shall prepare quarterly detail statements showing where work crews worked, what correctional industry class, and the hours worked.

(c) Supervising, management, and custody staff shall be employees of the department.

(d) All able and eligible inmates who are assigned work and who are not working in other classes of industries shall work in this class.

(e) Except for inmates who work in work training programs, inmates in this class shall be paid for their work in accordance with an inmate gratuity scale. The scale shall be adopted by the secretary of corrections.

(4) CLASS IV: COMMUNITY WORK INDUSTRIES.

(a) Industries in this class shall be operated by the department. They shall be designed and managed to provide services in the inmate's resident community at a reduced cost. The services shall be provided to public agencies, to persons who are poor or infirm, or to nonprofit organizations.

(b) Class IV correctional industries shall be reviewed by the department to set policy for work crews. The department shall prepare quarterly detail statements showing where work crews worked, what correctional industry class, and the hours worked. Class IV correctional industries operated in work camps established pursuant to RCW 72.64.050 are exempt from the requirements of this subsection (4) (b).

(c) Inmates in this program shall reside in facilities owned by, contracted for, or licensed by the department. A unit of local government shall provide work supervision services without charge to the state and shall pay the inmate's wage.

(d) The department shall reimburse participating units of local government for liability and workers compensation insurance costs.

(e) Inmates who work in this class of industries shall do so at their own choice and shall receive a gratuity which shall not exceed the wage paid for work of a similar nature in the locality in which the industry is located.

(5) CLASS V: COMMUNITY RESTITUTION PROGRAMS.

(a) Programs in this class shall be subject to supervision by the department. The purpose of this class of industries is to enable an inmate, placed on community supervision, to work off all or part of a community restitution order as ordered by the sentencing court.

(b) Employment shall be in a community restitution program operated by the state, local units of government, or a nonprofit agency.

(c) To the extent that funds are specifically made available for such purposes, the department shall reimburse nonprofit agencies for workers compensation insurance costs. [2012 c 220 s 2. Prior: 2011 1st sp.s. c 21 s 37; 2011 c 100 s 1; 2005 c 346 s 1; 2004 c 167 s 3; (2004 c 167 s 2 expired July 1, 2005); prior: 2002 c 354 s 238; 2002 c 175 s 49; 1995 1st sp.s. c 19 s 33; 1994 c 224 s 1; 1992 c 123 s 1; 1990 c 22 s 1; 1989 c 185 s 7; 1986 c 193 s 2; 1985 c 151 s 1; 1983 c 255 s 5; 1981 c 136 s 11.]

***Reviser's note:** RCW 43.19.534 was recodified as RCW 39.26.251 by 2012 c 224 s 28, effective January 1, 2013.

Effective date—2011 1st sp.s. c 21: See note following RCW 72.23.025.

Effective date—2011 c 100: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 18, 2011]." [2011 c 100 s 2.]

Effective date—2004 c 167 s 3: "Section 3 of this act takes effect July 1, 2005." [2004 c 167 s 12.]

Expiration date—2004 c 167 s 2: "Section 2 of this act expires July 1, 2005." [2004 c 167 s 13.]

Short title—Headings, captions not law—Severability—Effective dates—2002 c 354: See RCW 41.80.907 through 41.80.910.

Effective date—2002 c 175: See note following RCW 7.80.130.

Findings—Purpose—Short title—Severability—Effective date—1995 1st sp.s. c 19: See notes following RCW 72.09.450.

Fish and game projects in prison work programs subject to RCW 72.09.100: RCW 72.63.020.

RCW 72.09.101 Inmate work program—Administrators' duty.
Administrators of work programs described in RCW 72.09.100 shall ensure that no inmate convicted of a sex offense as defined in chapter 9A.44 RCW obtains access to names, addresses, or telephone numbers of

private individuals while performing his or her duties in an inmate work program. [1998 c 83 s 1.]

Effective date—1998 c 83: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 20, 1998]." [1998 c 83 s 2.]

RCW 72.09.104 Prison work programs to operate automated data input and retrieval systems. The *department of general administration and the department of corrections shall implement prison work programs to operate automated data input and retrieval systems for appropriate departments of state government. [1983 c 296 s 3.]

***Reviser's note:** The "department of general administration" was renamed the "department of enterprise services" by 2011 1st sp.s. c 43 s 107.

Findings—1983 c 296: "The legislature finds and declares that the costs of state government automated data input and retrieval are escalating. The legislature further finds and declares that new record conversion technologies offer a promising means for coping with current records management problems." [1983 c 296 s 1.]

Policy—1983 c 296: "It is the policy of the state of Washington that state prisons shall provide prisoners with a work environment in order that, upon their release, inmates may have the skills necessary for the successful reentry into society. It is also the policy of the state to promote the establishment and growth of prison industries whose work shall benefit the state." [1983 c 296 s 2.]

RCW 72.09.106 Subcontracting of data input and microfilm capacities. Class II correctional industries may subcontract its data input and microfilm capacities to firms from the private sector. Inmates employed under these subcontracts will be paid in accordance with the Class I free venture industries procedures and wage scale. [1989 c 185 s 8; 1983 c 296 s 4.]

Findings—Policy—1983 c 296: See notes following RCW 72.09.104.

RCW 72.09.110 Inmates' wages—Supporting cost of corrections—Crime victims' compensation and family support. All inmates working in prison industries shall participate in the cost of corrections, including costs to develop and implement correctional industries programs, by means of deductions from their gross wages. The secretary may direct the state treasurer to deposit a portion of these moneys in the crime victims compensation account. The secretary shall direct that all moneys received by an inmate for testifying in any judicial proceeding shall be deposited into the crime victims compensation account.

When the secretary finds it appropriate and not unduly destructive of the work incentive, the secretary may also provide

deductions for savings and family support. [1993 sp.s. c 20 s 5; 1991 c 133 s 1; 1989 c 185 s 9; 1986 c 162 s 1; 1981 c 136 s 12.]

RCW 72.09.111 Inmate wages—Deductions—Availability of savings—Recovery of cost of incarceration—Definition. (1) The secretary shall deduct taxes and legal financial obligations from the wages, gratuities, or workers' compensation benefits payable directly to the inmate under chapter 51.32 RCW, of each inmate working in correctional industries work programs, or otherwise receiving such wages, gratuities, or benefits. The secretary shall also deduct child support payments from the gratuities of each inmate working in class II through class IV correctional industries work programs. The secretary shall develop a formula for the distribution of offender wages, gratuities, and benefits. The formula shall not reduce the inmate account below the indigency level, as defined in RCW 72.09.015.

(a) The formula shall include the following maximum allowable deductions from class I wages and from all others earning at least minimum wage:

(i) Five percent to the crime victims' compensation account provided in RCW 7.68.045;

(ii) Ten percent to a department personal inmate savings account;

(iii) Twenty percent to the department to contribute to the cost of incarceration;

(iv) Twenty percent for payment of legal financial obligations for all inmates who have legal financial obligations owing in any Washington state superior court; and

(v) Twenty percent for payment of any civil judgment for assault for inmates who are subject to a civil judgment for assault in any Washington state court or federal court.

(b) The formula shall include the following minimum deductions from class II gross gratuities:

(i) Five percent to the crime victims' compensation account provided in RCW 7.68.045;

(ii) Ten percent to a department personal inmate savings account;

(iii) Fifteen percent to the department to contribute to the cost of incarceration;

(iv) Twenty percent for payment of legal financial obligations for all inmates who have legal financial obligations owing in any Washington state superior court;

(v) Fifteen percent for any child support owed under a support order; and

(vi) Fifteen percent for payment of any civil judgment for assault for inmates who are subject to a civil judgment for assault in any Washington state court or federal court.

(c) The formula shall include the following minimum deductions from any workers' compensation benefits paid pursuant to RCW 51.32.080:

(i) Five percent to the crime victims' compensation account provided in RCW 7.68.045;

(ii) Ten percent to a department personal inmate savings account;

(iii) Twenty percent to the department to contribute to the cost of incarceration; and

(iv) An amount equal to any legal financial obligations owed by the inmate established by an order of any Washington state superior court up to the total amount of the award.

(d) The formula shall include the following minimum deductions from class III gratuities:

(i) Five percent for the crime victims' compensation account provided in RCW 7.68.045;

(ii) Fifteen percent for any child support owed under a support order; and

(iii) Fifteen percent for payment of any civil judgment for assault for inmates who are subject to a civil judgment for assault in any Washington state court or federal court.

(e) The formula shall include the following minimum deduction from class IV gross gratuities:

(i) Five percent to the department to contribute to the cost of incarceration;

(ii) Fifteen percent for any child support owed under a support order; and

(iii) Fifteen percent for payment of any civil judgment for assault for inmates who are subject to a civil judgment for assault in any Washington state court or federal court.

(2) Any person sentenced to life imprisonment without possibility of release or parole under *chapter 10.95 RCW or sentenced to death shall be exempt from the requirement under subsection (1)(a)(ii),

(b)(ii), or (c)(ii).

(3)(a) The department personal inmate savings account, together with any accrued interest, may be made available to an inmate at the following times:

(i) During confinement to pay for accredited postsecondary educational expenses;

(ii) Prior to the release from confinement to pay for department-approved reentry activities that promote successful community reintegration; or

(iii) When the secretary determines that an emergency exists for the inmate.

(b) The secretary shall establish guidelines for the release of funds pursuant to (a) of this subsection, giving consideration to the inmate's need for resources at the time of his or her release from confinement.

(c) Any funds remaining in an offender's personal inmate savings account shall be made available to the offender at the time of his or her release from confinement.

(4) The management of classes I, II, and IV correctional industries may establish an incentive payment for offender workers based on productivity criteria. This incentive shall be paid separately from the hourly wage/gratuity rate and shall not be subject to the specified deduction for cost of incarceration.

(5) In the event that the offender worker's wages, gratuity, or workers' compensation benefit is subject to garnishment for support enforcement, the crime victims' compensation account, savings, and cost of incarceration deductions shall be calculated on the net wages after taxes, legal financial obligations, and garnishment.

(6) The department shall explore other methods of recovering a portion of the cost of the inmate's incarceration and for encouraging participation in work programs, including development of incentive programs that offer inmates benefits and amenities paid for only from wages earned while working in a correctional industries work program.

(7) The department shall develop the necessary administrative structure to recover inmates' wages and keep records of the amount inmates pay for the costs of incarceration and amenities. All funds

deducted from inmate wages under subsection (1) of this section for the purpose of contributions to the cost of incarceration shall be deposited in a dedicated fund with the department and shall be used only for the purpose of enhancing and maintaining correctional industries work programs.

(8) It shall be in the discretion of the secretary to apportion the inmates between class I and class II depending on available contracts and resources.

(9) Nothing in this section shall limit the authority of the department of social and health services division of child support from taking collection action against an inmate's moneys, assets, or property pursuant to chapter 26.23, 74.20, or 74.20A RCW.

(10) For purposes of this section, "wages" means monetary compensation due to an offender worker by reason of his or her participation in a class I work program, subject to allowable deductions. [2017 c 81 s 1; 2011 c 282 s 2. Prior: 2010 c 122 s 5; 2010 c 116 s 1; 2009 c 479 s 60; 2007 c 483 s 605; 2004 c 167 s 7; prior: 2003 c 379 s 25; 2003 c 271 s 2; 2002 c 126 s 2; 1999 c 325 s 2; 1994 sp.s. c 7 s 534; 1993 sp.s. c 20 s 2.]

***Reviser's note:** RCW 10.95.040 through 10.95.901 relating to "death sentence" was repealed by 2023 c 102 s 21.

Effective date—2010 c 116: "This act takes effect July 1, 2010." [2010 c 116 s 2.]

Effective date—2009 c 479: See note following RCW 2.56.030.

Finding—Intent—2007 c 483: See note following RCW 35.82.340.

Findings—2007 c 483: See RCW 72.78.005.

Severability—Effective dates—2003 c 379: See notes following RCW 9.94A.728.

Intent—Purpose—2003 c 379 ss 13-27: See note following RCW 9.94A.760.

Effective date—1994 sp.s. c 7 s 534: "Section 534 of this act shall take effect June 30, 1994." [1994 sp.s. c 7 s 536.]

Finding—Intent—Severability—1994 sp.s. c 7: See notes following RCW 43.70.540.

Effective date—1993 sp.s. c 20 s 2: "Section 2 of this act shall take effect June 30, 1994." [1993 sp.s. c 20 s 10.]

RCW 72.09.115 Proposed new class I correctional industries work program—Threshold analysis—Business impact analysis—Public hearing—Finding. (1) The department must prepare a threshold analysis for any proposed new class I correctional industries work program or the significant expansion of an existing class I correctional industries work program before the department enters into an agreement to provide such products or services. The analysis must state whether the proposed new or expanded program will impact any Washington business

and must be based on information sufficient to evaluate the impact on Washington business.

(2) If the threshold analysis determines that a proposed new or expanded class I correctional industries work program will impact a Washington business, the department must complete a business impact analysis before the department enters into an agreement to provide such products or services. The business impact analysis must include:

(a) A detailed statement identifying the scope and types of impacts caused by the proposed new or expanded correctional industries work program on Washington businesses; and

(b) A detailed statement of the business costs of the proposed correctional industries work program compared to the business costs of the Washington businesses that may be impacted by the proposed class I correctional industries work program. Business costs of the proposed correctional industries work program include rent, water, sewer, electricity, disposal, labor costs, and any other quantifiable expense unique to operating in a prison. Business costs of the impacted Washington business include rent, water, sewer, electricity, disposal, property taxes, and labor costs including employee taxes, unemployment insurance, and workers' compensation.

(3) The completed threshold analysis and any completed business impact analysis with all supporting documents must be shared in a meaningful and timely manner with local chambers of commerce, trade or business associations, local and state labor union organizations, and government entities before a finding required under subsection (4) of this section is made on the proposed new or expanded class I correctional industries work program.

(4) If a business impact analysis is completed, the department must conduct a public hearing to take public testimony on the business impact analysis. The department must, at a minimum, establish a publicly accessible website containing information reasonably calculated to provide notice to each Washington business assigned the same three-digit standard industrial classification code, or the corresponding North American industry classification system code, as the organization seeking the class I correctional industries work program agreement of the date, time, and place of the hearing. Notice of the hearing shall be posted at least thirty days prior to the hearing.

(5) Following the public hearing, the department shall adopt a finding that the proposed new or expanded class I correctional industries work program: (a) Will not compete with any Washington business; (b) will not compete unfairly with any Washington business; or (c) will compete unfairly with any Washington business and is therefore prohibited under chapter 167, Laws of 2004. [2004 c 167 s 4.]

RCW 72.09.116 Information obtained under RCW 72.09.115 exempt from public disclosure. All records, documents, data, and other materials obtained under the requirements of RCW 72.09.115 from an existing correctional industries class I work program participant or an applicant for a proposed new or expanded class I correctional industries work program are exempt from public disclosure under chapter 42.56 RCW. [2005 c 274 s 347; 2004 c 167 s 8.]

RCW 72.09.120 Distribution of list of inmate job opportunities.

In order to assist inmates in finding work within prison industries, the department shall periodically prepare and distribute a list of prison industries' job opportunities, which shall include job descriptions and the educational and skill requirements for each job. [1981 c 136 s 16.]

RCW 72.09.130 Incentive system for participation in education and work programs—Rules—Dissemination.

(1) The department shall adopt, by rule, a system that clearly links an inmate's behavior and participation in available education and work programs with the receipt or denial of earned early release days and other privileges. The system shall include increases or decreases in the degree of liberty granted the inmate within the programs operated by the department, access to or withholding of privileges available within correctional institutions, and recommended increases or decreases in the number of earned early release days that an inmate can earn for good conduct and good performance.

(2) Earned early release days shall be recommended by the department as a reward for accomplishment. The system shall be fair, measurable, and understandable to offenders, staff, and the public. At least once in each twelve-month period, the department shall inform the offender in writing as to his or her conduct and performance. This written evaluation shall include reasons for awarding or not awarding recommended earned early release days for good conduct and good performance. An inmate is not eligible to receive earned early release days during any time in which he or she refuses to participate in an available education or work program into which he or she has been placed under RCW 72.09.460.

(3) The department shall provide each offender in its custody a written description of the system created under this section. [1995 1st sp.s. c 19 s 6; 1981 c 136 s 17.]

Findings—Purpose—Short title—Severability—Effective date—1995 1st sp.s. c 19: See notes following RCW 72.09.450.

RCW 72.09.135 Adoption of standards for correctional facilities.

The department of corrections shall, no later than July 1, 1987, adopt standards for the operation of state adult correctional facilities. These standards shall be the minimums necessary to meet federal and state constitutional requirements relating to health, safety, and welfare of inmates and staff, and specific state and federal statutory requirements, and to provide for the public's health, safety, and welfare. The need for each standard shall be documented. [1987 c 462 s 15.]

Effective dates—1987 c 462: See note following RCW 13.04.116.

RCW 72.09.190 Legal services for inmates. (1) It is the intent of the legislature that reasonable legal services be provided to persons committed to the custody of the department of corrections. The department shall contract with persons or organizations to provide legal services. The secretary shall adopt procedures designed to

minimize any conflict of interest, or appearance thereof, in respect to the provision of legal services and the department's administration of such contracts.

(2) Persons who contract to provide legal services are expressly forbidden to solicit plaintiffs or promote litigation which has not been pursued initially by a person entitled to such services under this section.

(3) Persons who contract to provide legal services shall exhaust all informal means of resolving a legal complaint or dispute prior to the filing of any court proceeding.

(4) Nothing in this section forbids the secretary to supplement contracted legal services with any of the following: (a) Law libraries, (b) law student interns, and (c) volunteer attorneys.

(5) The total due a contractor as compensation, fees, or reimbursement under the terms of the contract shall be reduced by the total of any other compensation, fees, or reimbursement received by or due the contractor for the performance of any legal service to inmates during the contract period. Any amount received by a contractor under contract which is not due under this section shall be immediately returned by the contractor. [1981 c 136 s 23.]

RCW 72.09.200 Transfer of files, property, and appropriations.

All reports, documents, surveys, books, records, files, papers, and other writings in the possession of the department of social and health services pertaining to the functions transferred by RCW 72.09.040 shall be delivered to the custody of the department of corrections. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed exclusively in carrying out the powers and duties transferred by RCW 72.09.040 shall be made available to the department of corrections. All funds, credits, or other assets held in connection with the functions transferred by RCW 72.09.040 shall be assigned to the department of corrections.

Any appropriations made to the department of social and health services for the purpose of carrying out the powers, duties, and functions transferred by RCW 72.09.040 shall on July 1, 1981, be transferred and credited to the department of corrections for the purpose of carrying out the transferred powers, duties, and functions.

Whenever any question arises as to the transfer of any funds including unexpended balances within any accounts, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred under RCW 72.09.040, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

If apportionments of budgeted funds are required because of the transfers authorized in this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification. [1981 c 136 s 31.]

RCW 72.09.210 Transfer of employees. All employees of the department of social and health services who are directly employed in connection with the exercise of the powers and performance of the

duties and functions transferred to the department of corrections by RCW 72.09.040 shall be transferred on July 1, 1981, to the jurisdiction of the department of corrections.

All such employees classified under chapter 41.06 RCW, the state civil service law, shall be assigned to the department of corrections. Except as otherwise provided, such employees shall be assigned without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing the state civil service law. [1981 c 136 s 32.]

RCW 72.09.220 Employee rights under collective bargaining.

Nothing contained in RCW 72.09.010 through 72.09.190, 72.09.901, and section 13, chapter 136, Laws of 1981 may be construed to downgrade any rights of any employee under any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the Washington personnel resources board as provided by law. [1993 c 281 s 64; 1981 c 136 s 33.]

Effective date—1993 c 281: See note following RCW 41.06.022.

RCW 72.09.225 Sexual misconduct by state employees, contractors.

(1) When the secretary has reasonable cause to believe that sexual intercourse or sexual contact between an employee and an inmate has occurred, notwithstanding any rule adopted under chapter 41.06 RCW the secretary shall immediately suspend the employee.

(2) The secretary shall immediately institute proceedings to terminate the employment of any person:

(a) Who is found by the department, based on a preponderance of the evidence, to have had sexual intercourse or sexual contact with the inmate; or

(b) Upon a guilty plea or conviction for any crime specified in chapter 9A.44 RCW when the victim was an inmate.

(3) When the secretary has reasonable cause to believe that sexual intercourse or sexual contact between the employee of a contractor and an inmate has occurred, the secretary shall require the employee of a contractor to be immediately removed from any employment position which would permit the employee to have any access to any inmate.

(4) The secretary shall disqualify for employment with a contractor in any position with access to an inmate, any person:

(a) Who is found by the department, based on a preponderance of the evidence, to have had sexual intercourse or sexual contact with the inmate; or

(b) Upon a guilty plea or conviction for any crime specified in chapter 9A.44 RCW when the victim was an inmate.

(5) The secretary, when considering the renewal of a contract with a contractor who has taken action under subsection (3) or (4) of this section, shall require the contractor to demonstrate that there has been significant progress made in reducing the likelihood that any of its employees will have sexual intercourse or sexual contact with an inmate. The secretary shall examine whether the contractor has taken steps to improve hiring, training, and monitoring practices and whether the employee remains with the contractor. The secretary shall

not renew a contract unless he or she determines that significant progress has been made.

(6) (a) For the purposes of RCW 50.20.060, a person terminated under this section shall be considered discharged for misconduct.

(b) (i) The department may, within its discretion or upon request of any member of the public, release information to an individual or to the public regarding any person or contract terminated under this section.

(ii) An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470 is immune from civil liability for damages for any discretionary release of relevant and necessary information, unless it is shown that the official, employee, or agency acted with gross negligence or in bad faith. The immunity provided under this section applies to the release of relevant and necessary information to other public officials, public employees, or public agencies, and to the public.

(iii) Except as provided in chapter 42.56 RCW, or elsewhere, nothing in this section shall impose any liability upon a public official, public employee, or public agency for failing to release information authorized under this section. Nothing in this section implies that information regarding persons designated in subsection (2) of this section is confidential except as may otherwise be provided by law.

(7) The department shall adopt rules to implement this section. The rules shall reflect the legislative intent that this section prohibits individuals who are employed by the department or a contractor of the department from having sexual intercourse or sexual contact with inmates. The rules shall also reflect the legislative intent that when a person is employed by the department or a contractor of the department, and has sexual intercourse or sexual contact with an inmate against the employed person's will, the termination provisions of this section shall not be invoked.

(8) As used in this section:

(a) "Contractor" includes all subcontractors of a contractor;

(b) "Inmate" means an inmate as defined in RCW 72.09.015 or a person under the supervision of the department; and

(c) "Sexual intercourse" and "sexual contact" have the meanings provided in RCW 9A.44.010. [2005 c 274 s 348; 1999 c 72 s 2.]

Application—1999 c 72: See note following RCW 13.40.570.

RCW 72.09.230 Duties continued during transition. All state officials required to maintain contact with or provide services to the department or secretary of social and health services relating to adult corrections shall continue to perform the services for the department of corrections.

In order to ease the transition of adult corrections to the department of corrections, the governor may require an interagency agreement between the department and the department of social and health services under which the department of social and health services would, on a temporary basis, continue to perform all or part of any specified function of the department of corrections. [1981 c 136 s 34.]

RCW 72.09.240 Reimbursement of employees for offender assaults.

(1) In recognition of prison overcrowding and the hazardous nature of employment in state correctional institutions and offices, the legislature hereby provides a supplementary program to reimburse employees of the department of corrections and the department of natural resources for some of their costs attributable to their being the victims of offender assaults. This program shall be limited to the reimbursement provided in this section.

(2) An employee is only entitled to receive the reimbursement provided in this section if the secretary of corrections or the commissioner of public lands, or the secretary's or commissioner's designee, finds that each of the following has occurred:

(a) An offender has assaulted the employee while the employee is performing the employee's official duties and as a result thereof the employee has sustained injuries which have required the employee to miss days of work; and

(b) The assault cannot be attributable to any extent to the employee's negligence, misconduct, or failure to comply with any rules or conditions of employment.

(3) The reimbursement authorized under this section shall be as follows:

(a) The employee's accumulated sick leave days shall not be reduced for the workdays missed;

(b) For each workday missed for which the employee is not eligible to receive compensation under chapter 51.32 RCW, the employee shall receive full pay; and

(c) In respect to workdays missed for which the employee will receive or has received compensation under chapter 51.32 RCW, the employee shall be reimbursed in an amount which, when added to that compensation, will result in the employee receiving full pay for the workdays missed.

(4) Reimbursement under this section may not continue longer than three hundred sixty-five consecutive days after the date of the injury or the date of termination of time loss benefits related to the assault by the department of labor and industries, whichever is later.

(5) The employee shall not be entitled to the reimbursement provided in subsection (3) of this section for any workday for which the secretary or the commissioner of public lands, or the secretary's or commissioner's designee, finds that the employee has not diligently pursued his or her compensation remedies under chapter 51.32 RCW.

(6) The reimbursement shall only be made for absences which the secretary or the commissioner of public lands, or the secretary's or commissioner's designee, believes are justified.

(7) While the employee is receiving reimbursement under this section, he or she shall continue to be classified as a state employee and the reimbursement amount shall be considered as salary or wages.

(8) All reimbursement payments required to be made to employees under this section shall be made by the department of corrections or the department of natural resources. The payments shall be considered as a salary or wage expense and shall be paid by the department of corrections or the department of natural resources in the same manner and from the same appropriations as other salary and wage expenses of the department of corrections or the department of natural resources.

(9) Should the legislature revoke the reimbursement authorized under this section or repeal this section, no affected employee is entitled thereafter to receive the reimbursement as a matter of contractual right.

(10) For the purposes of this section, "offender" means: (a) Offender as defined in RCW 9.94A.030; and (b) any other person in the custody of or subject to the jurisdiction of the department of corrections. [2016 c 8 s 1; 2002 c 77 s 2; 1988 c 149 s 1; 1984 c 246 s 9.]

Severability—1984 c 246: See note following RCW 9.94A.870.

RCW 72.09.251 Communicable disease prevention guidelines. (1) The department shall develop and implement policies and procedures for the uniform distribution of communicable disease prevention guidelines to all corrections staff who, in the course of their regularly assigned job responsibilities, may come within close physical proximity to offenders with communicable diseases.

(2) The guidelines shall identify special precautions necessary to reduce the risk of transmission of communicable diseases.

(3) For the purposes of this section, "communicable disease" means sexually transmitted diseases, as defined in RCW 70.24.017, diseases caused by blood-borne pathogens, or any other illness caused by an infectious agent that can be transmitted from one person, animal, or object to another person by direct or indirect means including transmission via an intermediate host or vector, food, water, or air. [1997 c 345 s 4.]

Findings—Intent—1997 c 345: See note following RCW 70.24.340.

RCW 72.09.260 Litter cleanup programs—Requirements. (1) The department shall assist local units of government in establishing community restitution programs for litter cleanup. Community restitution litter cleanup programs must include the following: (a) Procedures for documenting the number of community restitution hours worked in litter cleanup by each offender; (b) plans to coordinate litter cleanup activities with local governmental entities responsible for roadside and park maintenance; (c) insurance coverage for offenders during litter cleanup activities pursuant to RCW 51.12.045; (d) provision of adequate safety equipment and, if needed, weather protection gear; and (e) provision for including felons and misdemeanants in the program.

(2) Community restitution programs established under this section shall involve, but not be limited to, persons convicted of nonviolent, drug-related offenses.

(3) Nothing in this section shall diminish the department's authority to place offenders in community restitution programs or to determine the suitability of offenders for specific programs.

(4) As used in this section, "litter cleanup" includes cleanup and removal of solid waste that is illegally dumped. [2002 c 175 s 50; 1990 c 66 s 2.]

Effective date—2002 c 175: See note following RCW 7.80.130.

Findings—Intent—1990 c 66: "The legislature finds that the amount of litter along the state's roadways is increasing at an alarming rate and that local governments often lack the human and fiscal resources to remove litter from public roads. The legislature

also finds that persons committing nonviolent, drug-related offenses can often be productively engaged through programs to remove litter from county and municipal roads. It is therefore the intent of the legislature to assist local units of government in establishing community restitution programs for litter cleanup and to establish a funding source for such programs." [2002 c 175 s 51; 1990 c 66 s 1.]

RCW 72.09.270 Individual reentry plan. (1) The department of corrections shall develop an individual reentry plan as defined in RCW 72.09.015 for every incarcerated individual who is committed to the jurisdiction of the department except:

(a) Incarcerated individuals who are sentenced to life without the possibility of release or sentenced to death under *chapter 10.95 RCW; and

(b) Incarcerated individuals who are subject to the provisions of 8 U.S.C. Sec. 1227.

(2) The individual reentry plan may be one document, or may be a series of individual plans that combine to meet the requirements of this section.

(3) In developing individual reentry plans, the department shall assess all incarcerated individuals using standardized and comprehensive tools to identify the criminogenic risks, programmatic needs, and educational and vocational skill levels for each incarcerated individual. The assessment tool should take into account demographic biases, such as culture, age, and gender, as well as the needs of the incarcerated individual, including any learning disabilities, substance abuse or mental health issues, and social or behavior challenges.

(4) (a) The initial assessment shall be conducted as early as sentencing, but, whenever possible, no later than forty-five days of being sentenced to the jurisdiction of the department of corrections.

(b) The incarcerated individual's individual reentry plan shall be developed as soon as possible after the initial assessment is conducted, but, whenever possible, no later than sixty days after completion of the assessment, and shall be periodically reviewed and updated as appropriate.

(5) The individual reentry plan shall, at a minimum, include:

(a) A plan to maintain contact with the incarcerated individual's children and family, if appropriate. The plan should determine whether parenting classes, or other services, are appropriate to facilitate successful reunification with the incarcerated individual's children and family;

(b) An individualized portfolio for each incarcerated individual that includes the incarcerated individual's education achievements, certifications, employment, work experience, skills, and any training received prior to and during incarceration; and

(c) A plan for the incarcerated individual during the period of incarceration through reentry into the community that addresses the needs of the incarcerated individual including education, employment, substance abuse treatment, mental health treatment, family reunification, and other areas which are needed to facilitate a successful reintegration into the community.

(6) (a) Prior to discharge of any incarcerated individual, the department shall:

(i) Evaluate the incarcerated individual's needs and, to the extent possible, connect the incarcerated individual with existing services and resources that meet those needs;

(ii) Connect the incarcerated individual with a community justice center and/or community transition coordination network in the area in which the incarcerated individual will be residing once released from the correctional system if one exists; and

(iii) Ensure that every consenting incarcerated individual confined in a department of corrections facility for 60 days or longer possesses a valid identicard or driver's license, issued by the department of licensing under chapter 46.20 RCW, prior to the individual's release to the community. Issuance of the identicard or driver's license must not cause a delay in the incarcerated individual's release to the community or transfer to partial confinement. The department must:

(A) Pay any application fee required for obtaining the identicard;

(B) Provide a photo of the incarcerated individual for use on the identicard under RCW 46.20.035(1), which upon request of the individual must be a different photo than the individual's mug shot and not indicate that the individual was incarcerated at the time of the photo; and

(C) Obtain a signature from the individual that is acceptable to the department of licensing to use for an identicard or driver's license.

(b) If the department recommends partial confinement in an incarcerated individual's individual reentry plan, the department shall maximize the period of partial confinement for the incarcerated individual as allowed pursuant to RCW 9.94A.728 to facilitate the incarcerated individual's transition to the community.

(7) The department shall establish mechanisms for sharing information from individual reentry plans to those persons involved with the incarcerated individual's treatment, programming, and reentry, when deemed appropriate. When feasible, this information shall be shared electronically.

(8)(a) In determining the county of discharge for an incarcerated individual released to community custody, the department may approve a residence location that is not in the incarcerated individual's county of origin if the department determines that the residence location would be appropriate based on any court-ordered condition of the incarcerated individual's sentence, victim safety concerns, and factors that increase opportunities for successful reentry and long-term support including, but not limited to, location of family or other sponsoring persons or organizations that will support the incarcerated individual, ability to complete an educational program that the incarcerated individual is enrolled in, availability of appropriate programming or treatment, and access to housing, employment, and prosocial influences on the person in the community.

(b) In implementing the provisions of this subsection, the department shall approve residence locations in a manner that will not cause any one county to be disproportionately impacted.

(c) If the incarcerated individual is not returned to his or her county of origin, the department shall provide the law and justice council of the county in which the incarcerated individual is placed with a written explanation.

(d)(i) For purposes of this section, except as provided in

(d)(ii) of this subsection, the incarcerated individual's county of

origin means the county of the incarcerated individual's residence at the time of the incarcerated individual's first felony conviction in Washington state.

(ii) If the incarcerated individual is a homeless person as defined in RCW 43.185C.010, or the incarcerated individual's residence is unknown, then the incarcerated individual's county of origin means the county of the incarcerated individual's first felony conviction in Washington state.

(9) Nothing in this section creates a vested right in programming, education, or other services. [2024 c 315 s 1; 2021 c 200 s 3; 2008 c 231 s 48; 2007 c 483 s 203.]

***Reviser's note:** RCW 10.95.040 through 10.95.901 relating to "death sentence" was repealed by 2023 c 102 s 21.

Effective date—2024 c 315: "This act takes effect January 1, 2025." [2024 c 315 s 8.]

Intent—Application—Application of repealers—Effective date—2008 c 231: See notes following RCW 9.94A.701.

Severability—2008 c 231: See note following RCW 9.94A.500.

Intent—2007 c 483: "Individual reentry plans are intended to be a tool for the department of corrections to identify the needs of an offender. Individual reentry plans are meant to assist the department in targeting programming and services to offenders with the greatest need and to the extent that those services are funded and available. The state cannot meet every need that may have contributed to every offender's criminal proclivities. Further, an individual reentry plan, and the programming resulting from that plan, are not a guarantee that an offender will not recidivate. Rather, the legislature intends that by identifying offender needs and offering programs that have been proven to reduce the likelihood of reoffense, the state will benefit by an overall reduction in recidivism." [2007 c 483 s 201.]

Findings—2007 c 483: See RCW 72.78.005.

RCW 72.09.275 Duty to notify of process for restoration of voting rights. (1) The department shall notify a person, in writing, of the process for restoration of voting rights, as described in RCW 29A.08.520, prior to the release from, or transfer to partial confinement from, total confinement under the jurisdiction of the department of corrections unless a person is being released from a department of corrections facility to an out-of-state jurisdiction or federal detention center, pursuant to a felony conviction. The department shall also provide the person with:

(a) A voter registration form and written instructions for returning the form by mail; and

(b) Written information regarding registering to vote in person and electronically.

(2) For purposes of this section:

(a) A sentence of total confinement does not include confinement imposed as a sanction for a community custody violation under RCW 9.94A.633(1).

(b) "Total confinement" has the same meaning as in RCW 9.94A.030. [2021 c 10 s 7; 2019 c 43 s 1.]

Effective date—2021 c 10: See note following RCW 29A.08.520.

RCW 72.09.280 Community justice centers. (1) The department shall continue to establish community justice centers throughout the state for the purpose of providing comprehensive services and monitoring for offenders who are reentering the community.

(2) For the purposes of this chapter, "community justice center" is defined as a nonresidential facility staffed primarily by the department in which recently released offenders may access services necessary to improve their successful reentry into the community. Such services may include but are not limited to, those listed in the individual reentry plan, mental health, chemical dependency, sex offender treatment, anger management, parenting education, financial literacy, housing assistance, and employment assistance.

(3) At a minimum, the community justice center shall include:

(a) A violator program to allow the department to utilize a range of available sanctions for offenders who violate conditions of their supervision;

(b) An employment opportunity program to assist an offender in finding employment; and

(c) Resources for connecting offenders with services such as treatment, transportation, training, family reunification, and community services.

(4) In addition to any other programs or services offered by a community justice center, the department shall designate a transition coordinator to facilitate connections between the former offender and the community. The department may designate transition coordination services to be provided by a community transition coordination network pursuant to *RCW 72.78.030 if one has been established in the community where the community justice center is located and the department has entered into a memorandum of understanding with the county to share resources.

(5) The transition coordinator shall provide information to former offenders regarding services available to them in the community regardless of the length of time since the offender's release from the correctional facility. The transition coordinator shall, at a minimum, be responsible for the following:

(a) Gathering and maintaining information regarding services currently existing within the community that are available to offenders including, but not limited to:

(i) Programs offered through the department of social and health services, the department of health, the department of licensing, housing authorities, local community and technical colleges, other state or federal entities which provide public benefits, and nonprofit entities;

(ii) Services such as housing assistance, employment assistance, education, vocational training, parent education, financial literacy, treatment for substance abuse, mental health, anger management, and any other service or program that will assist the former offender to successfully transition into the community;

(b) Coordinating access to the existing services with the community providers and provide offenders with information regarding

how to access the various type of services and resources that are available in the community.

(6) (a) A minimum of six community justice centers shall be operational by December 1, 2009. The six community justice centers include those in operation on July 22, 2007.

(b) By December 1, 2011, the department shall establish a minimum of three additional community justice centers within the state.

(7) In locating new centers, the department shall:

(a) Give priority to the counties with the largest population of offenders who were under the jurisdiction of the department of corrections and that do not already have a community justice center;

(b) Ensure that at least two centers are operational in eastern Washington; and

(c) Comply with RCW 72.09.290 and all applicable zoning laws and regulations.

(8) Before beginning the siting or opening of the new community justice center, the department shall:

(a) Notify the city, if applicable, and the county within which the community justice center is proposed. Such notice shall occur at least sixty days prior to selecting a specific location to provide the services listed in this section;

(b) Consult with the community providers listed in subsection (5) of this section to determine if they have the capacity to provide services to offenders through the community justice center; and

(c) Give due consideration to all comments received in response to the notice of the start of site selection and consultation with community providers.

(9) The department shall make efforts to enter into memoranda of understanding or agreements with the local community policing and supervision programs as defined in RCW 72.78.010 in which the community justice center is located to address:

(a) Efficiencies that may be gained by sharing space or resources in the provision of reentry services to offenders, including services provided through a community transition coordination network established pursuant to *RCW 72.78.030 if a network has been established in the county;

(b) Mechanisms for communication of information about offenders, including the feasibility of shared access to databases;

(c) Partnerships to establish neighborhood corrections initiatives between the department of corrections and local police to supervise offenders.

(i) A neighborhood corrections initiative includes shared mechanisms to facilitate supervision of offenders which may include activities such as joint emphasis patrols to monitor high-risk offenders, service of bench and secretary warrants and detainers, joint field visits, connecting offenders with services, and, where appropriate, directing offenders into sanction alternatives in lieu of incarceration.

(ii) The agreement must address:

(A) The roles and responsibilities of police officers and corrections staff participating in the partnership; and

(B) The amount of corrections staff and police officer time that will be dedicated to partnership efforts. [2007 c 483 s 302.]

***Reviser's note:** RCW 72.78.030 expired June 30, 2013.

Findings—2007 c 483: See RCW 72.78.005.

RCW 72.09.285 Rental voucher list—Housing providers. (1) A housing provider may be placed on a list with the department to receive rental vouchers under RCW 9.94A.729 in accordance with the provisions of this section.

(2) For living environments with between four and eight beds, or a greater number of individuals if permitted by local code, the department shall provide transition support that verifies an offender is participating in programming or services including, but not limited to, substance abuse treatment, mental health treatment, sex offender treatment, educational programming, development of positive living skills, or employment programming. In addition, when selecting housing providers, the department shall consider the compatibility of the proposed offender housing with the surrounding neighborhood and underlying zoning. The department shall adopt procedures to limit the concentration of housing providers who provide housing to sex offenders in a single neighborhood or area.

(3) (a) The department shall provide the local law and justice council, county sheriff, or, if such housing is located within a city, a city's chief law enforcement officer with notice anytime a housing provider or new housing location requests to be or is added to the list within that county.

(b) The county or city local government may provide the department with a community impact statement, which includes the number and location of other special needs housing in the neighborhood and a review of services and supports in the area to assist offenders in their transition. If a community impact statement is provided to the department within twenty-five business days of the notice of a new housing provider or housing location request, the department shall consider the community impact statement in determining whether to add the provider to the list and, if the provider is added, shall include the community impact statement in the notice that a provider is added to the list within that county.

(4) If a certificate of inspection, as provided in RCW 59.18.125, is required by local regulation and the local government does not have a current certificate of inspection on file, the local government shall have ten business days from the later of (a) receipt of notice from the department as provided in subsection (3) of this section; or (b) the date the local government is given access to the dwelling unit to conduct an inspection or reinspection to issue a certificate. This section is deemed satisfied if a local government does not issue a timely certificate of inspection.

(5) (a) If, within ten business days of receipt of a notice from the department of a new location or new housing provider, the county or city determines that the housing is in a neighborhood with an existing concentration of special needs housing, including but not limited to offender reentry housing, retirement homes, assisted living, emergency or transitional housing, or adult family homes, the county or city may request that the department program administrator remove the new location or new housing provider from the list.

(b) This subsection does not apply to housing providers approved by the department to receive rental vouchers on July 28, 2013.

(6) The county or city may at any time request a housing provider be removed from the list if it provides information to the department that:

(a) It has determined that the housing does not comply with state and local fire and building codes or applicable zoning and development

regulations in effect at the time the housing provider first began receiving housing vouchers; or

(b) The housing provider is not complying with the provisions of this section.

(7) After receiving a request to remove a housing provider from the county or city, the department shall immediately notify the provider of the concerns and request that the provider demonstrate that it is in compliance with the provisions of this section. If, after ten days' written notice, the housing provider cannot demonstrate to the department that it is in compliance with the reasons for the county's or city's request for removal, the department shall remove the housing provider from the list.

(8) A housing provider who provides housing pursuant to this section is not liable for civil damages arising from the criminal conduct of an offender to any greater extent than a regular tenant, and no special duties are created under this section. [2017 c 141 s 1; 2013 c 266 s 2.]

RCW 72.09.290 Correctional facility siting list. (1) No later than July 1, 2007, and every biennium thereafter starting with the biennium beginning July 1, 2009, the department shall prepare a list of counties and rural multicounty geographic areas in which work release facilities, community justice centers and other community-based correctional facilities are anticipated to be sited during the next three fiscal years and transmit the list to the office of financial management and the counties on the list. The list may be updated as needed.

(2) In preparing the list, the department shall make substantial efforts to provide for the equitable distribution of work release, community justice centers, or other community-based correctional facilities among counties. The department shall give great weight to the following factors in determining equitable distribution:

(a) The locations of existing residential facilities owned or operated by, or operated under contract with, the department in each county;

(b) The number and proportion of adult offenders sentenced to the custody or supervision of the department by the courts of the county or rural multicounty geographic area; and

(c) The number of adult registered sex offenders classified as level II or III and adult sex offenders registered per thousand persons residing in the county.

(3) For purposes of this section, "equitable distribution" means siting or locating work release, community justice centers, or other community-based correctional facilities in a manner that reasonably reflects the proportion of offenders sentenced to the custody or supervision of the department by the courts of each county or rural multicounty geographic area designated by the department, and, to the extent practicable, the proportion of offenders residing in particular jurisdictions or communities within such counties or rural multicounty geographic areas. Equitable distribution is a policy goal, not a basis for any legal challenge to the siting, construction, occupancy, or operation of any facility anywhere in the state. [2007 c 483 s 303.]

Findings—2007 c 483: See RCW 72.78.005.

RCW 72.09.300 Local law and justice council—Rules. (1) Every county legislative authority shall by resolution or ordinance establish a local law and justice council. The county legislative authority shall determine the size and composition of the council, which shall include the county sheriff and a representative of the municipal police departments within the county, the county prosecutor and a representative of the municipal prosecutors within the county, a representative of the city legislative authorities within the county, a representative of the county's superior, juvenile, district, and municipal courts, the county jail administrator, the county clerk, the county risk manager, and the secretary of corrections and his or her designees. Officials designated may appoint representatives.

(2) A combination of counties may establish a local law and justice council by intergovernmental agreement. The agreement shall comply with the requirements of this section.

(3) The local law and justice council may address issues related to:

(a) Maximizing local resources including personnel and facilities, reducing duplication of services, and sharing resources between local and state government in order to accomplish local efficiencies without diminishing effectiveness;

(b) Jail management;

(c) Mechanisms for communication of information about offenders, including the feasibility of shared access to databases; and

(d) Partnerships between the department and local community policing and supervision programs to facilitate supervision of offenders under the respective jurisdictions of each and timely response to an offender's failure to comply with the terms of supervision.

(4) The county legislative authority may request technical assistance in coordinating services with other units or agencies of state or local government, which shall include the department, the office of financial management, and the Washington association of sheriffs and police chiefs.

(5) Upon receiving a request for assistance from a county, the department may provide the requested assistance.

(6) The secretary may adopt rules for the submittal, review, and approval of all requests for assistance made to the department. [2007 c 483 s 108; 1996 c 232 s 7; 1994 sp.s. c 7 s 542; 1993 sp.s. c 21 s 8; 1991 c 363 s 148; 1987 c 312 s 3.]

Findings—2007 c 483: See RCW 72.78.005.

Effective dates—1996 c 232: See note following RCW 13.40.030.

Finding—Intent—Severability—1994 sp.s. c 7: See notes following RCW 43.70.540.

Application—1994 sp.s. c 7 ss 540–545: See note following RCW 13.50.010.

Effective dates—1993 sp.s. c 21: See note following RCW 82.14.310.

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

Purpose—1987 c 312 s 3: "It is the purpose of RCW 72.09.300 to encourage local and state government to join in partnerships for the sharing of resources regarding the management of offenders in the correctional system. The formation of partnerships between local and state government is intended to reduce duplication while assuring better accountability and offender management through the most efficient use of resources at both the local and state level." [1987 c 312 s 1.]

RCW 72.09.310 Community custody violator. An inmate in community custody who willfully discontinues making himself or herself available to the department for supervision by making his or her whereabouts unknown or by failing to maintain contact with the department as directed by the community corrections officer shall be deemed an escapee and fugitive from justice, and upon conviction shall be guilty of a class C felony under chapter 9A.20 RCW. [1992 c 75 s 6; 1988 c 153 s 6.]

Effective date—Application of increased sanctions—1988 c 153:
See notes following RCW 9.94A.030.

RCW 72.09.311 Confinement of community custody violators. (1) The department of corrections shall conduct an analysis of the necessary capacity throughout the state to appropriately confine offenders who violate community custody and formulate recommendations for future capacity. In conducting its analysis, the department must consider:

- (a) The need to decrease reliance on local correctional facilities to house violators; and
- (b) The costs and benefits of developing a violator treatment center to provide inpatient treatment, therapies, and counseling.

(2) If the department recommends locating or colocating new violator facilities, for jurisdictions planning under RCW 36.70A.040, the department shall work within the local jurisdiction's comprehensive plan process for identifying and siting an essential public facility under RCW 36.70A.200. For jurisdictions not planning under RCW 36.70A.040, the department shall apply the local jurisdiction's zoning or applicable land use code.

(3) The department shall report the results of its analysis to the governor and the appropriate committees of the legislature by November 15, 2008.

(4) To the extent possible within existing funds, the department is authorized to proceed with the conversion of existing facilities that are appropriate to house violators. [2008 c 30 s 1.]

RCW 72.09.312 Community custody violations—Data and information—Report to the governor and legislature. (1) The department shall track and collect data and information on violations of community custody conditions and the sanctions imposed for violations under RCW 9.94A.737, which includes, but is not limited to, the following:

- (a) The number and types of high level violations and the types of sanctions imposed, including term lengths for confinement sanctions;

(b) The number and types of low level violations and the types of sanctions imposed, including nonconfinement sanctions, confinement sanctions, and term lengths for confinement sanctions;

(c) The circumstances and frequency at which low level violations are elevated to high level violations under RCW 9.94A.737(2)(b);

(d) The number of warrants issued for violations;

(e) The number of violations resulting in confinement under RCW 9.94A.737(5), including the length of the confinement, the number of times new charges are filed, and the number of times the department received written notice that new charges would not be filed;

(f) Trends in the rate of violations, including the rate of all violations, high level violations, and low level violations; and

(g) Trends in the rate of confinement, including frequency of confinement sanctions and average stays.

(2) The department shall submit a report with a summary of the data and information collected under this section, including statewide and regional trends, to the governor and appropriate committees of the legislature by November 1, 2021, and every November 1st of each year thereafter. [2020 c 82 s 4.]

Appropriation—Report—2020 c 82: See note following RCW 9.94A.737.

RCW 72.09.315 Court-ordered treatment—Violations—Required notifications. (1) When an offender is under court-ordered mental health or chemical dependency treatment in the community and the supervision of the department of corrections, and the community corrections officer becomes aware that the person is in violation of the terms of the court's treatment order, the community corrections officer shall notify the designated crisis responder, as appropriate, of the violation and request an evaluation for purposes of revocation of the less restrictive alternative or conditional release.

(2) When a designated crisis responder notifies the department that an offender in a state correctional facility is the subject of a petition for involuntary treatment under chapter 71.05 RCW, the department shall provide documentation of its risk assessment or other concerns to the petitioner and the court if the department classified the offender as a high risk or high-needs offender. [2016 sp.s. c 29 s 426; 2004 c 166 s 17.]

Effective dates—2016 sp.s. c 29: See note following RCW 71.05.760.

Short title—Right of action—2016 sp.s. c 29: See notes following RCW 71.05.010.

Severability—Effective dates—2004 c 166: See notes following RCW 71.05.040.

RCW 72.09.320 Community placement—Liability. The state of Washington, the department and its employees, community corrections officers, their staff, and volunteers who assist community corrections officers in the community placement program are not liable for civil damages resulting from any act or omission in the rendering of

community placement activities unless the act or omission constitutes gross negligence. For purposes of this section, "volunteers" is defined according to RCW 51.12.035. [1988 c 153 s 10.]

Effective date—Application of increased sanctions—1988 c 153:
See notes following RCW 9.94A.030.

RCW 72.09.330 Sex offenders and kidnapping offenders—Registration—Notice to persons convicted of sex offenses and kidnapping offenses. (1) The department shall provide written notification to an inmate convicted of a sex offense or kidnapping offense of the registration requirements of RCW 9A.44.130 at the time of the inmate's release from confinement and shall receive and retain a signed acknowledgment of receipt.

(2) The department shall provide written notification to an individual convicted of a sex offense or kidnapping offense from another state of the registration requirements of RCW 9A.44.130 at the time the department accepts supervision and has legal authority of the individual under the terms and conditions of the interstate compact agreement under RCW 9.95.270. [1997 c 113 s 8; 1990 c 3 s 405.]

Reviser's note: The definitions in RCW 9A.44.128 apply to this section.

Findings—1997 c 113: See note following RCW 4.24.550.

Sex offense and kidnapping offense defined: RCW 9A.44.128.

RCW 72.09.333 Sex offenders—Facilities on McNeil Island. The secretary is authorized to operate a correctional facility on McNeil Island for the confinement of sex offenders and other offenders sentenced by the courts, and to make necessary repairs, renovations, additions, and improvements to state property for that purpose, notwithstanding any local comprehensive plans, development regulations, permitting requirements, or any other local laws. Operation of the correctional facility and other state facilities authorized by this section and other law includes access to adequate docking facilities on state-owned tidelands at the town of Steilacoom. [2001 2nd sp.s. c 12 s 202.]

Intent—Severability—Effective dates—2001 2nd sp.s. c 12: See notes following RCW 71.09.250.

RCW 72.09.335 Sex offenders—Treatment assessment and opportunity. (1) The department shall determine placement for sex offender treatment by assessing the offender's risk for sexual reoffense as the primary factor. The department shall offer offenders the opportunity for sex offender treatment during incarceration based on the following priority:

- (a) Offenders who are assessed as high risk for sexual reoffense;
- (b) Offenders sentenced under RCW 9.94A.507 who are assessed as moderate risk for sexual reoffense;

(c) Offenders not sentenced under RCW 9.94A.507 who are assessed as moderate risk for sexual reoffense;

(d) Offenders sentenced under RCW 9.94A.507 who are assessed as low risk for sexual reoffense but whose potential release under RCW 9.95.420 will require participation in sex offender treatment, as determined by the indeterminate sentence review board.

(2) As capacity allows, offenders not sentenced under RCW 9.94A.507 who are assessed as low risk for sexual reoffense may be offered the opportunity for sex offender treatment during incarceration.

(3) This section creates no enforceable right to participate in sex offender treatment. [2017 c 144 s 1; 2009 c 28 s 34; 2001 2nd sp.s. c 12 s 305.]

Effective date—2009 c 28: See note following RCW 2.24.040.

Intent—Severability—Effective dates—2001 2nd sp.s. c 12: See notes following RCW 71.09.250.

Application—2001 2nd sp.s. c 12 ss 301-363: See note following RCW 9.94A.030.

RCW 72.09.337 Sex offenders—Rules regarding. The secretary of corrections, the secretary of social and health services, the secretary of children, youth, and families, and the indeterminate sentence review board may adopt rules to implement chapter 12, Laws of 2001 2nd sp. sess. [2017 3rd sp.s. c 6 s 631; 2001 2nd sp.s. c 12 s 502.]

Effective date—2017 3rd sp.s. c 6 ss 601-631, 701-728, and 804: See note following RCW 13.04.011.

Conflict with federal requirements—2017 3rd sp.s. c 6: See RCW 43.216.908.

Intent—Severability—Effective dates—2001 2nd sp.s. c 12: See notes following RCW 71.09.250.

RCW 72.09.340 Supervision of sex offenders—Public safety—Policy for release plan evaluation and approval—Implementation, publicizing, notice—Rejection of residence locations of felony sex offenders of minor victims—Notice—Supervised visitation considerations. (1) In making all discretionary decisions regarding release plans for and supervision of sex offenders, the department shall set priorities and make decisions based on an assessment of public safety risks.

(2) The department shall have a policy governing the department's evaluation and approval of release plans for sex offenders. The policy shall include, at a minimum, a formal process by which victims, witnesses, and other interested people may provide information and comments to the department on potential safety risks to specific individuals or classes of individuals posed by a specific sex offender. The department shall make all reasonable efforts to publicize the availability of this process through currently existing mechanisms and shall seek the assistance of courts, prosecutors, law

enforcement, and victims' advocacy groups in doing so. Notice of an offender's proposed residence shall be provided to all people registered to receive notice of an offender's release under RCW 72.09.712(2), except that in no case may this notification requirement be construed to require an extension of an offender's release date.

(3) (a) For any offender convicted of a felony sex offense against a minor victim after June 6, 1996, the department shall not approve a residence location if the proposed residence: (i) Includes a minor victim or child of similar age or circumstance as a previous victim who the department determines may be put at substantial risk of harm by the offender's residence in the household; or (ii) is within close proximity of the current residence of a minor victim, unless the whereabouts of the minor victim cannot be determined or unless such a restriction would impede family reunification efforts ordered by the court or directed by the department of social and health services. The department is further authorized to reject a residence location if the proposed residence is within close proximity to schools, child care centers, playgrounds, or other grounds or facilities where children of similar age or circumstance as a previous victim are present who the department determines may be put at substantial risk of harm by the sex offender's residence at that location.

(b) In addition, for any offender prohibited from living in a community protection zone under RCW 9.94A.703(1)(c), the department may not approve a residence location if the proposed residence is in a community protection zone.

(4) At the time of providing notice of a sex offender's proposed residence as provided in subsection (2) of this section, the department shall include notice that a victim or immediate family member of a victim may request that the offender refrain from contacting him or her as a condition of the offender's community custody if that condition is not already provided by court order.

(5) When the department requires supervised visitation as a term or condition of a sex offender's community placement under RCW 9.94B.050(6), the department shall, prior to approving a supervisor, consider the following:

(a) The relationships between the proposed supervisor, the offender, and the minor;

(b) The proposed supervisor's acknowledgment and understanding of the offender's prior criminal conduct, general knowledge of the dynamics of child sexual abuse, and willingness and ability to protect the minor from the potential risks posed by contact with the offender; and

(c) Recommendations made by the department of social and health services about the best interests of the child. [2014 c 35 s 2; 2009 c 28 s 35; 2005 c 436 s 3; 1996 c 215 s 3; 1990 c 3 s 708.]

Reviser's note: 2005 c 436 s 6 (an expiration date section) was repealed by 2006 c 131 s 2.

Effective date—2009 c 28: See note following RCW 2.24.040.

RCW 72.09.345 Sex offenders—Release of information to protect public—End-of-sentence review committee—Assessment—Records access—Review, classification, referral of offenders—Issuance of narrative notices. (1) In addition to any other information required to be released under this chapter, the department is authorized, pursuant to

RCW 4.24.550, to release relevant information that is necessary to protect the public concerning offenders convicted of sex offenses.

(2) In order for law enforcement agencies to have the information necessary to notify the public as authorized in RCW 4.24.550, the secretary shall establish and administer an end-of-sentence review committee for the purposes of assigning risk levels, reviewing available release plans, and making appropriate referrals for sex offenders.

(3) The committee shall assess, on a case-by-case basis, the public risk posed by:

(a) Offenders preparing for release from confinement for a sex offense or sexually violent offense committed on or after July 1, 1984;

(b) Sex offenders accepted from another state under a reciprocal agreement under the interstate corrections compact authorized in chapter 72.74 RCW;

(c) Juveniles preparing for release from confinement for a sex offense and releasing from the department of social and health services juvenile rehabilitation administration;

(d) Juveniles, following disposition, under the jurisdiction of a county juvenile court for a registerable sex offense; and

(e) Juveniles found to have committed a sex offense and accepted from another state under a reciprocal agreement under the interstate compact for juveniles authorized in chapter 13.24 RCW.

(4) Notwithstanding any other provision of law, the committee shall have access to all relevant records and information in the possession of public agencies relating to the offenders under review, including police reports; prosecutors' statements of probable cause; presentence investigations and reports; complete judgments and sentences; current classification referrals; criminal history summaries; violation and disciplinary reports; all psychological evaluations and psychiatric hospital reports; sex offender treatment program reports; and juvenile records. Records and information obtained under this subsection shall not be disclosed outside the committee unless otherwise authorized by law.

(5) The committee shall review each sex offender under its authority before the offender's release from confinement or start of the offender's term of community custody in order to: (a) Classify the offender into a risk level for the purposes of public notification under RCW 4.24.550; (b) where available, review the offender's proposed release plan in accordance with the requirements of RCW 72.09.340; and (c) make appropriate referrals.

(6) The committee shall classify as risk level I those sex offenders whose risk assessments indicate they are at a low risk to sexually reoffend within the community at large. The committee shall classify as risk level II those offenders whose risk assessments indicate they are at a moderate risk to sexually reoffend within the community at large. The committee shall classify as risk level III those offenders whose risk assessments indicate they are at a high risk to sexually reoffend within the community at large.

(7) The committee shall issue to appropriate law enforcement agencies, for their use in making public notifications under RCW 4.24.550, narrative notices regarding the pending release of sex offenders from the department's facilities. The narrative notices shall, at a minimum, describe the identity and criminal history behavior of the offender and shall include the department's risk level classification for the offender. For sex offenders classified as

either risk level II or III, the narrative notices shall also include the reasons underlying the classification. [2015 c 261 s 14; 2011 c 338 s 5; 2008 c 231 s 49; 1997 c 364 s 4.]

Intent—Application—Application of repealers—Effective date—
2008 c 231: See notes following RCW 9.94A.701.

Severability—2008 c 231: See note following RCW 9.94A.500.

Severability—1997 c 364: See note following RCW 4.24.550.

RCW 72.09.350 Corrections mental health center—Collaborative arrangement with University of Washington—Services for offenders with mental illness—Annual report to the legislature. (1) The department of corrections and the University of Washington may enter into a collaborative arrangement to provide improved services for offenders with mental illness with a focus on prevention, treatment, and reintegration into society. The participants in the collaborative arrangement may develop a strategic plan within sixty days after May 17, 1993, to address the management of offenders with mental illness within the correctional system, facilitating their reentry into the community and the mental health system, and preventing the inappropriate incarceration of individuals with mental illness. The collaborative arrangement may also specify the establishment and maintenance of a corrections mental health center located at McNeil Island corrections center. The collaborative arrangement shall require that an advisory panel of key stakeholders be established and consulted throughout the development and implementation of the center. The stakeholders advisory panel shall include a broad array of interest groups drawn from representatives of mental health, criminal justice, and correctional systems. The stakeholders advisory panel shall include, but is not limited to, membership from: The department of corrections, the department of social and health services, the health care authority, behavioral health administrative services organizations, managed care organizations under chapter 74.09 RCW, local and regional law enforcement agencies, the sentencing guidelines commission, county and city jails, mental health advocacy groups for individuals with mental illness or developmental disabilities, the traumatically brain-injured, and the general public. The center established by the department of corrections and University of Washington, in consultation with the stakeholder advisory groups, shall have the authority to:

(a) Develop new and innovative treatment approaches for corrections mental health clients;

(b) Improve the quality of mental health services within the department and throughout the corrections system;

(c) Facilitate mental health staff recruitment and training to meet departmental, county, and municipal needs;

(d) Expand research activities within the department in the area of treatment services, the design of delivery systems, the development of organizational models, and training for corrections mental health care professionals;

(e) Improve the work environment for correctional employees by developing the skills, knowledge, and understanding of how to work with offenders with special chronic mental health challenges;

(f) Establish a more positive rehabilitative environment for offenders;

(g) Strengthen multidisciplinary mental health collaboration between the University of Washington, other groups committed to the intent of this section, and the department of corrections;

(h) Strengthen department linkages between institutions of higher education, public sector mental health systems, and county and municipal corrections;

(i) Assist in the continued formulation of corrections mental health policies;

(j) Develop innovative and effective recruitment and training programs for correctional personnel working with offenders with mental illness;

(k) Assist in the development of a coordinated continuum of mental health care capable of providing services from corrections entry to community return; and

(l) Evaluate all current and innovative approaches developed within this center in terms of their effective and efficient achievement of improved mental health of inmates, development and utilization of personnel, the impact of these approaches on the functioning of correctional institutions, and the relationship of the corrections system to mental health and criminal justice systems. Specific attention should be paid to evaluating the effects of programs on the reintegration of offenders with mental illness into the community and the prevention of inappropriate incarceration of persons with mental illness.

(2) The corrections mental health center may conduct research, training, and treatment activities for the offender with mental illness within selected sites operated by the department. The department shall provide support services for the center such as food services, maintenance, perimeter security, classification, offender supervision, and living unit functions. The University of Washington may develop, implement, and evaluate the clinical, treatment, research, and evaluation components of the mentally ill offender center. The institute of for public policy and management may be consulted regarding the development of the center and in the recommendations regarding public policy. As resources permit, training within the center shall be available to state, county, and municipal agencies requiring the services. Other state colleges, state universities, and mental health providers may be involved in activities as required on a subcontract basis. Community mental health organizations, research groups, and community advocacy groups may be critical components of the center's operations and involved as appropriate to annual objectives. Clients with mental illness may be drawn from throughout the department's population and transferred to the center as clinical need, available services, and department jurisdiction permits.

(3) The department shall prepare a report of the center's progress toward the attainment of stated goals and provide the report to the legislature annually. [2019 c 325 s 5024; 2018 c 201 s 9011; 2014 c 225 s 94; 1993 c 459 s 1.]

Effective date—2019 c 325: See note following RCW 71.24.011.

Findings—Intent—Effective date—2018 c 201: See notes following RCW 41.05.018.

Effective date—2014 c 225: See note following RCW 71.24.016.

Effective date—1993 c 459: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [May 17, 1993]." [1993 c 459 s 2.]

RCW 72.09.355 Provision of behavioral health services—

Inspection—Collaboration with department of health. (1) By July 1, 2026, the department and the department of health shall jointly establish and adopt standards for the provision of behavioral health services to individuals in correctional facilities.

(2) Beginning July 1, 2027, the department shall fully implement the standards adopted under this section when providing behavioral health services to individuals in correctional facilities.

(3) Beginning July 1, 2027, the department of health shall conduct annual inspections to determine compliance by the department with the standards adopted under this section. The department of health shall issue a report documenting any instances of noncompliance to the department. The department shall submit a corrective plan of action to the department of health within 45 days of the presentation of the report for feedback from the department of health on how the department proposes to resolve the noncompliance. The department of health may provide technical assistance to the department with complying with the standards adopted under this section.

(4) By July 1, 2027, the department and the department of health shall enter into an agreement, to be renewed biennially, that shall include, but not be limited to, the following provisions:

(a) The process for the department of health to conduct the annual inspections required under this section; and

(b) Reimbursement to the department of health by the department for costs related to providing technical assistance and conducting the annual inspections required under this section.

(5) By July 20, 2030, and every four years thereafter, the department and the department of health shall jointly review and update the standards adopted under this section as necessary.

(6) The department shall reimburse the department of health for costs related to providing technical assistance and conducting the annual inspections required under this section.

(7) For purposes of this section, "behavioral health services" has the same meaning as provided in RCW 71.24.025. [2025 c 382 s 3.]

Findings—Intent—2025 c 382: See note following RCW 9.94A.662.

RCW 72.09.370 Reentry community services program—Plan for postrelease treatment and support services—Rules. (1) The reentry community services program is established to provide intensive services to persons identified under this subsection and to thereby promote successful reentry, public safety, and recovery. The secretary shall identify persons in confinement or partial confinement who: (a) Are reasonably believed to present a danger to themselves or others if released to the community without supportive services; and (b) have a mental disorder. In evaluating these criteria, the secretary shall consider behavior known to the department and factors, based on

research, that are linked to risk of dangerousness for persons with mental illnesses within the criminal justice system and shall include consideration of the person's history of substance use disorder or abuse.

(2) Prior to release of a person identified under this section, a team consisting of representatives of the department of corrections, the health care authority, and, as necessary, the indeterminate sentence review board, divisions or administrations within the department of social and health services, specifically including the division of developmental disabilities, the appropriate managed care organization or behavioral health administrative services organization, and reentry community services providers, as appropriate, shall develop a plan, as determined necessary by the team, for delivery of treatment and support services to the person upon release. In developing the plan, the person shall be offered assistance in executing a mental health advance directive under chapter 71.32 RCW, after being fully informed of the benefits, scope, and purposes of such directive. The team may include a school district representative for persons under the age of 21. The team shall consult with the person's counsel, if any, and, as appropriate, the person's family and community. The team shall notify the crime victim/witness program, which shall provide notice to all people registered to receive notice under RCW 72.09.712 of the proposed release plan developed by the team. Victims, witnesses, and other interested people notified by the department may provide information and comments to the department on potential safety risk to specific individuals or classes of individuals posed by the specific person. The team may recommend: (a) That the person be evaluated by a designated crisis responder, as defined in chapter 71.05 RCW; (b) department-supervised community treatment; or (c) voluntary community mental health or substance use disorder or abuse treatment.

(3) Prior to release of a person identified under this section, the team shall determine whether or not an evaluation by a designated crisis responder is needed. If an evaluation is recommended, the supporting documentation shall be immediately forwarded to the appropriate designated crisis responder. The supporting documentation shall include the person's criminal history, history of judicially required or administratively ordered involuntary antipsychotic medication while in confinement, and any known history of involuntary civil commitment.

(4) If an evaluation by a designated crisis responder is recommended by the team, such evaluation shall occur not more than ten days, nor less than five days, prior to release.

(5) A second evaluation by a designated crisis responder shall occur on the day of release if requested by the team, based upon new information or a change in the person's mental condition, and the initial evaluation did not result in an emergency detention or a summons under chapter 71.05 RCW.

(6) If the designated crisis responder determines an emergency detention under chapter 71.05 RCW is necessary, the department shall release the person only to a state hospital or to a consenting evaluation and treatment facility or secure withdrawal management and stabilization facility. The department shall arrange transportation of the person to the hospital or facility.

(7) If the designated crisis responder believes that a less restrictive alternative treatment is appropriate, he or she shall seek a summons, pursuant to the provisions of chapter 71.05 RCW, to require

the person to appear at an evaluation and treatment facility or secure withdrawal management and stabilization facility. If a summons is issued, the person shall remain within the corrections facility until completion of his or her term of confinement and be transported, by corrections personnel on the day of completion, directly to the identified facility.

(8) The secretary shall adopt rules to implement this section. [2021 c 243 s 6; 2019 c 325 s 5025; 2018 c 201 s 9012; 2016 sp.s. c 29 s 427; 2014 c 225 s 95. Prior: 2009 c 319 s 3; 2009 c 28 s 36; 2001 2nd sp.s. c 12 s 362; 1999 c 214 s 2.]

Findings—2021 c 243: See note following RCW 74.09.670.

Effective date—2019 c 325: See note following RCW 71.24.011.

Findings—Intent—Effective date—2018 c 201: See notes following RCW 41.05.018.

Effective dates—2016 sp.s. c 29: See note following RCW 71.05.760.

Short title—Right of action—2016 sp.s. c 29: See notes following RCW 71.05.010.

Effective date—2014 c 225: See note following RCW 71.24.016.

Effective date—2009 c 28: See note following RCW 2.24.040.

Intent—Severability—Effective dates—2001 2nd sp.s. c 12: See notes following RCW 71.09.250.

Application—2001 2nd sp.s. c 12 ss 301-363: See note following RCW 9.94A.030.

Intent—1999 c 214: "The legislature intends to improve the process of identifying, and providing additional mental health treatment for, persons: (1) Determined to be dangerous to themselves or others as a result of a mental disorder or a combination of a mental disorder and chemical dependency or abuse; and (2) under, or being released from, confinement or partial confinement of the department of corrections.

The legislature does not create a presumption that any person subject to the provisions of this act is dangerous as a result of a mental disorder or chemical dependency or abuse. The legislature intends that every person subject to the provisions of this act retain the amount of liberty consistent with his or her condition, behavior, and legal status and that any restraint of liberty be done solely on the basis of forensic and clinical practices and standards." [1999 c 214 s 1.]

Effective date—1999 c 214: "Sections 1, 2, and 4 through 9 of this act take effect March 15, 2000." [1999 c 214 s 12.]

RCW 72.09.380 Rule making—Medicaid—Secretary of corrections—Director of health care authority. The secretary of the department of

corrections and the director of the health care authority shall adopt rules and develop working agreements which will ensure that offenders identified under RCW 72.09.370(1) will be assisted in making application for medicaid to facilitate a decision regarding their eligibility for such entitlements prior to the end of their term of confinement in a correctional facility. [2018 c 201 s 9013; 1999 c 214 s 3.]

Findings—Intent—Effective date—2018 c 201: See notes following RCW 41.05.018.

Intent—1999 c 214: See note following RCW 72.09.370.

RCW 72.09.381 Rule making—Chapter 214, Laws of 1999—Secretary of corrections—Director of health care authority. The secretary of the department of corrections and the director of the health care authority shall, in consultation with the behavioral health administrative services organizations, managed care organizations contracted with the health care authority, and provider representatives, each adopt rules as necessary to implement chapter 214, Laws of 1999. [2019 c 325 s 5026; 2018 c 201 s 9014; 2014 c 225 s 96; 1999 c 214 s 11.]

Effective date—2019 c 325: See note following RCW 71.24.011.

Findings—Intent—Effective date—2018 c 201: See notes following RCW 41.05.018.

Effective date—2014 c 225: See note following RCW 71.24.016.

Intent—1999 c 214: See note following RCW 72.09.370.

RCW 72.09.400 Work ethic camp program—Findings—Intent. The legislature finds that high crime rates and a heightened sense of vulnerability have led to increased public pressure on criminal justice officials to increase offender punishment and remove the most dangerous criminals from the streets. As a result, there is unprecedented growth in the corrections populations and overcrowding of prisons and local jails. Skyrocketing costs and high rates of recidivism have become issues of major public concern. Attention must be directed towards implementing a long-range corrections strategy that focuses on inmate responsibility through intensive work ethic training.

The legislature finds that many offenders lack basic life skills and have been largely unaffected by traditional correctional philosophies and programs. In addition, many first-time offenders who enter the prison system learn more about how to be criminals than the important qualities, values, and skills needed to successfully adapt to a life without crime.

The legislature finds that opportunities for offenders to improve themselves are extremely limited and there has not been adequate emphasis on alternatives to total confinement for nonviolent offenders.

The legislature finds that the explosion of drug crimes since the inception of the sentencing reform act and the response of the criminal justice system have resulted in a much higher proportion of substance abuse-affected offenders in the state's prisons and jails. The needs of this population differ from those of other offenders and present a great challenge to the system. The problems are exacerbated by the shortage of drug treatment and counseling programs both in and outside of prisons.

The legislature finds that the concept of a work ethic camp that requires the offender to complete an appropriate and balanced combination of highly structured and goal-oriented work programs such as correctional industries based work camps and/or class I and class II work projects, drug rehabilitation, and intensive life management work ethic training, can successfully reduce offender recidivism and lower the overall cost of incarceration.

It is the purpose and intent of RCW 72.09.400 through *72.09.420, 9.94A.690, and **section 5, chapter 338, Laws of 1993 to implement a regimented work ethic camp that is designed to directly address the high rate of recidivism, reduce upwardly spiraling prison costs, preserve scarce and high cost prison space for the most dangerous offenders, and provide judges with a tough and sound alternative to traditional incarceration without compromising public safety. [1993 c 338 s 1.]

Reviser's note: *(1) RCW 72.09.420 was repealed by 1998 c 273 s 1.

** (2) 1993 c 338 s 5 was vetoed by the governor.

Severability—1993 c 338: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1993 c 338 s 8.]

Effective date—1993 c 338: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993." [1993 c 338 s 9.]

Sentencing: RCW 9.94A.690.

RCW 72.09.410 Work ethic camp program—Generally. The department of corrections shall establish one work ethic camp. The secretary shall locate the work ethic camp within an already existing department compound or facility, or in a facility that is scheduled to come on line within the initial implementation date outlined in this section. The facility selected for the camp shall appropriately accommodate the logistical and cost-effective objectives contained in RCW 72.09.400 through *72.09.420, 9.94A.690, and **section 5, chapter 338, Laws of 1993. The department shall be ready to assign inmates to the camp one hundred twenty days after July 1, 1993. The department shall establish the work ethic camp program cycle to last from one hundred twenty to one hundred eighty days. The department shall develop all aspects of the work ethic camp program including, but not limited to, program standards, conduct standards, educational components including preparation for a high school equivalency certificate as described in RCW 28B.50.536, offender incentives, drug

rehabilitation program parameters, individual and team work goals, techniques for improving the offender's self-esteem, citizenship skills for successful living in the community, measures to hold the offender accountable for his or her behavior, and the successful completion of the work ethic camp program granted to the offender based on successful attendance, participation, and performance as defined by the secretary. The work ethic camp shall be designed and implemented so that offenders are continually engaged in meaningful activities and unstructured time is kept to a minimum. In addition, the department is encouraged to explore the integration and overlay of a military style approach to the work ethic camp. [2013 c 39 s 23; 1993 c 338 s 3.]

Reviser's note: *(1) RCW 72.09.420 was repealed by 1998 c 273 s 1.

** (2) 1993 c 338 s 5 was vetoed by the governor.

Severability—Effective date—1993 c 338: See notes following RCW 72.09.400.

RCW 72.09.450 Limitation on denial of access to services and supplies—Recoupment of assessments—Collections. (1) An inmate shall not be denied access to services or supplies required by state or federal law solely on the basis of his or her inability to pay for them.

(2) The department shall record all lawfully authorized assessments for services or supplies as a debt to the department. The department shall recoup the assessments when the inmate's institutional account exceeds the indigency standard, and may pursue other remedies to recoup the assessments after the period of incarceration.

(3) The department shall record as a debt any costs assessed by a court against an inmate plaintiff where the state is providing defense pursuant to chapter 4.92 RCW. The department shall recoup the debt when the inmate's institutional account exceeds the indigency standard and may pursue other remedies to recoup the debt after the period of incarceration.

(4) In order to maximize the cost-efficient collection of unpaid offender debt existing after the period of an offender's incarceration, the department is authorized to use the following nonexclusive options: (a) Use the collection services available through the department of enterprise services, or (b) notwithstanding any provision of chapter 41.06 RCW, contract with collection agencies for collection of the debts. The costs for enterprise services or collection agency services shall be paid by the debtor. Any contract with a collection agency shall only be awarded after competitive bidding. Factors the department shall consider in awarding a collection contract include but are not limited to a collection agency's history and reputation in the community; and the agency's access to a local database that may increase the efficiency of its collections. The servicing of an unpaid obligation to the department does not constitute assignment of a debt, and no contract with a collection agency may remove the department's control over unpaid obligations owed to the department. [2015 c 225 s 113; 1996 c 277 s 1; 1995 1st sp.s. c 19 s 4.]

Findings—Purpose—1995 1st sp.s. c 19: "The legislature finds the increasing number of inmates incarcerated in state correctional institutions, and the expenses associated with their incarceration, require expanded efforts to contain corrections costs. Cost containment requires improved planning and oversight, and increased accountability and responsibility on the part of inmates and the department.

The legislature further finds motivating inmates to participate in meaningful education and work programs in order to learn transferable skills and earn basic privileges is an effective and efficient way to meet the penological objectives of the corrections system.

The purpose of this act is to assure that the department fulfills its mission to reduce offender recidivism, to mirror the values of the community by clearly linking inmate behavior to receipt of privileges, and to prudently manage the resources it receives through tax dollars. This purpose is accomplished through the implementation of specific cost-control measures and creation of a planning and oversight process that will improve the department's effectiveness and efficiencies." [1995 1st sp.s. c 19 s 1.]

Short title—1995 1st sp.s. c 19: "This act shall be known as the department of corrections cost-efficiency and inmate responsibility omnibus act." [1995 1st sp.s. c 19 s 37.]

Severability—1995 1st sp.s. c 19: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1995 1st sp.s. c 19 s 38.]

Effective date—1995 1st sp.s. c 19: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [June 15, 1995]." [1995 1st sp.s. c 19 s 40.]

RCW 72.09.460 Incarcerated individual participation in education and work programs—Postsecondary degree education opportunities—

Legislative intent—Priorities—Rules—Payment of costs. (1)

Recognizing that there is a positive correlation between education opportunities and reduced recidivism, it is the intent of the legislature to offer appropriate postsecondary degree or certificate opportunities to incarcerated individuals.

(2) The legislature intends that all incarcerated individuals be required to participate in department-approved education programs, work programs, or both, unless exempted as specifically provided in this section. Eligible incarcerated individuals who refuse to participate in available education or work programs available at no charge to the incarcerated individuals shall lose privileges according to the system established under RCW 72.09.130. Eligible incarcerated individuals who are required to contribute financially to an education or work program and refuse to contribute shall be placed in another work program. Refusal to contribute shall not result in a loss of privileges.

(3) The legislature recognizes more incarcerated individuals may agree to participate in education and work programs than are available. The department must make every effort to achieve maximum public benefit by placing incarcerated individuals in available and appropriate education and work programs.

(4)(a) The department shall, to the extent possible and considering all available funds, prioritize its resources to meet the following goals for incarcerated individuals in the order listed:

(i) Achievement of basic academic skills through obtaining a high school diploma or a high school equivalency certificate as provided in RCW 28B.50.536, including achievement by those incarcerated individuals eligible for special education services pursuant to state or federal law;

(ii) Achievement of vocational skills necessary for purposes of work programs and for an incarcerated individual to qualify for work upon release;

(iii) Additional work and education programs necessary for compliance with an incarcerated individual's individual reentry plan under RCW 72.09.270, including special education services and postsecondary degree or certificate education programs; and

(iv) Other appropriate vocational, work, or education programs that are not necessary for compliance with an incarcerated individual's individual reentry plan under RCW 72.09.270 including postsecondary degree or certificate education programs.

(b)(i) If programming is provided pursuant to (a)(i) through (iii) of this subsection, the department shall pay the cost of such programming, including but not limited to books, materials, and supplies for adult basic education programs and any postsecondary education program that is not financial aid eligible at the time the individual is enrolled or paid for by the department or third party.

(ii) For financial aid eligible postsecondary programming provided pursuant to (a)(i) through (iii) of this subsection, the department may require the individual to apply for any federal and state financial aid grants available to the individual as a condition of participation in such programming. The individual may elect to use available financial aid grants, self-pay, or any other available third-party funding, or use a combination of these methods to cover the cost of attendance for financial aid eligible postsecondary programming provided under this subsection (4)(b)(ii). If an individual elects to self-pay or utilize third-party funding, the individual is not subject to the postaward formula described in (c) of this subsection. If the cost of attendance exceeds any financial grant awards that may be available to the individual, or the person is not eligible for federal or state financial aid grants, the department shall pay the cost of attendance not otherwise covered by third-party funding. All regulations and requirements set forth by the United States department of education for federal pell grants for prison education programs apply to financial aid eligible postsecondary programming.

(c) If programming is provided pursuant to (a)(iv) of this subsection, incarcerated individuals shall be required to pay all or a portion of the costs, including books, fees, and tuition, for participation in any vocational, work, or education program as provided in department policies. The individual may apply for and utilize federal and state financial aid grants available to the individual. If the individual is not eligible for federal financial aid grants, the individual may apply for and utilize state financial

aid grants available to the individual. Department policies shall include a postaward formula for determining how much an incarcerated individual shall be required to pay after deducting any amount from available financial aid or other available sources. The postaward formula shall include steps which correlate to an incarcerated individual's average monthly income or average available balance in a personal savings account and which are correlated to a prorated portion or percent of the per credit fee for tuition, books, or other ancillary educational costs. Any postaward formula offsets and funds paid for by the department for educational programming shall not result in the reduction of any gift aid. The postaward formula shall be reviewed every two years. A third party, including but not limited to nonprofit entities or community-based postsecondary education programs, may pay directly to the department all or a portion of costs and tuition for any programming provided pursuant to (a)(iv) of this subsection on behalf of an incarcerated individual. Such payments shall not be subject to any of the deductions as provided in this chapter.

(d) All incarcerated individuals shall receive financial aid and academic advising from an accredited institution of higher education prior to enrollment in a financial aid eligible postsecondary education program. Eligible individuals who choose not to participate or choose to cease participation in a financial aid eligible postsecondary education program shall not result in a loss of privileges.

(e) Correspondence courses are ineligible for state and federal financial aid funding.

(f) The department may accept any and all donations and grants of money, equipment, supplies, materials, and services from any third party, including but not limited to nonprofit entities and community-based postsecondary education programs, and may receive, utilize, and dispose of same to complete the purposes of this section.

(g) Any funds collected by the department under (c) and (h) [(f)] of this subsection and subsections (11) and (12) of this section shall be used solely for the creation, maintenance, or expansion of incarcerated individual educational and vocational programs.

(5) The department shall provide access to a program of education to all incarcerated individuals who are under the age of eighteen and who have not met high school graduation requirements or requirements to earn a high school equivalency certificate as provided in RCW 28B.50.536 in accordance with chapter 28A.193 RCW. The program of education established by the department and education provider under RCW 28A.193.020 for incarcerated individuals under the age of eighteen must provide each incarcerated individual a choice of curriculum that will assist the incarcerated individual in achieving a high school diploma or high school equivalency certificate. The program of education may include but not be limited to basic education, prevocational training, work ethic skills, conflict resolution counseling, substance abuse intervention, and anger management counseling. The curriculum may balance these and other rehabilitation, work, and training components.

(6)(a) In addition to the policies set forth in this section, the department shall consider the following factors in establishing criteria for assessing the inclusion of education and work programs in an incarcerated individual's individual reentry plan and in placing incarcerated individuals in education and work programs:

(i) An incarcerated individual's release date and custody level. An incarcerated individual shall not be precluded from participating in an education or work program solely on the basis of his or her release date, except that incarcerated individuals with a release date of more than one hundred twenty months in the future shall not comprise more than ten percent of incarcerated individuals participating in a new class I correctional industry not in existence on June 10, 2004;

(ii) An incarcerated individual's education history and basic academic skills;

(iii) An incarcerated individual's work history and vocational or work skills;

(iv) An incarcerated individual's economic circumstances, including but not limited to an incarcerated individual's family support obligations; and

(v) Where applicable, an incarcerated individual's prior performance in department-approved education or work programs;

(b) The department shall establish, and periodically review, incarcerated individual behavior standards and program outcomes for all education and work programs. Incarcerated individuals shall be notified of applicable behavior standards and program goals prior to placement in an education or work program and shall be removed from the education or work program if they consistently fail to meet the standards or outcomes.

(7) Eligible incarcerated individuals who refuse to participate in available education or work programs available at no charge to the incarcerated individuals shall lose privileges according to the system established under RCW 72.09.130. Eligible incarcerated individuals who are required to contribute financially to an education or work program and refuse to contribute shall be placed in another work program. Refusal to contribute shall not result in a loss of privileges.

(8) The department shall establish, by rule, a process for identifying and assessing incarcerated individuals with learning disabilities, traumatic brain injuries, and other cognitive impairments to determine whether the person requires accommodations in order to effectively participate in educational programming, including general educational development tests and postsecondary education. The department shall establish a process to provide such accommodations to eligible incarcerated individuals.

(9) The department shall establish, and periodically review, goals for expanding access to postsecondary degree and certificate education programs and program completion for all incarcerated individuals, including persons of color. The department may contract and partner with any accredited educational program sponsored by a nonprofit entity, community-based postsecondary education program, or institution with historical evidence of providing education programs to people of color.

(10) The department shall establish, by rule, objective medical standards to determine when an incarcerated individual is physically or mentally unable to participate in available education or work programs. When the department determines an incarcerated individual is permanently unable to participate in any available education or work program due to a health condition, the incarcerated individual is exempt from the requirement under subsection (2) of this section. When the department determines an incarcerated individual is temporarily unable to participate in an education or work program due to a medical condition, the incarcerated individual is exempt from the requirement

of subsection (2) of this section for the period of time he or she is temporarily disabled. The department shall periodically review the medical condition of all incarcerated individuals with temporary disabilities to ensure the earliest possible entry or reentry by incarcerated individuals into available programming.

(11) The department shall establish policies requiring an incarcerated individual to pay all or a portion of the costs and tuition for any vocational training or postsecondary education program if the incarcerated individual previously abandoned coursework related to postsecondary degree or certificate education or vocational training without excuse as defined in rule by the department. Department policies shall include a formula for determining how much an incarcerated individual shall be required to pay. The formula shall include steps which correlate to an incarcerated individual's average monthly income or average available balance in a personal savings account and which are correlated to a prorated portion or percent of the per credit fee for tuition, books, or other ancillary costs. The formula shall be reviewed every two years. A third party may pay directly to the department all or a portion of costs and tuition for any program on behalf of an incarcerated individual under this subsection. Such payments shall not be subject to any of the deductions as provided in this chapter.

(12) Notwithstanding any other provision in this section, an incarcerated individual subject to the provisions of 8 U.S.C. Sec. 1227:

(a) Shall not be required to participate in education programming except as may be necessary for the maintenance of discipline and security;

(b) May not participate in a postsecondary degree education program offered by the department or its contracted providers, unless the incarcerated individual's participation in the program is paid for by a third party or by the individual;

(c) May participate in prevocational or vocational training that may be necessary to participate in a work program;

(d) Shall be subject to the requirements relating to incarcerated individual financial responsibility for programming under subsection (4) of this section.

(13) If an incarcerated individual has participated in postsecondary education programs, the department shall provide the incarcerated individual with a copy of the incarcerated individual's unofficial transcripts, at no cost to the individual, upon the incarcerated individual's release or transfer to a different facility. Upon the incarcerated individual's completion of a postsecondary education program, the department shall provide to the incarcerated individual, at no cost to the individual, a copy of the incarcerated individual's unofficial transcripts. This requirement applies regardless of whether the incarcerated individual became ineligible to participate in or abandoned a postsecondary education program.

(14) For the purposes of this section:

(a) "Third party" includes a nonprofit entity or community-based postsecondary education program that partners with the department to provide accredited postsecondary education degree and certificate programs at state correctional facilities.

(b) "Gift aid" has the meaning provided in RCW 28B.145.010.

[2024 c 272 s 1; 2021 c 200 s 4; 2017 c 120 s 3; 2013 c 39 s 24; 2007 c 483 s 402; 2004 c 167 s 5; 1998 c 244 s 10; 1997 c 338 s 43; 1995 1st sp.s. c 19 s 5.]

Findings—Intent—2021 c 200; 2019 c 397; 2017 c 120: See note following RCW 28B.50.815.

Findings—Intent—2007 c 483: "Research and practice show that long-term success in helping offenders prepare for economic self-sufficiency requires strategies that address their education and employment needs. Recent research suggests that a solid academic foundation and employment- and career-focused programs can be cost-effective in reducing the likelihood of reoffense. To this end, the legislature intends that the state strive to provide every inmate with basic academic skills as well as educational and vocational training designed to meet the assessed needs of the offender.

Nonetheless, it is vital that offenders engaged in educational or vocational training contribute to their own success. An offender should financially contribute to his or her education, particularly postsecondary educational pursuits. The legislature intends to provide more flexibility for offenders in obtaining postsecondary education by allowing third parties to make contributions to the offender's education without mandatory deductions. In developing the loan program, the department is encouraged to adopt rules and standards similar to those that apply to students in noninstitutional settings for issues such as applying for a loan, maintaining accountability, and accruing interest on the loan obligation." [2007 c 483 s 401.]

Findings—2007 c 483: See RCW 72.78.005.

Effective date—1998 c 244 s 10: "Section 10 of this act takes effect September 1, 1998." [1998 c 244 s 18.]

Finding—Evaluation—Report—1997 c 338: See note following RCW 13.40.0357.

Severability—Effective dates—1997 c 338: See notes following RCW 5.60.060.

Findings—Purpose—Short title—Severability—Effective date—1995 1st sp.s. c 19: See notes following RCW 72.09.450.

RCW 72.09.465 Postsecondary degree education programs. (1) (a) The department may implement postsecondary degree or certificate education programs at state correctional institutions.

(b) The department may consider for inclusion in any postsecondary degree or certificate education program, any education program from an accredited community or technical college, college, or university that is limited to no more than a bachelor's degree. Washington state-recognized preapprenticeship programs may also be included as appropriate postsecondary education programs.

(2) Incarcerated individuals not meeting the department's priority criteria for the postsecondary degree education program offered by the department or its contracted providers shall be required to pay the costs for participation in a postsecondary education degree program if they elect to participate through self-pay, including costs of books, fees, tuition, or any other appropriate ancillary costs, by one or more of the following means:

(a) For a postsecondary degree education program that is eligible for financial aid, the incarcerated individual who is participating in the program may, during confinement, provide the required payment or payments to the school;

(b) For a postsecondary degree education program that is not eligible for financial aid, the incarcerated individual who is participating in the program may, during confinement, provide the required payment or payments to the department; or

(c) A third party may provide the required payment or payments directly to the department on behalf of an incarcerated individual, and such payments shall not be subject to any of the deductions as provided in this chapter.

(3) The department may accept any and all donations and grants of money, equipment, supplies, materials, and services from any third party, including but not limited to nonprofit entities, and may receive, utilize, and dispose of same to provide postsecondary education to incarcerated individuals.

(4) An incarcerated individual may be selected to participate in a state-funded postsecondary degree or certificate education program, based on priority criteria determined by the department, in which the following conditions may be considered:

(a) Priority should be given to incarcerated individuals who do not already possess a postsecondary education degree; and

(b) Incarcerated individuals with individual reentry plans that include participation in a postsecondary degree or certificate education program that is:

(i) Offered at the incarcerated individual's state correctional institution;

(ii) Approved by the department as an eligible and effective postsecondary education degree program; and

(iii) Limited to a postsecondary degree or certificate program.

(5) The department shall work with the college board as defined in RCW 28B.50.030 to develop a plan to assist incarcerated individuals selected to participate in postsecondary degree or certificate programs with filing a free application for federal student aid or the Washington application for state financial aid.

(6) Any funds collected by the department under this section shall be used solely for the creation, maintenance, or expansion of postsecondary education degree programs for incarcerated individuals. [2024 c 272 s 2; 2021 c 200 s 5; 2017 c 120 s 4; 2016 sp.s. c 36 s 946; 2007 c 483 s 403.]

Findings—Intent—2021 c 200; 2019 c 397; 2017 c 120: See note following RCW 28B.50.815.

Effective date—2016 sp.s. c 36: See note following RCW 18.20.430.

Findings—Intent—2007 c 483: See note following RCW 72.09.460.

Findings—2007 c 483: See RCW 72.78.005.

RCW 72.09.467 Postsecondary degree education programs—Reports to the legislature. (1) The department, the state board for community and technical colleges, the student achievement council, and the

Washington statewide reentry council, in collaboration with an organization representing the presidents of the public four-year institutions of higher education, shall submit a combined report, pursuant to RCW 43.01.036, by December 1, 2021, and annually thereafter, to the appropriate committees of the legislature having oversight over higher education issues and correctional matters. The state agencies shall consult and engage with nonprofit and community-based postsecondary education providers during the development of the annual report.

(2) At a minimum, the combined report must include:

(a) The number of incarcerated individuals served in the department's postsecondary education system, the number of individuals not served, the number of individuals leaving the department's custody without a high school equivalency who were in the department's custody longer than one year, and the number of individuals released without any postsecondary education, each disaggregated by demographics;

(b) A complete list of postsecondary degree and certificate education programs offered at each state correctional facility, including enrollment rates and completion rates for each program;

(c) A review of the department's identification and assessment of incarcerated individuals with learning disabilities, traumatic brain injuries, and other cognitive impairments or disabilities that may limit their ability to participate in educational programming, including general educational development testing and postsecondary education. The report shall identify barriers to the identification and assessment of these individuals and include recommendations that will further facilitate access to educational programming for these individuals;

(d) An identification of issues related to ensuring that credits earned in credit-bearing courses are transferable. The report must also include the number of transferable credits awarded and the number of credits awarded that are not transferable;

(e) A review of policies on transfer, in order to create recommendations to institutions and the legislature that to ensure postsecondary education credits earned while incarcerated transfer seamlessly upon postrelease enrollment in a postsecondary education institution. The review must identify barriers or challenges on transferring credits experienced by individuals and the number of credits earned while incarcerated that transferred to the receiving colleges postrelease;

(f) The number of individuals participating in correspondence courses and completion rates of correspondence courses, disaggregated by demographics;

(g) An examination of the collaboration between correctional facilities, the educational programs, nonprofit and community-based postsecondary education providers, and the institutions, with the goal of ensuring that roles and responsibilities are clearly defined, including the roles and responsibilities of each entity in relation to ensuring incarcerated individual access to, and accommodations in, educational programming; and

(h) A review of the partnerships with nonprofit and community-based postsecondary education organizations at state correctional facilities that provide accredited certificate and degree-granting programs and those that provide reentry services in support of educational programs and goals, including a list of the programs and services offered and recommendations to improve program delivery and access.

(3) The report shall strive to include, where possible, the voices and experiences of current or formerly incarcerated individuals. [2024 c 272 s 3; 2021 c 200 s 8.]

RCW 72.09.469 Postsecondary degree education programs—Study. (Expires January 1, 2029.) (1)(a) Subject to the availability of amounts appropriated for this specific purpose, the Washington state institute for public policy shall study enrollment, completion, and recidivism rates of incarcerated individuals in the postsecondary education system postrelease.

(b) The goal of the study is to understand whether participation in postsecondary education while incarcerated contributes to greater enrollment and completion of postsecondary education and reduced recidivism postrelease. The scope of the study shall focus on postrelease enrollment and completion trends in the community and technical college sector for formerly incarcerated individuals of all ages. The timeline of the study may include data from 2015 to the present, to the extent possible. The study's findings shall be divided into a preliminary and final report. The reports shall complement similar studies conducted at the University of Washington or elsewhere. To the extent that it is not duplicative of other studies, the Washington state institute for public policy shall study the following:

(i) For the preliminary report, which is due October 1, 2024:

(A) Patterns and any effects on postrelease enrollment and participation in the community and technical college system by individuals who, while incarcerated, participated in postsecondary education programs, including those individuals that completed some coursework but did not earn a degree or certificate; and

(B) Differential outcomes for individuals participating in different types of postsecondary education courses, certificate programs, and degree programs.

(ii) For the final report, which is due October 1, 2027, a continuation of the preliminary report in addition to:

(A) Changes in enrollment and completion of postsecondary education courses, certificate programs, and degree programs due to the changes and expansion of educational programming in chapter 200, Laws of 2021, to the extent possible; and

(B) Recidivism outcomes beyond incarceration for those incarcerated individuals that participated in postsecondary certificate and degree programs while incarcerated, including arrests, charges, and convictions.

(iii) The preliminary and final reports shall be submitted to the appropriate committees of the legislature and in accordance with RCW 43.01.036.

(iv) The department of corrections, the student achievement council, the state board for community and technical colleges, and the education research and data center shall provide data necessary to conduct the study.

(2) This section expires January 1, 2029. [2021 c 200 s 2.]

RCW 72.09.470 Contributions for cost of privileges—Standards. To the greatest extent practical, all incarcerated individuals shall contribute to the cost of privileges. The department may require

incarcerated individuals to contribute to the cost of specific privileges designated by the department in accordance with standards that the department shall develop and adopt to ensure that incarcerated individuals contribute a portion of the department's costs directly associated with providing designated privileges. The department shall establish standards by which incarcerated individuals shall contribute a portion of the department's capital costs of providing privileges, including television cable access, weight lifting, and other recreational sports equipment and supplies. The standards shall also require incarcerated individuals to contribute a portion of the department's operating costs directly associated with providing privileges, including staff and supplies. Contributions by incarcerated individuals may be in the form of individual user fees assessed against an incarcerated individual's institution account, deductions from an incarcerated individual's gross wages or gratuities, or collective contributions by incarcerated individuals to the institutional welfare/betterment fund. The department shall make every effort to maximize incarcerated individual contributions to payment for privileges. The department shall not limit incarcerated individuals' financial support for privileges to contributions from the institutional welfare/betterment fund. The standards shall consider the assets available to the incarcerated individuals, the cost of administering compliance with the contribution requirements, and shall promote a responsible work ethic. [2023 c 177 s 1; 1995 1st sp.s. c 19 s 7.]

Findings—Purpose—Short title—Severability—Effective date—1995 1st sp.s. c 19: See notes following RCW 72.09.450.

RCW 72.09.480 Inmate funds subject to deductions—Definitions—Exceptions—Child support collection actions. (1) Unless the context clearly requires otherwise, the definitions in this section apply to this section.

(a) "Cost of incarceration" means the cost of providing an inmate with shelter, food, clothing, transportation, supervision, and other services and supplies as may be necessary for the maintenance and support of the inmate while in the custody of the department, based on the average per inmate costs established by the department and the office of financial management.

(b) "Minimum term of confinement" means the minimum amount of time an inmate will be confined in the custody of the department, considering the sentence imposed and adjusted for the total potential earned early release time available to the inmate.

(c) "Program" means any series of courses or classes necessary to achieve a proficiency standard, certificate, or postsecondary degree.

(2) When an inmate, except as provided in subsections (4) through (11) of this section, receives any funds in addition to his or her wages or gratuities, except settlements or awards resulting from legal action, the additional funds shall be subject to the following deductions and the priorities established in chapter 72.11 RCW:

(a) Five percent to the crime victims' compensation account provided in RCW 7.68.045;

(b) Ten percent to a department personal inmate savings account;

(c) Twenty percent for payment of legal financial obligations for all inmates who have legal financial obligations owing in any Washington state superior court;

(d) Twenty percent for any child support owed under a support order;

(e) Twenty percent to the department to contribute to the cost of incarceration; and

(f) Twenty percent for payment of any civil judgment for assault for all inmates who are subject to a civil judgment for assault in any Washington state court or federal court.

(3) When an inmate, except as provided in subsection (10) of this section, receives any funds from a settlement or award resulting from a legal action, the additional funds shall be subject to the deductions in RCW 72.09.111(1)(a) and the priorities established in chapter 72.11 RCW.

(4) When an inmate who is subject to a child support order receives funds from an inheritance, the deduction required under subsection (2)(e) and (f) of this section shall only apply after the child support obligation has been paid in full.

(5) The amount deducted from an inmate's funds under subsection (2) of this section shall not exceed the department's total cost of incarceration for the inmate incurred during the inmate's minimum or actual term of confinement, whichever is longer.

(6)(a) The deductions required under subsection (2) of this section shall not apply to funds received by the department from an offender or from a third party on behalf of an offender for payment of education or vocational programs or postsecondary education degree programs as provided in *RCW 72.09.460 and 72.09.465.

(b) The deductions required under subsection (2) of this section shall not apply to funds received by the department from a third party, including but not limited to a nonprofit entity on behalf of the department's education, vocation, or postsecondary education degree programs.

(7) The deductions required under subsection (2) of this section shall not apply to any money received by the department, on behalf of an inmate, from family or other outside sources for the payment of postage expenses. Money received under this subsection may only be used for the payment of postage expenses and may not be transferred to any other account or purpose. Money that remains unused in the inmate's postage fund at the time of release shall be subject to the deductions outlined in subsection (2) of this section.

(8) The deductions required under subsection (2) of this section do not apply to any money received by the department on behalf of an inmate from family or other outside sources for the payment of certain medical expenses. Money received under this subsection may only be used for the payment of medical expenses associated with the purchase of eyeglasses, over-the-counter medications, and offender copayments. Funds received specifically for these purposes may not be transferred to any other account or purpose. Money that remains unused in the inmate's medical fund at the time of release is subject to deductions under subsection (2) of this section.

(9) The deductions required under subsection (2) of this section do not apply to any money received by the department on behalf of an inmate from family or other outside sources for the purchase of commissary items. Money received under this subsection may only be used for the purchase of items on the facility commissary list. The amount received by each inmate under this subsection may not exceed

the monthly allowance for commissary purchases as allowed by the department. Funds received specifically for these purposes may not be transferred to any other fund, account, or purpose. Money that remains unused in the inmate's commissary fund at the time of release is subject to deductions under subsection (2) of this section.

(10) Inmates sentenced to life imprisonment without possibility of release or sentenced to death under **chapter 10.95 RCW receives funds, deductions are required under subsection (2) of this section, with the exception of a personal inmate savings account under subsection (2)(b) of this section.

(11) The deductions required under subsection (2) of this section do not apply to funds for subsistence issued by the department to an inmate:

(a) Upon the person's transfer from total confinement to partial confinement, or transfer from total confinement to community custody, pursuant to RCW 72.02.100; or

(b) For a furlough pursuant to RCW 72.66.070.

(12) The secretary of the department of corrections, or his or her designee, may exempt an inmate from a personal inmate savings account under subsection (2)(b) of this section if the inmate's earliest release date is beyond the inmate's life expectancy.

(13) The interest earned on an inmate savings account created as a result of the plan in section 4, chapter 325, Laws of 1999 shall be exempt from the mandatory deductions under this section and RCW 72.09.111.

(14) Nothing in this section shall limit the authority of the department of social and health services division of child support, the county clerk, or a restitution recipient from taking collection action against an inmate's moneys, assets, or property pursuant to chapter 9.94A, 26.23, 74.20, or 74.20A RCW including, but not limited to, the collection of moneys received by the inmate from settlements or awards resulting from legal action. [2024 c 32 s 3; 2023 c 111 s 1; 2015 c 238 s 1; 2011 c 282 s 3; 2010 c 122 s 6; 2009 c 479 s 61. Prior: 2007 c 483 s 404; 2007 c 365 s 1; 2007 c 91 s 1; 2003 c 271 s 3; 1999 c 325 s 1; 1998 c 261 s 2; 1997 c 165 s 1; 1995 1st sp.s. c 19 s 8.]

Reviser's note: *(1) RCW 72.09.460 and 72.09.465 were amended by 2017 c 120 ss 3 and 4, referring to "postsecondary education degree programs" and "associate degree education programs." RCW 72.09.460 and 72.09.465 were subsequently amended by 2021 c 200 ss 4 and 5, referring to "postsecondary degree or certificate education programs."

** (2) RCW 10.95.040 through 10.95.901 relating to "death sentence" was repealed by 2023 c 102 s 21.

Effective date—2009 c 479: See note following RCW 2.56.030.

Findings—Intent—2007 c 483: See note following RCW 72.09.460.

Findings—2007 c 483: See RCW 72.78.005.

Findings—Purpose—Short title—Severability—Effective date—1995 1st sp.s. c 19: See notes following RCW 72.09.450.

RCW 72.09.490 Policy on extended family visitation. (1) The department shall establish a uniform policy on the privilege of

extended family visitation. Not fewer than sixty days before making any changes in any policy on extended family visitation, the department shall: (a) Notify the appropriate legislative committees of the proposed change; and (b) notify the committee created under *RCW 72.09.570 of the proposed change. The department shall seek the advice of the committee established under *RCW 72.09.570 and other appropriate committees on all proposed changes and shall, before the effective date of any change, offer the committees an opportunity to provide input on proposed changes.

(2) In addition to its duties under chapter 34.05 RCW, the department shall provide the committee established under *RCW 72.09.570 and other appropriate committees of the legislature a written copy of any proposed adoption, revision, or repeal of any rule relating to extended family visitation. Except for adoption, revision, or repeal of a rule on an emergency basis, the copy shall be provided not fewer than thirty days before any public hearing scheduled on the rule. [1995 1st sp.s. c 19 s 9.]

***Reviser's note:** RCW 72.09.570 expired July 1, 1997.

Findings—Purpose—Short title—Severability—Effective date—1995 1st sp.s. c 19: See notes following RCW 72.09.450.

RCW 72.09.495 Incarcerated parents—Policies to encourage family contact and engagement. (1) The secretary of corrections shall review current department policies and assess the following:

(a) The impact of existing policies on the ability of offenders to maintain familial contact and engagement between inmates and children; and

(b) The adequacy and availability of programs targeted at inmates with children.

(2) The secretary shall adopt policies that encourage familial contact and engagement between inmates and their children with the goal of reducing recidivism and intergenerational incarceration. Programs and policies should take into consideration the children's need to maintain contact with his or her parent and the inmate's ability to develop plans to financially support their children, assist in reunification when appropriate, and encourage the improvement of parenting skills where needed.

(3) The department shall conduct the following activities to assist in implementing the requirements of subsection (1) of this section:

(a) Gather information and data on the families of inmates, particularly the children of incarcerated parents;

(b) Evaluate data to determine the impact on recidivism and intergenerational incarceration; and

(c) Participate in the children of incarcerated parents advisory committee and report information obtained under this section to the advisory committee. [2007 c 384 s 2.]

Intent—Finding—2007 c 384: "The legislature recognizes the significant impact on the lives and well-being of children and families when a parent is incarcerated. It is the intent of the legislature to support children and families, and maintain familial connections when appropriate, during the period a parent is incarcerated. Further, the legislature finds that there must be a

greater emphasis placed on identifying state policies and programs impacting children with incarcerated parents. Additionally, greater effort must be made to ensure that the policies and programs of the state are supportive of the children, and meet their needs during the time the parent is incarcerated.

According to the final report of the children of incarcerated parents oversight committee, helping offenders build durable family relationships may reduce the likelihood that their children will go to prison later in life. Additionally, the report indicates that offenders who reconnect with their families in sustaining ways are less likely to reoffend. In all efforts to help offenders build these relationships with their children, the safety of the children will be paramount." [2007 c 384 s 1.]

RCW 72.09.500 Prohibition on weight-lifting. An inmate found by the superintendent in the institution in which the inmate is incarcerated to have committed an aggravated assault against another person, under rules adopted by the department, is prohibited from participating in weight lifting for a period of two years from the date the finding is made. At the conclusion of the two-year period the superintendent shall review the inmate's infraction record to determine if additional weight-lifting prohibitions are appropriate. If, based on the review, it is determined by the superintendent that the inmate poses a threat to the safety of others or the order of the facility, or otherwise does not meet requirements for the weight-lifting privilege, the superintendent may impose an additional reasonable restriction period. [1995 1st sp.s. c 19 s 10.]

Findings—Purpose—Short title—Severability—Effective date—1995 1st sp.s. c 19: See notes following RCW 72.09.450.

RCW 72.09.510 Limitation on purchasing recreational equipment and dietary supplements that increase muscle mass. Purchases of recreational equipment following June 15, 1995, shall be cost-effective and, to the extent possible, minimize an inmate's ability to substantially increase muscle mass. Dietary supplements made for the sole purpose of increasing muscle mass shall not be available for purchase by inmates unless prescribed by a physician for medical purposes or for inmates officially competing in department-sanctioned competitive weight lifting. [1995 1st sp.s. c 19 s 11.]

Findings—Purpose—Short title—Severability—Effective date—1995 1st sp.s. c 19: See notes following RCW 72.09.450.

RCW 72.09.520 Limitation on purchase of televisions. No inmate may acquire or possess a television for personal use for at least sixty days following completion of his or her intake and evaluation process at the Washington Corrections Center or the Washington Corrections Center for Women. [1995 1st sp.s. c 19 s 12.]

Findings—Purpose—Short title—Severability—Effective date—1995 1st sp.s. c 19: See notes following RCW 72.09.450.

RCW 72.09.530 Prohibition on receipt or possession of contraband

—Rules. The secretary shall, in consultation with the attorney general, adopt by rule a uniform policy that prohibits receipt or possession of anything that is determined to be contraband. The rule shall provide consistent maximum protection of legitimate penological interests, including prison security and order and deterrence of criminal activity. The rule shall protect the legitimate interests of the public and inmates in the exchange of ideas. The secretary shall establish a method of reviewing all incoming and outgoing material, consistent with constitutional constraints, for the purpose of confiscating anything determined to be contraband. The secretary shall consult regularly with the committee created under *RCW 72.09.570 on the development of the policy and implementation of the rule. [1995 1st sp.s. c 19 s 13.]

***Reviser's note:** RCW 72.09.570 expired July 1, 1997.

Findings—Purpose—Short title—Severability—Effective date—1995 1st sp.s. c 19: See notes following RCW 72.09.450.

RCW 72.09.535 Corrections identification card—Incarcerated persons. (1) The department must issue a department of corrections identification card to an incarcerated person in a correctional facility for identification and use while in that facility.

(2) The department must also issue a department of corrections identification card under this section to any individual in community custody upon the individual's request and may require the individual to report to the closest correctional facility to facilitate completion of the request. [2024 c 315 s 2.]

Effective date—2024 c 315: See note following RCW 72.09.270.

RCW 72.09.540 Inmate name change—Limitations on use—Penalty. The department may require an offender who obtains an order under RCW 4.24.130 to use the name under which he or she was committed to the department during all official communications with department personnel and in all matters relating to the offender's incarceration or community supervision. An offender officially communicating with the department may also use his or her new name in addition to the name under which he or she was committed. Violation of this section is a misdemeanor. [1995 1st sp.s. c 19 s 15.]

Findings—Purpose—Short title—Severability—Effective date—1995 1st sp.s. c 19: See notes following RCW 72.09.450.

RCW 72.09.560 Camp for alien offenders. The department is authorized to establish a camp for alien offenders and shall be ready to assign offenders to the camp not later than January 1, 1997. The secretary shall locate the camp within the boundaries of an existing department facility. [1998 c 245 s 140; 1995 1st sp.s. c 19 s 21.]

Findings—Purpose—Short title—Severability—Effective date—1995 1st sp.s. c 19: See notes following RCW 72.09.450.

RCW 72.09.580 Offender records and reports. Except as specifically prohibited by other law, and for purposes of determining, modifying, or monitoring compliance with conditions of community custody, the department:

(1) Shall have access to all relevant records and information in the possession of public agencies relating to offenders, including police reports, prosecutors' statements of probable cause, complete criminal history information, psychological evaluations and psychiatric hospital reports, sex offender treatment program reports, and juvenile records; and

(2) May require periodic reports from providers of treatment or other services required by the court or the department, including progress reports, evaluations and assessments, and reports of violations of conditions imposed by the court or the department.
[2008 c 231 s 50; 1999 c 196 s 12.]

~~Intent—Application—Application of repealers—Effective date—~~
2008 c 231: See notes following RCW 9.94A.701.

~~Severability—~~**2008 c 231:** See note following RCW 9.94A.500.

~~Construction—Short title—~~**1999 c 196:** See RCW 72.09.904 and 72.09.905.

~~Severability—~~**1999 c 196:** See note following RCW 9.94A.010.

RCW 72.09.585 Mental health services information—Required inquiries and disclosures—Release to court, individuals, indeterminate sentence review board, state and local agencies. (1) When the department is determining an offender's risk management level, the department shall inquire of the offender and shall be told whether the offender is subject to court-ordered treatment for mental health services or chemical dependency services. The department shall request and the offender shall provide an authorization to release information form that meets applicable state and federal requirements and shall provide the offender with written notice that the department will request the offender's mental health and substance use disorder treatment information. An offender's failure to inform the department of court-ordered treatment is a violation of the conditions of supervision if the offender is in the community and an infraction if the offender is in confinement, and the violation or infraction is subject to sanctions.

(2) When an offender discloses that he or she is subject to court-ordered mental health services or chemical dependency treatment, the department shall provide the mental health services provider or chemical dependency treatment provider with a written request for information and any necessary authorization to release information forms. The written request shall comply with rules adopted by the health care authority or protocols developed jointly by the department and the health care authority. A single request shall be valid for the duration of the offender's supervision in the community. Disclosures of information related to mental health services made pursuant to a department request shall not require consent of the offender.

(3) The information received by the department under RCW 71.05.445 or 70.02.250 may be released to the indeterminate sentence

review board as relevant to carry out its responsibility of planning and ensuring community protection with respect to persons under its jurisdiction. Further disclosure by the indeterminate sentence review board is subject to the limitations set forth in subsections (5) and (6) of this section and must be consistent with the written policy of the indeterminate sentence review board. The decision to disclose or not shall not result in civil liability for the indeterminate sentence review board or staff assigned to perform board-related duties provided that the decision was reached in good faith and without gross negligence.

(4) The information received by the department under RCW 71.05.445 or 70.02.250 may be used to meet the statutory duties of the department to provide evidence or report to the court. Disclosure to the public of information provided to the court by the department related to mental health services shall be limited in accordance with RCW 9.94A.500 or this section.

(5) The information received by the department under RCW 71.05.445 or 70.02.250 may be disclosed by the department to other state and local agencies as relevant to plan for and provide offenders transition, treatment, and supervision services, or as relevant and necessary to protect the public and counteract the danger created by a particular offender, and in a manner consistent with the written policy established by the secretary. The decision to disclose or not shall not result in civil liability for the department or its employees so long as the decision was reached in good faith and without gross negligence. The information received by a state or local agency from the department shall remain confidential and subject to the limitations on disclosure set forth in chapters 70.02, 71.05, and 71.34 RCW and, subject to these limitations, may be released only as relevant and necessary to counteract the danger created by a particular offender.

(6) The information received by the department under RCW 71.05.445 or 70.02.250 may be disclosed by the department to individuals only with respect to offenders who have been determined by the department to have a high risk of reoffending by a risk assessment, as defined in RCW 9.94A.030, only as relevant and necessary for those individuals to take reasonable steps for the purpose of self-protection, or as provided in RCW 72.09.370(2). The information may not be disclosed for the purpose of engaging the public in a system of supervision, monitoring, and reporting offender behavior to the department. The department must limit the disclosure of information related to mental health services to the public to descriptions of an offender's behavior, risk he or she may present to the community, and need for mental health treatment, including medications, and shall not disclose or release to the public copies of treatment documents or records, except as otherwise provided by law. All disclosure of information to the public must be done in a manner consistent with the written policy established by the secretary. The decision to disclose or not shall not result in civil liability for the department or its employees so long as the decision was reached in good faith and without gross negligence. Nothing in this subsection prevents any person from reporting to law enforcement or the department behavior that he or she believes creates a public safety risk. [2018 c 201 s 9015; 2013 c 200 s 32; 2011 1st sp.s. c 40 s 24; 2004 c 166 s 5; 2000 c 75 s 4.]

Findings—Intent—Effective date—2018 c 201: See notes following RCW 41.05.018.

Effective date—2013 c 200: See note following RCW 70.02.010.

Application—Recalculation of community custody terms—2011 1st sp.s. c 40: See note following RCW 9.94A.501.

Severability—Effective dates—2004 c 166: See notes following RCW 71.05.040.

Intent—2000 c 75: See note following RCW 71.05.445.

RCW 72.09.588 Incarcerated individuals who are pregnant—Midwifery or doula services—Reasonable accommodations. (Effective until June 30, 2027.) (1) The department must make reasonable accommodations for the provision of available midwifery or doula services to incarcerated individuals who are pregnant or who have given birth in the last six weeks. Persons providing midwifery or doula services must be granted appropriate facility access, must be allowed to attend and provide assistance during labor and childbirth where feasible, and must have access to the incarcerated individual's relevant health care information, as defined in RCW 70.02.010, if the incarcerated individual authorizes disclosure.

(2) For purposes of this section, the following definitions apply:

(a) "Doula services" are services provided by a trained doula and designed to provide physical, emotional, or informational support to a pregnant individual before, during, and after delivery of a child. Doula services may include, but are not limited to: Support and assistance during labor and childbirth; prenatal and postpartum education; breastfeeding assistance; parenting education; and support in the event that an individual has been or will become separated from their child.

(b) "Midwifery services" means medical aid rendered by a midwife to an individual during prenatal, intrapartum, or postpartum stages or to an individual's newborn up to two weeks of age.

(c) "Midwife" means a midwife licensed under chapter 18.50 RCW or an *advanced registered nurse practitioner licensed under chapter 18.79 RCW.

(3) Nothing in this section prevents the department from adopting policy guidelines for the delivery of midwifery or doula services to incarcerated individuals, or from contracting with a nonprofit organization or partnering with volunteers to deliver these services to incarcerated individuals. Services provided under this section may not supplant health care services routinely provided to the incarcerated individual. [2025 c 129 s 1; 2018 c 41 s 1.]

***Reviser's note:** The term "advanced registered nurse practitioner" was changed to "advanced practice registered nurse" by 2024 c 239 s 1, effective June 30, 2027.

RCW 72.09.588 Incarcerated individuals who are pregnant—Midwifery or doula services—Reasonable accommodations. (Effective

June 30, 2027.) (1) The department must make reasonable accommodations for the provision of available midwifery or doula services to incarcerated individuals who are pregnant or who have given birth in the last six weeks. Persons providing midwifery or doula services must be granted appropriate facility access, must be allowed to attend and provide assistance during labor and childbirth where feasible, and must have access to the incarcerated individual's relevant health care information, as defined in RCW 70.02.010, if the incarcerated individual authorizes disclosure.

(2) For purposes of this section, the following definitions apply:

(a) "Doula services" are services provided by a trained doula and designed to provide physical, emotional, or informational support to a pregnant individual before, during, and after delivery of a child. Doula services may include, but are not limited to: Support and assistance during labor and childbirth; prenatal and postpartum education; breastfeeding assistance; parenting education; and support in the event that an individual has been or will become separated from their child.

(b) "Midwifery services" means medical aid rendered by a midwife to an individual during prenatal, intrapartum, or postpartum stages or to an individual's newborn up to two weeks of age.

(c) "Midwife" means a midwife licensed under chapter 18.50 RCW or an advanced practice registered nurse licensed under chapter 18.79 RCW.

(3) Nothing in this section prevents the department from adopting policy guidelines for the delivery of midwifery or doula services to incarcerated individuals, or from contracting with a nonprofit organization or partnering with volunteers to deliver these services to incarcerated individuals. Services provided under this section may not supplant health care services routinely provided to the incarcerated individual. [2025 c 129 s 1; 2025 c 58 s 5166; 2018 c 41 s 1.]

Reviser's note: This section was amended by 2025 c 58 s 5166 and by 2025 c 129 s 1, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date—2025 c 58 ss 5058-5170: See note following RCW 7.68.030.

Explanatory note—2025 c 58: See note following RCW 1.16.050.

RCW 72.09.590 Community safety. To the extent practicable, the department shall deploy community corrections staff on the basis of geographic areas in which offenders under the department's jurisdiction are located, and shall establish a systematic means of assessing risk to the safety of those communities. [1999 c 196 s 13.]

Construction—Short title—1999 c 196: See RCW 72.09.904 and 72.09.905.

Severability—1999 c 196: See note following RCW 9.94A.010.

RCW 72.09.600 Rules—Chapter 196, Laws of 1999. The secretary of corrections may adopt rules to implement sections 1 through 13, chapter 196, Laws of 1999. [1999 c 196 s 14.]

Construction—Short title—1999 c 196: See RCW 72.09.904 and 72.09.905.

Severability—1999 c 196: See note following RCW 9.94A.010.

RCW 72.09.620 Extraordinary medical placement—Reports. The secretary shall report annually to the legislature on the number of offenders considered for an extraordinary medical placement, the number of offenders who were granted such a placement, the number of offenders who were denied such a placement, the length of time between initial consideration and the placement decision for each offender who was granted an extraordinary medical placement, the number of offenders granted an extraordinary medical placement who were later returned to total confinement, and the cost savings realized by the state. [1999 c 324 s 7.]

RCW 72.09.630 Custodial sexual misconduct—Investigation of allegations. The department shall investigate any alleged violations of RCW 9A.44.160 or 9A.44.170 that are alleged to have been committed by an employee or contract personnel of the department, to determine whether there is probable cause to believe that the allegation is true before reporting the alleged violation to a prosecuting attorney. [1999 c 45 s 7.]

RCW 72.09.650 Use of force by limited authority Washington peace officers—Detention of persons. (1) An employee of the department who is a limited authority Washington peace officer under RCW 10.93.020 may use reasonable force to detain, search, or remove persons who enter or remain without permission within a correctional facility or institutional grounds or whenever, upon probable cause, it appears to such employee that a person has committed or is attempting to commit a crime, or possesses contraband within a correctional facility or institutional grounds. Should any person be detained, the department shall immediately notify a local law enforcement agency having jurisdiction over the correctional facility or institutional grounds of the detainment. The department is authorized to detain the person for a reasonable time to search the person and confiscate any contraband, and until custody of the person and any illegal contraband can be transferred to a law enforcement officer when appropriate. An employee of the department who is a limited authority Washington peace officer under RCW 10.93.020 may use that force necessary in the protection of persons and properties located within the confines of the correctional facility or institutional grounds.

(2) The rights granted in subsection (1) of this section are in addition to any others that may exist by law including, but not limited to, the rights granted in RCW 9A.16.020. [2001 c 11 s 1.]

Effective date—2001 c 11: "This act is necessary for the immediate preservation of the public peace, health, or safety, or

support of the state government and its existing public institutions, and takes effect immediately [April 13, 2001]." [2001 c 11 s 2.]

RCW 72.09.651 Use of restraints on pregnant women or youth in custody—Allowed in extraordinary circumstances. (1) Except in extraordinary circumstances, no restraints of any kind may be used on any pregnant woman or youth incarcerated in a correctional facility during transportation to and from visits to medical providers and court proceedings during the third trimester of her pregnancy, or during postpartum recovery. For purposes of this section, "extraordinary circumstances" exist where a corrections officer makes an individualized determination that restraints are necessary to prevent an incarcerated pregnant woman or youth from escaping, or from injuring herself, medical or correctional personnel, or others. In the event the corrections officer determines that extraordinary circumstances exist and restraints are used, the corrections officer must fully document in writing the reasons that he or she determined such extraordinary circumstances existed such that restraints were used. As part of this documentation, the corrections officer must also include the kind of restraints used and the reasons those restraints were considered the least restrictive available and the most reasonable under the circumstances.

(2) While the pregnant woman or youth is in labor or in childbirth no restraints of any kind may be used. Nothing in this section affects the use of hospital restraints requested for the medical safety of a patient by treating physicians licensed under Title 18 RCW.

(3) Anytime restraints are permitted to be used on a pregnant woman or youth, the restraints must be the least restrictive available and the most reasonable under the circumstances, but in no case shall leg irons or waist chains be used on any woman or youth known to be pregnant.

(4) No correctional personnel shall be present in the room during the pregnant woman's or youth's labor or childbirth, unless specifically requested by medical personnel. If the employee's presence is requested by medical personnel, the employee should be female, if practicable.

(5) If the doctor, nurse, or other health professional treating the pregnant woman or youth requests that restraints not be used, the corrections officer accompanying the pregnant woman or youth shall immediately remove all restraints. [2010 c 181 s 2.]

RCW 72.09.652 Use of restraints on pregnant women or youth in custody—Provision of information to staff and pregnant women and youth in custody. (1) The secretary shall provide an informational packet about the requirements of chapter 181, Laws of 2010 to all medical staff and nonmedical staff who are involved in the transportation of women and youth who are pregnant, as well as such other staff as the secretary deems appropriate. The informational packet provided to staff under this section shall be developed as provided in RCW 70.48.800.

(2) The secretary shall cause the requirements of chapter 181, Laws of 2010 to be provided to all women or youth who are pregnant, at the time the department assumes custody of the person. In addition,

the secretary shall cause a notice containing the requirements of chapter 181, Laws of 2010 to be posted in conspicuous locations in the correctional facilities, including but not limited to the locations in which medical care is provided within the facilities. [2010 c 181 s 3.]

RCW 72.09.670 Gang involvement among incarcerated offenders—Intervention programs—Study. (1) The department shall study and establish best practices to reduce gang involvement and recruitment among incarcerated offenders. The department shall study and make recommendations regarding the establishment of:

(a) Intervention programs within the institutions of the department for offenders who are seeking to opt out of gangs. The intervention programs shall include, but are not limited to, tattoo removal, anger management, preparation to obtain a high school equivalency certificate as described in RCW 28B.50.536, and other interventions; and

(b) An intervention program to assist gang members with successful reentry into the community.

(2) The department shall report to the legislature on its findings and recommendations by January 1, 2009. [2013 c 39 s 25; 2008 c 276 s 601.]

Severability—Part headings, subheadings not law—2008 c 276: See notes following RCW 36.28A.200.

RCW 72.09.680 Statewide security advisory committee. (1) The department shall establish a statewide security advisory committee to conduct comprehensive reviews of the department's total confinement security-related policies and procedures.

(2) The statewide security advisory committee shall make recommendations to the secretary regarding methods to provide consistent application of the policies and procedures regarding security issues in total confinement correctional facilities.

(3) The statewide security advisory committee shall include a balance of institutional staff including, but not limited to, custody staff. At a minimum, the statewide security advisory committee shall include:

(a) The director of prisons or his or her designee;

(b) A nonsupervisory classified employee and/or sergeant from each local advisory committee of a major facility and one nonsupervisory classified employee and/or sergeant representative from a minimum facility;

(c) A senior-ranking security custody staff member from each major correctional facility and a senior-ranking custody staff member from a minimum correctional facility;

(d) A senior-ranking community corrections officer; and

(e) A delegate from the union that represents department employees located at correctional facilities.

(4) The statewide security advisory committee shall develop guidelines to establish local security advisory committees for each total confinement correctional facility within the department. The chair of each local security advisory committee shall be the captain at a major facility and the lieutenant at a minimum security facility.

The local security advisory committee should consist of a wide range of nonsupervisory classified employees and/or sergeants from the facility, such as medical staff, class counselors, program staff, and mental health staff.

(5) The department shall report back to the governor and appropriate committees of the legislature by November 1, 2011, and annually thereafter. The report shall include:

(a) Recommendations raised by both the statewide and local security advisory committees;

(b) Recommendations, if any, for improving the ability of nonsupervisory classified employees to provide input on safety concerns including labor and industries mandated safety committees and the inclusion of safety issues in collective bargaining;

(c) Actions taken by the department as a result of recommendations by the statewide and local security advisory committees; and

(d) Recommendations for additional resources or legislation to address security concerns in total confinement correctional facilities.

(6) The department shall report back to the governor and the appropriate committees of the legislature by November 1, 2011, on issues related to safety within community corrections. The department shall engage employees from all levels of the community corrections division in preparing the report. [2011 c 252 s 2.]

Intent—2011 c 252: "It is the intent of the legislature to promote safe state correctional facilities. Following the tragic murder of officer Jayme Biendl, the governor and department of corrections requested the national institute of corrections to review safety procedures at the Monroe reformatory. While the report found the Monroe reformatory is a safe institution, it recommends changes that would enhance safety. The legislature recognizes that operating safe institutions requires ongoing efforts to address areas where improvements can be made to enhance the safety of state correctional facilities. This act addresses ways to increase safety at state correctional facilities and implements changes recommended in the report of the national institute of corrections." [2011 c 252 s 1.]

RCW 72.09.682 Multidisciplinary teams—Inmate job assignments.

(1) The department shall establish multidisciplinary teams at each total confinement correctional facility that will evaluate offenders' placements in inmate job assignments and custody promotions. The teams at each facility shall determine suitable placements based on the offender's risk, behavior, or other factors considered by the team.

(2) At a minimum, each team shall have representation from a wide range of nonsupervisory classified employees and/or sergeants from the facility, such as medical staff, class counselors, program staff, and mental health staff. [2011 c 252 s 3.]

Intent—2011 c 252: See note following RCW 72.09.680.

RCW 72.09.684 Training curriculum—Safety issues—Total confinement correctional facilities. (1) The department shall develop training curriculum regarding staff safety issues at total confinement

correctional facilities. At a minimum, the training shall address the following issues:

- (a) Security routines;
- (b) Physical plant layout;
- (c) Offender movement and program area coverage; and
- (d) Situational awareness and de-escalation techniques.

(2) The department shall seek the input of both the statewide security and local [statewide and local security] advisory committees in developing the curriculum.

(3) The department shall deliver such training to applicable correctional staff at in-service training by July 1, 2012. [2011 c 252 s 4.]

Intent—2011 c 252: See note following RCW 72.09.680.

RCW 72.09.686 Body alarms and proximity cards—Study and report.

(1) The department may pilot the use of body alarms and proximity cards within available resources.

(2) The department shall hire a consultant to study the feasibility of implementing a statewide system for staff safety, utilizing body alarms and proximity cards for staff within the department's total confinement correctional facilities and report findings and recommendations to the governor and appropriate committees of the legislature by November 1, 2011. At a minimum, the report shall include:

- (a) Recommendations for the use of body alarms by security level;
 - (b) Recommendations for specific positions that should require the use of body alarms;
 - (c) The information technological and infrastructure requirements needed for body alarms and proximity cards;
 - (d) The training requirements for body alarms;
 - (e) Lessons learned from any pilot project the department may implement in the interim;
 - (f) The estimated cost of the alarms and proximity cards and needed supporting infrastructure, staffing, and training requirements.
- (3) The consultant shall seek the input of both the statewide and local security advisory committees in preparing his or her report. [2011 c 252 s 5.]

Intent—2011 c 252: See note following RCW 72.09.680.

RCW 72.09.688 Video monitoring cameras—Study and report. (1)

The department shall hire a consultant to study the deployment of video monitoring cameras within the department to make recommendations regarding statewide standards for the positioning and use of video monitoring cameras in total confinement correctional facilities and report findings and recommendations to the governor and appropriate committees of the legislature by November 1, 2011. At a minimum, the report shall include:

- (a) Recommendations for the use of video monitoring cameras by security level;
- (b) Recommendations for specific locations within a total confinement correctional facility which would benefit from the use of video monitoring cameras;

(c) The information technological and infrastructure requirements needed for effective use of video monitoring cameras;

(d) Recommendations for how video monitoring cameras would best be deployed in current total confinement correctional facilities;

(e) Recommendations about how video monitoring cameras should be incorporated into future prison construction to insure consistency in camera use systemwide;

(f) The estimated cost of the video monitoring cameras, supporting infrastructure needed, and staffing required by the total confinement correctional facility.

(2) The consultant shall seek the input of both the statewide and local security advisory committees in preparing his or her report.
[2011 c 252 s 6.]

Intent—2011 c 252: See note following RCW 72.09.680.

RCW 72.09.690 Pepper spray—Plan for use. (1) The department shall develop a comprehensive plan for the use of oleoresin capsicum aerosol products, commonly referred to as pepper spray, as a security measure available for staff at total confinement correctional facilities.

(2) The department may initiate a pilot project, within available funds, to expand the deployment of oleoresin capsicum aerosol products within total confinement correctional facilities.

(3) The department's plan for the deployment of oleoresin capsicum aerosol products to staff shall include findings, if any, from the pilot project, recommendations regarding which facility's use should be limited to, what the training requirements should be, the estimated costs, and an implementation schedule.

(4) The department shall seek the input of both the statewide and local security advisory committees in developing its plan.

(5) The department shall report its plan, including costs, to the governor and appropriate committees of the legislature by November 1, 2011. [2011 c 252 s 7.]

Intent—2011 c 252: See note following RCW 72.09.680.

RCW 72.09.710 Drug offenders—Notice of release or escape. (1) At the earliest possible date, and in no event later than ten days before release except in the event of escape or emergency furloughs as defined in RCW 72.66.010, the department of corrections shall send written notice of parole, community custody, work release placement, furlough, or escape about a specific inmate convicted of a serious drug offense to the following if such notice has been requested in writing about a specific inmate convicted of a serious drug offense:

(a) Any witnesses who testified against the inmate in any court proceedings involving the serious drug offense; and

(b) Any person specified in writing by the prosecuting attorney. Information regarding witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the inmate.

(2) If an inmate convicted of a serious drug offense escapes from a correctional facility, the department of corrections shall

immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the inmate resided immediately before the inmate's arrest and conviction. If previously requested, the department shall also notify the witnesses who are entitled to notice under this section. If the inmate is recaptured, the department shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(3) If any witness is under the age of sixteen, the notice required by this section shall be sent to the parents or legal guardian of the child.

(4) The department of corrections shall send the notices required by this section to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(5) For purposes of this section, "serious drug offense" means an offense under RCW 69.50.401(2) (a) or (b) or 69.50.4011(2) (a) or (b).

(6) Information and records prepared, owned, used, or retained by the department of corrections that reveal any notification or request for notification regarding any specific individual, or that reveal the identity, location of, or any information submitted by a person who requests or is invited to enroll for notification under subsection (1) of this section, are exempt from public inspection and copying under chapter 42.56 RCW. [2023 c 391 s 3; 2008 c 231 s 26; 2003 c 53 s 61; 1996 c 205 s 4; 1991 c 147 s 1. Formerly RCW 9.94A.610, 9.94A.154.]

Intent—Application—Application of repealers—Effective date—
2008 c 231: See notes following RCW 9.94A.701.

Severability—2008 c 231: See note following RCW 9.94A.500.

Intent—Effective date—2003 c 53: See notes following RCW 2.48.180.

RCW 72.09.712 Prisoner escape, parole, release, community custody or work release placement, or furlough—Notification procedures. (1) At the earliest possible date, and in no event later than thirty days before release except in the event of escape or emergency furloughs as defined in RCW 72.66.010, the department of corrections shall send written notice of parole, release, community custody, work release placement, furlough, or escape about a specific inmate convicted of a violent offense, a sex offense as defined by RCW 9.94A.030, a domestic violence court order violation pursuant to RCW 7.105.450, 10.99.040, 10.99.050, 26.09.300, 26.26B.050, or 26.52.070, or any of the former RCW 26.50.110 and 74.34.145, a felony harassment offense as defined by RCW 9A.46.060 or 9A.46.110, a domestic violence offense as defined by RCW 10.99.020, an assault in the third degree offense as defined by RCW 9A.36.031, an unlawful imprisonment offense as defined by RCW 9A.40.040, a custodial interference in the first degree offense as defined by RCW 9A.40.060, a luring offense as defined by RCW 9A.40.090, a coercion into involuntary servitude offense as defined by RCW 9A.40.110, a criminal gang intimidation offense as defined by RCW 9A.46.120, an intimidating a public servant offense as defined by RCW 9A.76.180, an intimidation or harassment

with an explosive offense as defined by RCW 70.74.275, a vehicular homicide by disregard for the safety of others offense as defined by RCW 46.61.520, or a controlled substances homicide offense as defined by RCW 69.50.415, to the following:

(a) The chief of police of the city, if any, in which the inmate will reside or in which placement will be made in a work release program; and

(b) The sheriff of the county in which the inmate will reside or in which placement will be made in a work release program.

The sheriff of the county where the offender was convicted shall be notified if the department does not know where the offender will reside. The department shall notify the state patrol of the release of all sex offenders, and that information shall be placed in the Washington crime information center for dissemination to all law enforcement.

(2) The same notice as required by subsection (1) of this section shall be sent to the following if such notice has been requested in writing about a specific inmate convicted of a violent offense, a sex offense as defined by RCW 9.94A.030, a domestic violence court order violation pursuant to RCW 7.105.450, 10.99.040, 10.99.050, 26.09.300, 26.26B.050, or 26.52.070, or any of the former RCW 26.50.110 and 74.34.145, a felony harassment offense as defined by RCW 9A.46.060 or 9A.46.110, a domestic violence offense as defined by RCW 10.99.020, an assault in the third degree offense as defined by RCW 9A.36.031, an unlawful imprisonment offense as defined by RCW 9A.40.040, a custodial interference in the first degree offense as defined by RCW 9A.40.060, a luring offense as defined by RCW 9A.40.090, a coercion into involuntary servitude offense as defined by RCW 9A.40.110, a criminal gang intimidation offense as defined by RCW 9A.46.120, an intimidating a public servant offense as defined by RCW 9A.76.180, an intimidation or harassment with an explosive offense as defined by RCW 70.74.275, a vehicular homicide by disregard for the safety of others offense as defined by RCW 46.61.520, or a controlled substances homicide offense as defined by RCW 69.50.415:

(a) The victim of the crime for which the inmate was convicted or the victim's next of kin if the crime was a homicide;

(b) Any witnesses who testified against the inmate in any court proceedings involving the violent offense;

(c) Any person specified in writing by the prosecuting attorney; and

(d) Any person who requests such notice about a specific inmate convicted of a sex offense as defined by RCW 9.94A.030 from the department of corrections at least sixty days prior to the expected release date of the offender.

Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the inmate. Whenever the department of corrections mails notice pursuant to this subsection and the notice is returned as undeliverable, the department shall attempt alternative methods of notification, including a telephone call to the person's last known telephone number.

(3) The existence of the notice requirements contained in subsections (1) and (2) of this section shall not require an extension of the release date in the event that the release plan changes after notification.

(4) If an inmate convicted of a violent offense, a sex offense as defined by RCW 9.94A.030, a domestic violence court order violation pursuant to RCW 7.105.450, 10.99.040, 10.99.050, 26.09.300, 26.26B.050, or 26.52.070, or any of the former RCW 26.50.110 and 74.34.145, a felony harassment offense as defined by RCW 9A.46.060 or 9A.46.110, a domestic violence offense as defined by RCW 10.99.020, an assault in the third degree offense as defined by RCW 9A.36.031, an unlawful imprisonment offense as defined by RCW 9A.40.040, a custodial interference in the first degree offense as defined by RCW 9A.40.060, a luring offense as defined by RCW 9A.40.090, a coercion into involuntary servitude offense as defined by RCW 9A.40.110, a criminal gang intimidation offense as defined by RCW 9A.46.120, an intimidating a public servant offense as defined by RCW 9A.76.180, an intimidation or harassment with an explosive offense as defined by RCW 70.74.275, a vehicular homicide by disregard for the safety of others offense as defined by RCW 46.61.520, or a controlled substances homicide offense as defined by RCW 69.50.415, escapes from a correctional facility, the department of corrections shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the inmate resided immediately before the inmate's arrest and conviction. If previously requested, the department shall also notify the witnesses and the victim of the crime for which the inmate was convicted or the victim's next of kin if the crime was a homicide. If the inmate is recaptured, the department shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(5) If the victim, the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parents or legal guardian of the child.

(6) The department of corrections shall send the notices required by this chapter to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(7) The department of corrections shall keep, for a minimum of two years following the release of an inmate, the following:

(a) A document signed by an individual as proof that that person is registered in the victim or witness notification program; and

(b) A receipt showing that an individual registered in the victim or witness notification program was mailed a notice, at the individual's last known address, upon the release or movement of an inmate.

(8) For purposes of this section the following terms have the following meanings:

(a) "Violent offense" means a violent offense under RCW 9.94A.030;

(b) "Next of kin" means a person's spouse, state registered domestic partner, parents, siblings and children.

(9) Nothing in this section shall impose any liability upon a chief of police of a city or sheriff of a county for failing to request in writing a notice as provided in subsection (1) of this section.

(10) Information and records prepared, owned, used, or retained by the department of corrections that reveal any notification or request for notification regarding any specific individual, or that reveal the identity, location of, or any information submitted by a person who requests or is invited to enroll for notification under

subsection (2) of this section, are exempt from public inspection and copying under chapter 42.56 RCW. [2023 c 391 s 1; 2022 c 82 s 1; 2021 c 215 s 160; 2019 c 46 s 5043. Prior: 2009 c 521 s 166; 2009 c 400 s 1; 2008 c 231 s 27; 1996 c 215 s 4; prior: 1994 c 129 s 3; 1994 c 77 s 1; prior: 1992 c 186 s 7; 1992 c 45 s 2; 1990 c 3 s 121; 1989 c 30 s 1; 1985 c 346 s 1. Formerly RCW 9.94A.612, 9.94A.155.]

Effective date—2022 c 82: "This act takes effect July 1, 2022." [2022 c 82 s 4.]

Effective date—2022 c 268; 2021 c 215: See note following RCW 7.105.900.

Effective date—2009 c 521 ss 5-8, 79, 87-103, 107, 151, 165, 166, 173-175, and 190-192: See note following RCW 2.10.900.

Effective date—2009 c 400: "This act takes effect August 1, 2009." [2009 c 400 s 3.]

Intent—Application—Application of repealers—Effective date—2008 c 231: See notes following RCW 9.94A.701.

Severability—2008 c 231: See note following RCW 9.94A.500.

Findings—Intent—1994 c 129: See note following RCW 4.24.550.

Severability—1992 c 186: See note following RCW 9A.46.110.

Severability—Application—1992 c 45: See notes following RCW 9.94A.840.

RCW 72.09.713 Prisoner escape, parole, release, community custody or work release placement, or furlough—Notice of work release placement. (1) When a victim of a crime or the victim's next of kin requests notice under RCW 72.09.712 regarding a specific inmate, the department shall advise the requester in writing of the possibility that part of the sentence may be served by the inmate in a work release facility and instruct the requester on how to submit input to the department regarding the inmate's work release placement.

(2) When the department notifies a victim or the victim's next of kin under RCW 72.09.712 of an offender's placement in work release, the department shall also provide instruction on how to submit input regarding the offender's work release placement.

(3) The department shall consider any input received from a victim or the victim's next of kin under subsection (1) or (2) of this section if the input is received at least seven days prior to the offender's placement in work release. The department may consider any input from a victim or the victim's next of kin under subsection (1) or (2) of this section if the input is received less than seven days prior to the offender's placement in work release. The department may alter its placement decision based on any input considered under this subsection. [2009 c 69 s 1.]

Effective date—2009 c 69 s 1: "Section 1 of this act takes effect August 1, 2009." [2009 c 69 s 2.]

RCW 72.09.714 Prisoner escape, release, or furlough—Homicide, violent, and sex offenses—Rights of victims and witnesses. The department of corrections shall provide the victims, witnesses, and next of kin in the case of a homicide and victims and witnesses involved in violent offense cases, sex offenses as defined by RCW 9.94A.030, a domestic violence court order violation pursuant to RCW 7.105.450, 10.99.040, 10.99.050, 26.09.300, *26.10.220, 26.26B.050, or 26.52.070, or any of the former RCW 26.50.110 and 74.34.145, a felony harassment pursuant to RCW 9A.46.060 or 9A.46.110, a domestic violence offense as defined in RCW 10.99.020, an assault in the third degree offense under RCW 9A.36.031, an unlawful imprisonment offense under RCW 9A.40.040, a custodial interference in the first degree offense as defined by RCW 9A.40.060, a luring offense as defined by RCW 9A.40.090, a coercion into involuntary servitude offense as defined by RCW 9A.40.110, a criminal gang intimidation offense as defined by RCW 9A.46.120, an intimidating a public servant offense as defined by RCW 9A.76.180, an intimidation or harassment with an explosive offense as defined by RCW 70.74.275, a vehicular homicide by disregard for the safety of others offense under RCW 46.61.520, or a controlled substances homicide offense under RCW 69.50.415, a statement of the rights of victims and witnesses to request and receive notification under RCW 72.09.712 and 72.09.716. [2023 c 391 s 4; 2021 c 215 s 161; 2019 c 46 s 5044. Prior: 2009 c 400 s 2; 2009 c 28 s 37; 1989 c 30 s 2; 1985 c 346 s 2. Formerly RCW 9.94A.614, 9.94A.156.]

***Reviser's note:** RCW 26.10.220 was repealed by 2020 c 312 s 905.

Effective date—2022 c 268; 2021 c 215: See note following RCW 7.105.900.

Effective date—2009 c 400: See note following RCW 72.09.712.

Effective date—2009 c 28: See note following RCW 2.24.040.

RCW 72.09.716 Prisoner escape, release, or furlough—Requests for notification. Requests for notification under RCW 72.09.712 shall be made by sending a written request by certified mail directly to the department of corrections and giving the defendant's name, the name of the county in which the trial took place, and the month of the trial. Notification information and necessary forms shall be available through the department of corrections, county prosecutors' offices, and other agencies as deemed appropriate by the department of corrections. [2009 c 28 s 38; 1985 c 346 s 3. Formerly RCW 9.94A.616, 9.94A.157.]

Effective date—2009 c 28: See note following RCW 2.24.040.

RCW 72.09.718 Prisoner escape, release, or furlough—Notification as additional requirement. The notification requirements of RCW 72.09.712 are in addition to any requirements in RCW 43.43.745 or other law. [2009 c 28 s 39; 1985 c 346 s 4. Formerly RCW 9.94A.618, 9.94A.158.]

Effective date—2009 c 28: See note following RCW 2.24.040.

RCW 72.09.720 Prisoner escape, release, or furlough—
Consequences of failure to notify. Civil liability shall not result from failure to provide notice required under RCW 72.09.712 through 72.09.718, 9.94A.030, and 43.43.745 unless the failure is the result of gross negligence. [2009 c 28 s 40; 1985 c 346 s 7. Formerly RCW 9.94A.620, 9.94A.159.]

Effective date—2009 c 28: See note following RCW 2.24.040.

RCW 72.09.730 Schools—Notice to designated recipient of offender release. (1) The provisions of this section apply only to an offender released from confinement who:

(a) Was convicted of a violent offense or sex offense as those terms are defined in RCW 9.94A.030;

(b) Is twenty-one years of age or younger at the time of release; and

(c) Has not received a high school diploma or its equivalent.

(2) At the earliest practicable date, and in no event later than thirty days before release from confinement, the department must provide written notification of the release of an offender described in subsection (1) of this section to the designated recipient of the school where the offender:

(a) Was enrolled prior to incarceration or detention; or

(b) Has expressed an intention to enroll following his or her release.

(3) If after providing notification as required under subsection (2) of this section, the release of an offender described in subsection (1) of this section is delayed, the department must inform the designated recipient of the modified release date.

(4) This section applies whenever an offender is being released from total confinement, regardless if the release is to parole, community custody, work release placement, or furlough.

(5) For the purposes of this section, "designated recipient" means: (a) The superintendent of the school district, or his or her designee, of a common school as defined in RCW 28A.150.020 or a school that is the subject of a state-tribal education compact under chapter 28A.715 RCW; (b) the administrator of a charter public school governed by chapter 28A.710 RCW; or (c) the administrator of a private school approved under chapter 28A.195 RCW. [2020 c 167 s 9; 2011 c 107 s 1.]

RCW 72.09.740 Reimbursement for state patrol expenses towards water line construction for Shelton academy. Prior to connection of the Washington correction center in Shelton to the city water system and consistent with Article II, section 40 of the state Constitution, the department must reimburse the state patrol highway account created in RCW 46.68.030 for any expenses incurred by the Washington state patrol for the department's share of the cost to construct a water line to the Washington state patrol's Shelton academy as identified in chapter 86, Laws of 2012. [2012 c 86 s 805.]

Contingency—2012 c 86 s 805: "If funding is provided in the 2012 supplemental omnibus capital appropriations act for more than \$2,047,000, for the purposes of constructing a water line to the Washington state patrol's Shelton academy, section 805 of this act is

null and void." [2012 c 86 s 806.] Funding was not provided in the 2012 supplemental omnibus capital appropriations act (chapter 2, Laws of 2012 2nd sp.s.).

RCW 72.09.745 Security threat groups—Information collection.

(1) The department may collect, evaluate, and analyze data and specific investigative and intelligence information concerning the existence, structure, activities, and operations of security threat groups and the participants involved therein under the jurisdiction of the department. The data compiled may aid in addressing violence reduction, illegal activities, and identification of offender separation or protection needs, and may be used to assist law enforcement agencies and prosecutors in developing evidence for purposes of criminal prosecution upon request.

(2) The following security threat group information collected and maintained by the department shall be exempt from public disclosure under chapter 42.56 RCW: (a) Information that could lead to the identification of a person's security threat group status, affiliation, or activities; (b) information that reveals specific security threats associated with the operation and activities of security threat groups; and (c) information that identifies the number of security threat group members, affiliates, or associates. [2013 c 315 s 1.]

RCW 72.09.750 Access to reentry programs and services for wrongly convicted persons. When a court refers a person to the department under RCW 4.100.060 as part of the person's award in a wrongful conviction claim, the department must provide reasonable access to existing reentry programs and services. Nothing in this section requires the department to establish new reentry programs or services. [2013 c 175 s 12.]

RCW 72.09.755 Department of corrections—Use of screening and assessment process. The department of corrections shall, to the extent that resources are available for this purpose, utilize the integrated, comprehensive screening and assessment process for chemical dependency and mental disorders developed under RCW 71.24.630. [2016 sp.s. c 29 s 528; 2005 c 504 s 602. Formerly RCW 70.96C.020.]

Effective dates—2016 sp.s. c 29: See note following RCW 71.05.760.

Short title—Right of action—2016 sp.s. c 29: See notes following RCW 71.05.010.

Findings—Intent—Severability—Application—Construction—Captions, part headings, subheadings not law—Adoption of rules—Effective dates—2005 c 504: See notes following RCW 71.05.027.

Alphabetization—Correction of references—2005 c 504: See note following RCW 71.05.020.

RCW 72.09.760 Facility commissary program—Access. (1) In providing access to the facility commissary program in state correctional facilities, the department is strongly encouraged to provide, at a minimum, weekly access to the facility commissary program across all departmental institutions of total confinement. The department may not reduce frequency at departmental institutions that have weekly access to the facility commissary program as of June 11, 2020.

(2) By December 1, 2020, the department must provide access to the facility commissary program at least twenty-six times per year or once every two weeks at all institutions of total confinement. [2020 c 319 s 3.]

Finding—2020 c 319: See note following RCW 72.09.015.

RCW 72.09.765 Inmate access to telecommunication services—Contracting—Reporting. (1) Any contract to provide inmates with access to telecommunication services and electronic media services in state correctional facilities shall be made publicly available and posted on the department's website.

(2) The information in this subsection from the contract shall be prominently displayed on the department's public website:

(a) Rates for facilitating telecommunication services including, but not limited to, phone calls, video visitation, videograms and video clips, emails, and accessing music and entertainment;

(b) Fees charged for money transfers and transactions, maintenance of financial accounts, and any other fee charged to the user to facilitate the money transfer or online deposit account; and

(c) All fees or costs charged to the inmate or customer in exchange for use of telecommunication or electronic media services through the contract.

(3) By July 1st of each year, the contractor that provides inmates with access to telecommunication services and electronic media services under subsection (1) of this section shall report to the department the following information:

(a) A summary of services offered at each correctional facility;

(b) Rates charged for, or associated with, providing each type of service including, but not limited to, monthly financial account maintenance fees, transaction fees associated with money transfers, per call and connection surcharges, bill statement fees, and refund fees;

(c) A total accounting of commissions provided to the department or correctional facility;

(d) A summary and accounting of services used by inmates categorized as indigent;

(e) One-time and ongoing costs incurred for installing and maintaining hardware;

(f) Average customer service response time rates per facility and the average time taken to resolve an issue or provide a refund for defective services; and

(g) An accounting of all revenues or losses incurred by the contractor by quarter.

(4) By November 1st of each year, and in compliance with RCW 43.01.036, the department shall report to the governor and legislature on contracts for telecommunication services and electronic media

services under this section and the contractor's annual compliance with this section.

(5) This section applies to any contract in effect on June 11, 2020, and to any renegotiation, renewal, or extension of such contract. [2020 c 319 s 4.]

Finding—2020 c 319: See note following RCW 72.09.015.

RCW 72.09.770 Unexpected fatality review—Records—Discovery.

(1)(a) The department shall conduct an unexpected fatality review in any case in which the death of an incarcerated individual is unexpected, or any case identified by the office of the corrections ombuds for review.

(b) The department shall convene an unexpected fatality review team and determine the membership of the review team. The team shall comprise of individuals with appropriate expertise including, but not limited to, individuals whose professional expertise is pertinent to the dynamics of the case. The unexpected fatality review team shall include the office of the corrections ombuds or the ombuds' designee, and a representative from the department of health. The department shall ensure that the unexpected fatality review team is made up of individuals who had no previous involvement in the case.

(c) The primary purpose of the unexpected fatality review shall be the development of recommendations to the department and legislature regarding changes in practices or policies to prevent fatalities and strengthen safety and health protections for prisoners in the custody of the department.

(d) Upon conclusion of an unexpected fatality review required pursuant to this section, the department shall, within 120 days following the fatality, issue a report on the results of the review, unless an extension has been granted by the governor. Reports must be distributed to the appropriate committees of the legislature, and the department shall create a public website where all unexpected fatality review reports required under this section must be posted and maintained. An unexpected fatality review report completed pursuant to this section is subject to public disclosure and must be posted on the public website, except that confidential information may be redacted by the department consistent with the requirements of applicable state and federal laws.

(e) Within 10 days of completion of an unexpected fatality review under this section, the department shall develop an associated corrective action plan to implement any recommendations made by the review team in the unexpected fatality review report. Corrective action plans shall be implemented within 120 days, unless an extension has been granted by the governor. Corrective action plans are subject to public disclosure, and must be posted on the department's website in accordance with (d) of this subsection, except that confidential information may be redacted by the department consistent with the requirements of applicable state and federal laws.

(f) The department shall develop and implement procedures to carry out the requirements of this section.

(2) In any review of an unexpected fatality, the department and the unexpected fatality review team shall have access to all records and files regarding the person or otherwise relevant to the review that have been produced or retained by the agency.

(3) (a) An unexpected fatality review completed pursuant to this section is subject to discovery in a civil or administrative proceeding, but may not be admitted into evidence or otherwise used in a civil or administrative proceeding except pursuant to this section.

(b) A department employee responsible for conducting an unexpected fatality review, or member of an unexpected fatality review team, may not be examined in a civil or administrative proceeding regarding: (i) The work of the unexpected fatality review team; (ii) the incident under review; (iii) his or her statements, deliberations, thoughts, analyses, or impressions relating to the work of the unexpected fatality review team or the incident under review; or (iv) the statements, deliberations, thoughts, analyses, or impressions of any other member of the unexpected fatality review team, or any person who provided information to the unexpected fatality review team relating to the work of the unexpected fatality review team or the incident under review.

(c) Documents prepared by or for an unexpected fatality review team are inadmissible and may not be used in a civil or administrative proceeding, except that any document that exists before its use or consideration in an unexpected fatality review, or that is created independently of such review, does not become inadmissible merely because it is reviewed or used by an unexpected fatality review team. A person is not unavailable as a witness merely because the person has been interviewed by, or has provided a statement for, an unexpected fatality review, but if the person is called as a witness, the person may not be examined regarding the person's interactions with the unexpected fatality review including, without limitation, whether the person was interviewed during such review, the questions that were asked during such review, and the answers that the person provided during such review. This section may not be construed as restricting the person from testifying fully in any proceeding regarding his or her knowledge of the incident under review.

(d) The restrictions set forth in this section do not apply in a licensing or disciplinary proceeding arising from an agency's effort to revoke or suspend the license of any licensed professional based in whole or in part upon allegations of wrongdoing in connection with an unexpected fatality reviewed by an unexpected fatality review team.

(4) For the purposes of this section:

(a) "Unexpected fatality review" means a review of any death that was not the result of a diagnosed or documented terminal illness or other debilitating or deteriorating illness or condition where the death was anticipated, and includes the death of any person under the jurisdiction of the department, regardless of where the death actually occurred. A review must include an analysis of the root cause or causes of the unexpected fatality, and an associated corrective action plan for the department to address identified root causes and recommendations made by the unexpected fatality review team under this section.

(b) "Jurisdiction of the department" does not include persons on community custody under the supervision of the department. [2021 c 139 s 1.]

RCW 72.09.780 Abortion medications—Practice of pharmacy and wholesale distribution. (1) The department is authorized to acquire, receive, possess, sell, resell, deliver, dispense, distribute, and

engage in any activity constituting the practice of pharmacy or wholesale distribution with respect to abortion medications.

(2) The department may exercise the authority granted in this section for the benefit of any person, whether or not the person is in the custody or under the supervision of the department.

(3) The department shall exercise the authority granted in this section in accordance with any applicable law including, but not limited to, any applicable licensing requirements, except that the department is exempt from obtaining a wholesaler's license for any actions taken pursuant to chapter 195, Laws of 2023 as provided in RCW 18.64.046.

(4) (a) The department shall establish and operate a program to deliver, dispense, and distribute abortion medications described in this section. In circumstances in which the department is selling, delivering, or distributing abortion medications to a health care provider or health care entity, it may only sell, distribute, or deliver abortion medications to health care providers and health care entities that will only use the medications for the purposes of providing abortion care or medical management of early pregnancy loss.

(b) Except as provided in (c) of this subsection, any abortion medications sold, resold, delivered, dispensed, or distributed whether individually or wholesale shall be conducted at cost not to exceed list price, plus a fee of \$5 per dose to offset the cost of secure storage and delivery of medication. Revenues generated pursuant to chapter 195, Laws of 2023 shall be deposited to the general fund.

(c) During the 2025 fiscal year, any abortion medications sold, resold, delivered, dispensed, or distributed whether individually or wholesale shall be conducted at cost not to exceed list price.

(5) Nothing in this section shall diminish any existing authority of the department.

(6) For the purposes of this section, the following definitions apply:

(a) "Abortion medications" means substances used in the course of medical treatment intended to induce the termination of a pregnancy including, but not limited to, mifepristone.

(b) "Deliver" has the same meaning as in RCW 18.64.011.

(c) "Dispense" has the same meaning as in RCW 18.64.011.

(d) "Distribute" has the same meaning as in RCW 18.64.011.

(e) "Health care entity" means a hospital, clinic, pharmacy, office, or similar setting where a health care provider provides health care to patients.

(f) "Health care provider" has the same meaning as in RCW 70.02.010.

(g) "Person" has the same meaning as in RCW 18.64.011.

(h) "Practice of pharmacy" has the same meaning as in RCW 18.64.011.

(i) "Wholesale distribution" has the same meaning as in WAC 246-945-001. [2025 c 424 s 1912; 2023 c 195 s 2.]

Effective date—2025 c 424: See note following RCW 9.46.100.

Finding—Intent—2023 c 195: "(1) It is the long-standing public policy of this state to promote access to affordable, high quality sexual and reproductive health care, including abortion care, without unnecessary burdens or restrictions on patients or providers. In 1970 Washington was one of the first states to decriminalize abortion

before Roe v. Wade; and in 1991 the people of Washington passed Initiative Measure 120, the reproductive privacy act, further protecting access to abortion services. It is the public policy of the state of Washington to continue to protect and advance equal rights to access abortion care that meets each individual's needs, including access to abortion medications.

(2) The legislature finds that the continued attack on reproductive freedoms across the country require immediate action to protect the right to abortion access in Washington. Therefore, it is the intent of the legislature to ensure access to abortion medications for individuals seeking abortion care." [2023 c 195 s 1.]

Retroactive application—2023 c 195: "This act applies retroactively and prospectively." [2023 c 195 s 4.]

Construction—2023 c 195: "The provision of this act shall be liberally construed to give effect to the policies and purposes of this act." [2023 c 195 s 5.]

Effective date—2023 c 195: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 27, 2023]." [2023 c 195 s 6.]

RCW 72.09.900 Effective date—1981 c 136. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1981. [1981 c 136 s 124.]

RCW 72.09.901 Short title. This chapter may be known and cited as the corrections reform act of 1981. [1981 c 136 s 1.]

RCW 72.09.902 Construction—1981 c 136. All references to the department or secretary of social and health services in other chapters of the Revised Code of Washington shall be construed as meaning the department or secretary of corrections when referring to the functions established by this chapter. [1981 c 136 s 29.]

RCW 72.09.903 Savings—1981 c 136. All rules and all pending business before the secretary of social and health services and the department of social and health services pertaining to matters transferred by RCW 72.09.040 shall be continued and acted upon by the department of corrections.

All existing contracts and obligations pertaining to the powers, duties, and functions transferred shall remain in full force and effect and shall be performed by the department of corrections.

The transfer of powers, duties, and functions under RCW 72.09.040 shall not affect the validity of any act performed prior to July 1, 1981, by the department of social and health services or its secretary and, except as otherwise specifically provided, shall not affect the validity of any rights existing on July 1, 1981.

If questions arise regarding whether any sort of obligation is properly that of the department of social and health services or the department of corrections, such questions shall be resolved by the director of financial management. [1981 c 136 s 30.]

RCW 72.09.904 Construction—1999 c 196. Nothing in chapter 196, Laws of 1999 shall be construed to create an immunity or defense from liability for personal injury or wrongful death based solely on availability of funds. [1999 c 196 s 17.]

RCW 72.09.905 Short title—1999 c 196. This act may be known and cited as the offender accountability act. [1999 c 196 s 18.]

RCW 72.09.906 Construction—Chapter applicable to state registered domestic partnerships—2009 c 521. For the purposes of this chapter, the terms spouse, marriage, marital, husband, wife, widow, widower, next of kin, and family shall be interpreted as applying equally to state registered domestic partnerships or individuals in state registered domestic partnerships as well as to marital relationships and married persons, and references to dissolution of marriage shall apply equally to state registered domestic partnerships that have been terminated, dissolved, or invalidated, to the extent that such interpretation does not conflict with federal law. Where necessary to implement chapter 521, Laws of 2009, gender-specific terms such as husband and wife used in any statute, rule, or other law shall be construed to be gender neutral, and applicable to individuals in state registered domestic partnerships. [2009 c 521 s 164.]