

RCW 9.94A.733 Home detention—Graduated reentry program—

Requirements for department. (1)(a) Except as provided in (b) of this subsection, an incarcerated individual may not participate in the graduated reentry program under this subsection unless he or she has served at least six months in total confinement in a state correctional facility.

(i) An incarcerated individual subject to (a) of this subsection may serve no more than the final nine months of the incarcerated individual's term of confinement in partial confinement as home detention as part of the graduated reentry program developed by the department.

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

(b) For incarcerated individuals who meet the requirements of (b)(iii) of this subsection, an incarcerated individual may not participate in the graduated reentry program unless he or she has served at least three months in total confinement in a state correctional facility.

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

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

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

(A) Any sex offense;

(B) Any violent offense; or

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

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

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

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

(b) The department may not transfer an incarcerated individual to participate in the graduated reentry program until the department has a clinically appropriate evaluation for substance use disorder. If the incarcerated individual is diagnosed to have a substance use disorder, the department shall assist the incarcerated individual in enrolling in substance use disorder treatment services at the level deemed clinically appropriate. Individuals transferred to participate in the graduated reentry program, and diagnosed with a substance use disorder, must begin receiving substance use disorder treatment

services as soon as practicable after transfer to avoid any delays in treatment. Substance use disorder treatment services shall include, as deemed necessary by the evaluation, access to medication-assisted treatment and counseling programs. Upon transfer to the graduated reentry program, when clinically appropriate, individuals must be provided with access to self-administered fentanyl testing supplies and medications designed to reverse the effects of opioid overdose.

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

(a) Require the individual to be placed on electronic home monitoring;

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

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

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

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

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

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

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

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

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

(A) Outpatient substance use disorder treatment;

(B) Inpatient substance use disorder treatment; and

(C) Both outpatient and inpatient substance use disorder treatment.

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

(11) The department must share data with the health care authority on individuals participating in the graduated reentry program. [2025 c 407 s 5; 2023 c 405 s 1; 2021 c 266 s 1; 2018 c 166 s 1.]

Retroactive application—Findings—Intent—2025 c 407: See notes following RCW 9.94A.6551.

Retroactive application—2021 c 266: "The changes to restrictions on partial confinement and the graduated reentry program under sections 1 and 2 of this act apply prospectively and retroactively to persons currently serving a sentence in any facility or institution either operated by the state or utilized under contract." [2021 c 266 s 3.]