

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

DEPARTMENT OF CORRECTIONS

(agency name)

Administrative Order No. 83-12

(1) I, Amos E. Reed, director of Department of Corrections

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to:

Amend: WAC 137-70 Criminal Justice Reimbursement Costs - Adult

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. filed with the code reviser on. Such rules shall take effect:

- [] pursuant to RCW 34.04.040(2).
[] at a later date, such date being

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, Amos E. Reed, Secretary, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare...

Amendment of this rule is necessary to allow reimbursement of criminal justice costs incurred by counties, cities, or towns since July 1, 1983. The period updates the maximum reimbursement costs for period of July 1, 1983 to June 30, 1985.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026 that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" (fill in statement (a), (b), or (c) as appropriate):

- [X] (a) This rule is promulgated pursuant to RCW 72.72.040 and is intended to administratively implement that statute.
[] (b) This rule is promulgated pursuant to RCW which directs that the

(agency)

has authority to implement the provisions of

(name of act or RCW citation)

- [] (c) This rule is promulgated under the general rule-making authority of the

(agency)

as authorized in RCW

(4) The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

(5) This order after being first recorded in the order register of this agency is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED October 20, 1983
STATE OF WASHINGTON
FILED

OCT 21 1983

CODE REVISER'S OFFICE
WSR 83-22-007

By Amos E. Reed, Secretary
Title

AMENDATORY SECTION (Amending Order 82-10, filed 8/16/82)

WAC 137-70-040 REIMBURSABLE IMPACTS/RATES. (1) Reimbursement shall be restricted to fully documented law enforcement, prosecutorial, judicial and jail facility costs, as defined herein, ~~((in accordance with))~~ at the actual costs of the submitting jurisdiction, not to exceed the following rates:

(a) Law enforcement costs are costs incurred by any political subdivision in apprehending escapees, in investigating crimes committed by state institutional inmates including pretrial investigations within or outside the institution, or in providing security for inmates outside the jail facility. These costs are reimbursable at the following rates:

(i) ~~(((\$14.54 per hour from the effective date of this chapter through June 30, 1982))~~ \$17.48 per hour for the period July 1, 1983, through June 30, 1984.

(ii) ~~(((\$16.60))~~ 18.39 per hour for the period July 1, ((1982)) 1984, through June 30, ((1983)) 1985.

(b) If an escape or investigation results in the filing of a criminal complaint, the impacted political subdivision shall be entitled to attorney costs associated with the prosecution and/or defense of the filed action. These costs are reimbursable at the following maximum rates:

(i) ~~(((\$36.00))~~ 41.79 per hour from ((the effective date of this chapter)) July 1, 1983, through June 30, ((1982)) 1984.

(ii) ~~(((\$39.69))~~ 43.96 per hour from July 1, ((1982)) 1984, through June 30, ((1983)) 1985.

(c) Reimbursement for judicial costs incurred as a result of the filing of a criminal complaint shall be limited to judges, court reporters, transcript typing or preparation, witness fees and jury fees. These costs are reimbursable at the following maximum rates:

(i) Judges - ~~(((\$36.00))~~ 38.95 per hour from ((the effective date of this chapter until)) July 1, 1983, through June 30, ((1982)) 1984, and ~~(((\$36.99))~~ 40.98 per hour for the period July 1, ((1982)) 1984, through June 30, ((1983)) 1985. These costs shall include the services of court clerks and bailiffs.

(ii) Court reporters - ~~(((\$45.00))~~ 17.52 per hour from ((the effective date of this chapter)) July 1, 1983, through June 30, ((1982)) 1984, and ~~(((\$16.64))~~ 18.43 per hour for the period July 1, ((1982)) 1984, through June 30, ((1983)) 1985.

(iii) Transcript typing services - ~~(((\$3.00))~~ 3.49 per page from ((the effective date of this chapter)) July 1, 1983, through June 30, ((1982)) 1984, and ~~(((\$3.34))~~ 3.67 per page for the period July 1, ((1982)) 1984, through June 30, ((1983)) 1985.

(iv) Expert witnesses - ~~(((\$50.60))~~ 58.65 per hour from ((the effective date of this chapter to)) July 1, 1983, through June 30, ((1982)) 1984, and ~~(((\$55.70))~~ 61.70 per hour for the period July 1, ((1982)) 1984, through June 30, ((1983)) 1985.

(v) Witness fees/nonexpert - jury fees - reimbursable at the rate established by the local governmental legislative authority up to a maximum of ~~(((\$25.00))~~ 26.33 per day for the period July 1, 1983, through June 30, 1984, and \$27.70 for the period July 1, 1984, through June 30, 1985.

(d) Jail facility costs resulting from the escape or criminal complaint shall be reimbursed at the following maximum rate: ~~(((\$7.00))~~ 7.37 per inmate day from ((the effective date of this chapter)) July 1, 1983, through June 30, ((1983)) 1984 and \$7.75 for the period July 1, 1984, through June 30, 1985.

(e) Coroner - Where an inmate dies as a result of criminal activity of another inmate, coroner costs incurred by a local jurisdiction may be reimbursed up to a maximum amount established by the committee as reasonable.

(f) Medical costs - Where an inmate is in the custody of a local jurisdiction as a result of a crime committed while incarcerated in a state institution, extraordinary medical costs, beyond the routine medical services of the jail, may be reimbursed at the discretion of

the committee. Counties, cities, and towns shall notify the department prior to incurring expenses for extraordinary medical expenses, where practicable, to allow the department an opportunity to provide the necessary medical care directly.