



STATE OF WASHINGTON

DEPARTMENT OF CORRECTIONS

P.O. Box 41100 • Olympia, Washington 98504-1100 • (360) 753-1573

July 30, 1999

Mr. Gary Reid
Chief Assistant Code Reviser
Office of the Code Reviser
PO Box 40551
Olympia, Washington 98504-0551

Dear Mr. Reid:

The following enclosed Department of Corrections WAC rule, 137-56-110, Serious Infractions, is submitted for publication in the Register and the Washington Administrative Code. Pertinent information is as follows:

- a. WACS 137-56-110, Serious infractions, is amended and is adopted as of July 30, 1999.
- b. The effective date of this amended rule shall be the date of publication.
- c. I certify pursuant to RCW 34.05.030 that the rules as stated above are exempt from the APA.
- d. The purpose of this amendment is to create unique infraction codes for use of marijuana and unauthorized drugs, controlled substances or intoxicants. Use of these substances is currently included with the possession or introducing, or transferring these substances..

Thank you for your assistance. Please contact me if you have questions or concerns.

Sincerely,

Joseph D. Lehman
Secretary

JDL:kkv
Enclosures

JUL 30 1999	
TIME	10:40
WSR	99-16-078

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AMENDATORY SECTION (Amending WSR 94-07-065, filed 3/14/94, effective 5/1/94)

WAC 137-56-110 Serious infractions. Any of the following acts or omissions of the work/training release resident described and codified in the form below shall constitute a serious infraction.

Infraction Code	Act/Omission
800	- Creating a risk to the orderly operation of the facility or the health and safety of its residents, staff, or visitors.
801	- Assaulting any person which results in the hospitalization of the person assaulted.
802	- Assaulting any person.
803	- Extortion, blackmail, demanding or receiving money or anything of value in return for protection against others, or under threat of informing.
804	- Engaging in sexual acts with others within the facility boundaries.
805	- Fighting with any person, provided, however, that self-defense may be a defense to a serious infraction for fighting.
806	- Threatening another with bodily harm or with any offense against his/her person.
810	- Intentionally failing to seek or maintain employment or training or to maintain oneself financially.
811	- Entering into an unauthorized contract.
812	- Failing to report or turn in all earnings or income.
813	- Modifying a work release plan by the releasee without authorization.
814	- Violating a special condition of work release plan.
815	- Failing to comply with all federal, state, and local laws, or court orders.
816	- Tampering with or blocking any locking device.
817	- Possessing or introducing into the facility an explosive or any ammunition or components of explosives or ammunitions.
818	- Possessing or introducing into the facility any unauthorized tool.

Infraction

Code Act/Omission

- 819 - Possessing or introducing into the facility any gun, firearm, weapon, sharpened instrument, knife, or components thereof.
- 821 - Holding a person hostage or restraining a person against his/her will.
- 825 - Violating conditions of furlough.
- 830 - Escaping/absconding with voluntary return within twenty-four hours.
- 831 - Failing to return to the facility from an authorized sign out.
- 832 - Escape from the facility.
- 833 - Using physical force in the act of escape.
- 834 - Escape and apprehension out-of-state.
- 842 - Receiving a positive test result for use of marijuana.
- 843 - Possessing, introducing, or using alcohol.
- 844 - Possessing((;)) or introducing((;-or using)) marijuana or related paraphernalia.
- 845 - Possessing, introducing, or transferring((;-or using)) any narcotics, controlled substance, or related paraphernalia unless authorized by the supervisor pursuant to a valid prescription or order issued in the course of professional treatment by a licensed medical practitioner.
- 846 - Refusing to submit to a urinalysis, breathalyzer, or other sobriety test.
- 847 - Receiving a positive test result for use of unauthorized drugs, controlled substances or intoxicants.
- 851 - Lying to a hearing committee.
- 852 - Lying to a staff member which causes an innocent person to be penalized, disciplined, or proceeded against.
- 853 - Intentionally or recklessly setting a fire.
- 854 - Intentionally or recklessly destroying or damaging state property, or the property of another person.
- 855 - Stealing (theft) or knowingly possessing stolen property.
- 856 - Refusing to submit to a body search when lawfully ordered to do so by staff.
- 857 - Refusing and/or failing to work or attend regularly scheduled assignments.
- 858 - Intentionally interfering with a staff member in the performance of his/her duties.
- 859 - Gambling.
- 860 - Possessing money or other negotiable instruments without prior authorization.

Infraction

Code

Act/Omission

- 861 - Performing or participating in a marriage ceremony in the facility or on the facility grounds, except when such marriage was approved by the supervisor.
- 870 - Rioting.
- 871 - Inciting others to riot.
- 872 - Engaging in or inciting prohibited group demonstration.
- 873 - Intentionally interfering with the taking of count.
- 874 - Counterfeiting, forging, falsification, or unauthorized reproduction of any document, article of identification, money, security, or official paper.
- 875 - Making intoxicants, narcotics, or other controlled substances.
- 876 - Giving or offering any official staff member or volunteer a bribe or anything of value for favor or unauthorized service.
- 877 - Committing four or more general infractions within a ninety-day period all of which arise out of separate incidents and have been reported in writing.
- 878 - Intentionally failing to comply with an administrative or post-hearing sanction.
- 900 - Attempting to commit or aiding another person to commit a serious infraction as enumerated in this section. Such action shall be considered the same as commission of the offense itself.
- 901 - Operating a motor vehicle without permission.