

**WAC 137-70-030 Eligibility.** (1) Reimbursement for criminal justice costs shall be available to any political subdivision which incurs an incremental cost, reimbursable under this chapter, which is specifically and exclusively attributable to the criminal behavior of an inmate incarcerated in or who has escaped from an institution. For the purposes of this chapter parolees or probationers are deemed to be inmates only if they are assigned to an institution. Reimbursement shall be made only with respect to new crimes and shall not be made for violations of the conditions of parole or probation and the resulting revocation hearings.

(2) Reimbursement for contingency plan expenses, including costs incurred under chapter 41.26 RCW, if such costs are the direct result of physical injury sustained in the implementation of a contingency plan, shall be available to any political subdivision which incurs such expense in providing personnel and/or material, when requested by the secretary or the secretary's designee, to carry out the provisions of a duly adopted contingency plan. Provided, however, reimbursement for costs incurred under chapter 41.26 RCW will not be made:

(a) Unless the physical injury occurs within the walls or other perimeter of the secured area, if the secretary identifies in the contingency plan the prison walls or other perimeter of the secured area; or

(b) Unless the physical injury results from providing assistance requested by the secretary or the secretary's designee which is beyond the description of the assistance contained in the contingency plan, if the secretary does not identify the prison walls or other perimeter of the secured area; or

(c) If the physical injury results from conduct which either is not requested by the secretary or the secretary's designee, or is in violation of orders by superiors of the local law enforcement agency.

[Statutory Authority: RCW 72.72.040. WSR 84-11-033 (Order 84-06), § 137-70-030, filed 5/14/84. Statutory Authority: Chapter 72.72 RCW. WSR 82-17-044 (Order 82-10), § 137-70-030, filed 8/16/82.]