
HOUSE BILL 2796

State of Washington

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By Representatives Alexander, Ballasiotes, Mulliken, Scott, O'Brien, Doumit, DeBolt, Delvin, Koster, Benson, Carlson, Parlette, Esser, Woods and Skinner

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1 AN ACT Relating to responsibility for the costs of confinement of
2 certain offenders; amending RCW 9.94A.175, 9.94A.190, 9.94A.207, and
3 70.48.440; and adding a new section to chapter 70.48 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 9.94A.175 and 1988 c 153 s 8 are each amended to read
6 as follows:

7 If the offender violates any condition of postrelease supervision,
8 a hearing may be conducted in the same manner as provided in RCW
9 9.94A.200. Jurisdiction shall be with the court of the county in which
10 the offender was sentenced. However, the court may order a change of
11 venue to the offender's county of residence or where the violation
12 occurred, for the purpose of holding a violation hearing.

13 After the hearing, the court may order the offender to be confined
14 for up to sixty days per violation in the county jail. Reimbursement
15 to a city or county for the care of offenders who are detained solely
16 for violating a condition of postrelease supervision shall be (~~under~~)
17 made pursuant to RCW 70.48.440. A county shall be reimbursed for
18 indigent defense costs for offenders who are detained solely for
19 violating a condition of postrelease supervision in accordance with

1 regulations to be promulgated by the office of financial management.
2 An offender may be held in jail at state expense pending the hearing,
3 and any time served while awaiting the hearing shall be credited
4 against confinement imposed for a violation. The court shall retain
5 jurisdiction for the purpose of holding the violation hearing and
6 imposing a sanction.

7 **Sec. 2.** RCW 9.94A.190 and 1995 c 108 s 4 are each amended to read
8 as follows:

9 (1) A sentence that includes a term or terms of confinement
10 totaling more than one year shall be served in a facility or
11 institution operated, or utilized under contract, by the state. Except
12 as provided for in subsections (3) and (5) of this section, a sentence
13 of not more than one year of confinement shall be served in a facility
14 operated, licensed, or utilized under contract, by the county, or if
15 home detention or work crew has been ordered by the court, in the
16 residence of either the defendant or a member of the defendant's
17 immediate family.

18 (2) If a county uses a state partial confinement facility for the
19 partial confinement of a person sentenced to confinement for not more
20 than one year, the county shall reimburse the state for the use of the
21 facility as provided for in this subsection. The office of financial
22 management shall set the rate of reimbursement based upon the average
23 per diem cost per offender in the facility. ~~((The office of financial
24 management shall determine to what extent, if any, reimbursement shall
25 be reduced or eliminated because of funds provided by the legislature
26 to the department of corrections for the purpose of covering the cost
27 of county use of state partial confinement facilities.))~~ The office of
28 financial management shall reestablish reimbursement rates each even-
29 numbered year.

30 (3) A person who is sentenced for a felony to a term of not more
31 than one year, and who is committed or returned to incarceration in a
32 state facility on another felony conviction, either under the
33 indeterminate sentencing laws, chapter 9.95 RCW, or under this chapter
34 shall serve all terms of confinement, including a sentence of not more
35 than one year, in a facility or institution operated, or utilized under
36 contract, by the state, consistent with the provisions of RCW
37 9.94A.400.

1 (4) For sentences imposed pursuant to RCW 9.94A.120(6) which have
2 a sentence range of over one year, notwithstanding any other provision
3 of this section all such sentences regardless of length shall be served
4 in a facility or institution operated, or utilized under contract, by
5 the state.

6 (5) Where an offender is serving a total consecutive period of
7 confinement greater than one year whether from one or more than one
8 sentence, that period of confinement shall be served in a facility or
9 institution operated, or utilized under contract, by the state. In
10 calculating whether the total period of confinement exceeds one year,
11 all terms of confinement, including terms of confinement for offenses
12 classified as misdemeanors or gross misdemeanors whether or not the
13 offender is also sentenced to a period of confinement for an offense
14 classified as a felony, shall be included.

15 (6) Nothing in this section shall be construed to affect the length
16 of any sentence, the period of confinement any inmate serves, or any
17 statutes or rules pertaining to earned early release.

18 **Sec. 3.** RCW 9.94A.207 and 1999 c 196 s 9 are each amended to read
19 as follows:

20 (1) The secretary may issue warrants for the arrest of any offender
21 who violates a condition of community placement or community custody.
22 The arrest warrants shall authorize any law enforcement or peace
23 officer or community corrections officer of this state or any other
24 state where such offender may be located, to arrest the offender and
25 place him or her in total confinement pending disposition of the
26 alleged violation. The department shall compensate the local
27 jurisdiction at the office of financial management's adjudicated rate,
28 in accordance with RCW 70.48.440.

29 (2) A community corrections officer, if he or she has reasonable
30 cause to believe an offender in community placement or community
31 custody has violated a condition of community placement or community
32 custody, may suspend the person's community placement or community
33 custody status and arrest or cause the arrest and detention in total
34 confinement of the offender, pending the determination of the secretary
35 as to whether the violation has occurred. The community corrections
36 officer shall report to the secretary all facts and circumstances and
37 the reasons for the action of suspending community placement or
38 community custody status. A violation of a condition of community

1 placement or community custody shall be deemed a violation of the
2 sentence for purposes of RCW 9.94A.195. The authority granted to
3 community corrections officers under this section shall be in addition
4 to that set forth in RCW 9.94A.195.

5 ~~((2))~~ (3) Inmates, as defined in RCW 72.09.015, who ~~((have been~~
6 ~~transferred to))~~ are in community custody and who are detained in a
7 local correctional facility are the financial responsibility of the
8 department of corrections ~~((, except as provided in subsection (3) of~~
9 ~~this section))~~. The community custody inmate shall be removed from the
10 local correctional facility, except as provided in subsection ~~((3))~~
11 (4) of this section, not later than eight days, excluding weekends and
12 holidays, following admittance to the local correctional facility and
13 notification that the inmate is available for movement to a state
14 correctional institution.

15 ~~((3))~~ (4) The department may negotiate with local correctional
16 authorities for an ~~((additional period of detention; however, sex~~
17 ~~offenders sanctioned for community custody violations under RCW~~
18 ~~9.94A.205(2) to a term of confinement shall remain in the local~~
19 ~~correctional facility for the complete term of the sanction. For~~
20 ~~confinement sanctions imposed under RCW 9.94A.205(2)(a), the local~~
21 ~~correctional facility shall be financially responsible. For~~
22 ~~confinement sanctions imposed under RCW 9.94A.205(2)(b), the department~~
23 ~~of corrections shall be financially responsible for that portion of the~~
24 ~~sanction served during the time in which the sex offender is on~~
25 ~~community custody in lieu of earned release, and the local correctional~~
26 ~~facility shall be financially responsible for that portion of the~~
27 ~~sanction served by the sex offender after the time in which the sex~~
28 ~~offender is on community custody in lieu of earned release. The~~
29 ~~department, in consultation with the Washington association of sheriffs~~
30 ~~and police chiefs and those counties in which the sheriff does not~~
31 ~~operate a correctional facility, shall establish a methodology for~~
32 ~~determining the department's local correctional facilities bed~~
33 ~~utilization rate, for each county in calendar year 1998, for offenders~~
34 ~~being held for violations of conditions of community custody, community~~
35 ~~placement, or community supervision. For confinement sanctions imposed~~
36 ~~under RCW 9.94A.205(2) (c) or (d), the local correctional facility~~
37 ~~shall continue to be financially responsible to the extent of the~~
38 ~~calendar year 1998 bed utilization rate. If the department's use of~~
39 ~~bed space in local correctional facilities of any county for~~

1 ~~confinement sanctions imposed on offenders sentenced to a term of~~
2 ~~community custody under RCW 9.94A.205(2) (c) or (d) exceeds the 1998~~
3 ~~bed utilization rate for the county, the department shall compensate~~
4 ~~the county for the excess use at the per diem rate equal to the lowest~~
5 ~~rate charged by the county under its contract with a municipal~~
6 ~~government during the year in which the use occurs)) inmate described
7 in subsection (3) of this section to remain in a local correctional
8 facility for the length of the confinement sanction that is imposed.
9 In such event, the department shall compensate the local correctional
10 authority for the cost of confinement in accordance with RCW 70.48.440.~~

11 **Sec. 4.** RCW 70.48.440 and 1984 c 235 s 5 are each amended to read
12 as follows:

13 The office of financial management, in consultation with the
14 Washington association of sheriffs and police chiefs, shall establish
15 a uniform equitable rate for reimbursing cities and counties for the
16 care of sentenced felons who are the financial responsibility of the
17 department of corrections and are detained or incarcerated in a city or
18 county jail.

19 ~~((Until June 30, 1985, the rate for the care of sentenced felons~~
20 ~~who are the financial responsibility of the department of corrections~~
21 ~~shall be ten dollars per day. Cost of extraordinary emergency medical~~
22 ~~care incurred by prisoners who are the financial responsibility of the~~
23 ~~department of corrections under this chapter shall be reimbursed. The~~
24 ~~department of corrections shall be advised as far in advance as~~
25 ~~practicable by competent medical authority of the nature and course of~~
26 ~~treatment required to ensure the most efficient use of state resources~~
27 ~~to address the medical needs of the offender. In the event emergency~~
28 ~~medical care is needed, the department of corrections shall be advised~~
29 ~~as soon as practicable after the offender is treated.~~

30 ~~Prior to June 30, 1985, the office of financial management shall~~
31 ~~meet with the corrections standards board to establish criteria to~~
32 ~~determine equitable rates regarding variable costs for sentenced felons~~
33 ~~who are the financial responsibility of the department of corrections~~
34 ~~after June 30, 1985.))~~

35 The rate shall reflect the weighted state-wide average cost,
36 including medical services, of housing an offender in city and county
37 jails or the average annual cost per inmate incurred by the department

1 of corrections as reported in the most recently published copy of
2 legislative budget notes, whichever is less.

3 The office of financial management shall re-establish these rates
4 each even-numbered year (~~beginning in 1986~~).

5 NEW SECTION. **Sec. 5.** A new section is added to chapter 70.48 RCW
6 to read as follows:

7 (1) The legislature shall, by making specific appropriations, agree
8 to assume responsibility for certain additional jail costs which are
9 currently borne by local governments. Categories of costs that are to
10 be assumed include those jail costs incurred as a result of: (a)
11 Serving out-of-state warrants; (b) serving out-of-county warrants; (c)
12 holding prisoners who are arrested by any officer of the Washington
13 state patrol, department of fish and wildlife, any public college or
14 university police force, or the state parks department; and (d)
15 offenders who are denied bail due to specific legislative enactments
16 which made that offender ineligible for bail.

17 (2) All appropriations made for this purpose: (a) Are made in
18 support of programs and services that are the ongoing responsibility of
19 the recipient political subdivision; (b) are a transfer of local
20 government costs under RCW 43.135.060; and (c) do not constitute a
21 state obligation for any time period other than that for which the
22 appropriation is made. All appropriations made for this purpose shall
23 also indicate the amount appropriated, the categories of costs being
24 assumed, and how the appropriation will be modified if the costs being
25 assumed exceed the amount being appropriated.

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