
HOUSE BILL 2797

State of Washington

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

Read first time 01/20/2000. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to financial responsibility for confinement of
2 offenders; and amending RCW 9.94A.207 and 70.48.440.

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

4 **Sec. 1.** RCW 9.94A.207 and 1999 c 196 s 9 are each amended to read
5 as follows:

6 (1) The secretary may issue warrants for the arrest of any offender
7 who violates a condition of community placement or community custody.
8 The arrest warrants shall authorize any law enforcement or peace
9 officer or community corrections officer of this state or any other
10 state where such offender may be located, to arrest the offender and
11 place him or her in total confinement pending disposition of the
12 alleged violation. The department shall compensate the local
13 jurisdictions ~~((at the office of financial management's adjudicated~~
14 ~~rate, in accordance with RCW 70.48.440))~~ at the per diem rate equal to
15 the lowest rate charged by the county under its contract with a
16 municipal government during the year in which the use occurs. A
17 community corrections officer, if he or she has reasonable cause to
18 believe an offender in community placement or community custody has
19 violated a condition of community placement or community custody, may

1 suspend the person's community placement or community custody status
2 and arrest or cause the arrest and detention in total confinement of
3 the offender, pending the determination of the secretary as to whether
4 the violation has occurred. The community corrections officer shall
5 report to the secretary all facts and circumstances and the reasons for
6 the action of suspending community placement or community custody
7 status. A violation of a condition of community placement or community
8 custody shall be deemed a violation of the sentence for purposes of RCW
9 9.94A.195. The authority granted to community corrections officers
10 under this section shall be in addition to that set forth in RCW
11 9.94A.195.

12 (2) Inmates, as defined in RCW 72.09.015, and felons sentenced to
13 more than twelve months of total confinement, who have been transferred
14 to community custody or community placement and who are detained in a
15 local correctional facility are the financial responsibility of the
16 department of corrections (~~(, except as provided in subsection (3) of~~
17 ~~this section)~~). The community custody inmate shall be removed from the
18 local correctional facility, except as provided in subsection (3) of
19 this section, not later than eight days, excluding weekends and
20 holidays, following admittance to the local correctional facility and
21 notification that the inmate is available for movement to a state
22 correctional institution.

23 (3) The department may negotiate with local correctional
24 authorities for an additional period of detention; however, sex
25 offenders sanctioned for community custody violations under RCW
26 9.94A.205(2) to a term of confinement shall remain in the local
27 correctional facility for the complete term of the sanction. (~~For~~
28 ~~confinement sanctions imposed under RCW 9.94A.205(2)(a), the local~~
29 ~~correctional facility shall be financially responsible. For~~
30 ~~confinement sanctions imposed under RCW 9.94A.205(2)(b), the department~~
31 ~~of corrections shall be financially responsible for that portion of the~~
32 ~~sanction served during the time in which the sex offender is on~~
33 ~~community custody in lieu of earned release, and the local correctional~~
34 ~~facility shall be financially responsible for that portion of the~~
35 ~~sanction served by the sex offender after the time in which the sex~~
36 ~~offender is on community custody in lieu of earned release.)) The
37 department, in consultation with the Washington association of sheriffs
38 and police chiefs and those counties in which the sheriff does not
39 operate a correctional facility, shall establish a methodology for~~

1 determining the department's local correctional facilities bed
2 utilization rate, for each county in calendar year 1998, for offenders
3 being held for violations of conditions of community custody, community
4 placement, or community supervision. For confinement sanctions imposed
5 under RCW 9.94A.205(2) (c) or (d), the local correctional facility
6 shall continue to be financially responsible to the extent of the
7 calendar year 1998 bed utilization rate. If the department's use of
8 bed space in local correctional facilities of any county for
9 confinement sanctions imposed on offenders sentenced to a term of
10 community custody under RCW 9.94A.205(2) (c) or (d) exceeds the 1998
11 bed utilization rate for the county, the department shall compensate
12 the county for the excess use at the per diem rate equal to the lowest
13 rate charged by the county under its contract with a municipal
14 government during the year in which the use occurs.

15 **Sec. 2.** RCW 70.48.440 and 1984 c 235 s 5 are each amended to read
16 as follows:

17 The office of financial management shall establish a uniform
18 equitable rate for reimbursing cities and counties for the care of
19 sentenced felons who are the financial responsibility of the department
20 of corrections and are detained or incarcerated in a city or county
21 jail.

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

33 Prior to June 30, 1985, the office of financial management shall
34 meet with the corrections standards board to establish criteria to
35 determine equitable rates regarding variable costs for sentenced felons
36 who are the financial responsibility of the department of corrections
37 after June 30, 1985. The office of financial management shall
38 reestablish these rates each even-numbered year beginning in 1986.

1 After June 30, 2002, the per diem rate for the care of sentenced
2 felons under the supervision of the department of corrections shall be
3 the per diem rate equal to the lowest rate charged by the county under
4 its contract with a municipal government during the year in which the
5 use occurs.

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