

# HOUSE BILL REPORT

## HB 2407

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### As Passed Legislature

**Title:** An act relating to establishing the authority to create and operate regional jails.

**Brief Description:** Establishing the authority to create and operate regional jails.

**Sponsors:** By Representatives Ballasiotes, O'Brien, Lovick, Hurst, Woods, Kagi and Haigh.

### Brief History:

#### Committee Activity:

Criminal Justice & Corrections: 2/1/02, 2/5/02 [DP].

#### Floor Activity:

Passed House: 2/14/02, 98-0.

Senate Amended.

Passed Senate: 3/4/02, 45-0.

House Concurred.

Passed House: 3/9/02, 94-0.

Passed Legislature.

### Brief Summary of Bill

- Authorizes local governments to create and operate regional jails between two or more local governments.
- Requires prosecuting jurisdictions that incarcerate persons in another county to provide contact between defendants and their public defense counsel.

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### HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

**Majority Report:** Do pass. Signed by 7 members: Representatives O'Brien, Chair; Lovick, Vice Chair; Ballasiotes, Ranking Minority Member; Ahern, Kagi, Kirby and Morell.

**Staff:** Yvonne Walker (786-7841).

### Background:

Any city, town, or county may build and operate a jail as long as that particular jail is

located within the territorial boundaries of the county in which the city, town, or county is located. A jail includes any holding facility, detention facility, special detention facility, or correctional facility.

Under the Interlocal Cooperation Act, local governments and state agencies are authorized to enter into cooperative contracts for one public entity to provide a service, activity, or undertaking to the other public entity, if all parties to the contract possess the authority to provide the service, activity, or undertaking. Interlocal contracts for jail services may be made between a county and a city located within the boundaries of the county or among other counties.

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**Summary of Bill:**

Local governments are authorized to create and operate regional jails between any two or more local governments or with the state. In addition, these regional jails may be operated by representatives from multiple jurisdictions as long as they comply with the Interlocal Cooperation Act.

Any prosecuting jurisdiction that confines a person in another county, outside of its own county, must provide contact (e.g., telephone, video-conferencing, or in-person contact) between the defendant and his or her public defense counsel.

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**Appropriation:** None.

**Fiscal Note:** Requested on January 28, 2002.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** The Washington Association of Sheriffs and Police Chiefs did a study on local jails and found that regional jails were a very efficient way to allow local governments to meet increasing jail needs. However, when they looked at the legal authority to pursue it they found that it was in conflict with multiple parts of Washington's statute. Many other states have regional jails and it seems to be working well. This bill would allow local governments to build and jointly operate jails.

This bill is only intended for those inmates confined after they have been sentenced.

**Testimony Against:** There is support for making the best use of public funds. However this bill and in particular HB 2541, would allow for both pretrial and post conviction defendants to be confined in regional jails. The housing of prisoners in regional jails will require transporting prisoners to court and will impact a defendant's access to counsel. Furthermore, video court appearances are limited by court rule. Regional jails also make

it difficult for family members and other members of the community to visit the inmate, especially if rehabilitation is the goal.

Other problems seen with this bill include:

- Judges currently allow graduated sanctions within the court's community, however they may be reluctant to offer graduate sanctions to inmates housed outside of the area;
- The accounting infrastructure does not exist to allocate the jail costs at the regional jail to entities where the inmate has multiple charges from more than one jurisdiction;
- The number of outstanding warrants is staggering and it would be difficult to figure regional jails into the mix when it is already difficult for an inmate to clear up legal matters in multiple jurisdictions;
- An inmate whom the judge allows to do the sentence on work release may find it difficult to find work in the area of the regional jail; and lastly,
- If a person has a medical condition upon entry into the jail that needs monitoring by the inmate's physician, if the inmate is transferred to a regional jail, then he would not be close to his own personal physician.

**Testified:** (In support) Representative Ballasiotes, prime sponsor; and Tim Schellberg, Washington Association of Sheriffs and Police Chiefs.

(Concerns) Sherry Appleton, Washington Defenders Association and Washington Association of Criminal Defense Lawyers.