

HOUSE BILL REPORT

SHB 2541

As Passed Legislature

Title: An act relating to interlocal agreements for jail services.

Brief Description: Expanding authority for interlocal agreements for jail services.

Sponsors: By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Hurst, Jarrett, Ballasiotes, O'Brien, Dickerson, Edwards, Miloscia, Morell, Rockefeller, Haigh and Linville).

Brief History:

Committee Activity:

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

Floor Activity:

Passed House: 2/14/02, 97-0.

Senate Amended.

Passed Senate: 3/5/02, 44-0.

House Concurred.

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

Passed Legislature.

Brief Summary of Substitute Bill

- Expands the provision that limits county contracts for jail services between cities located within its county borders and other counties.
- Expands the definition of jail services.
- Requires prosecuting jurisdictions that incarcerate persons in another county to provide contact between defendants and their public defense counsel.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill 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:

Counties may contract for jail services with a city located within the boundaries of the county or with other counties. However, a county or a city cannot contract for jail services with another city that is located outside of its county boundaries. Jail services include allowing a prosecuting city or county to confine a person convicted of an offense, punishable by imprisonment in a jail, in a county or city where jail services are contracted.

Summary of Substitute Bill:

The provision that limits contracts for jail services between a county and cities located within its county borders is expanded.

Counties and cities may contract for jail services in any city or county. In addition, jail services are expanded whereby a prosecuting city or county may incarcerate a person, (charged or convicted with an offense) in any county or city jail where services are contracted. Any jurisdiction that confines a person in another county must provide contact (e.g. telephone, video-conferencing, or in-person contact) between the defendant and his or her public defense counsel.

Appropriation: None.

Fiscal Note: Requested on January 28, 2002.

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

Testimony For: This bill makes good judicial sense. It gives cities the option to house offenders in another county that may be able to provide jail services at a lower cost. Still there are other counties that may be able to provide needed rehabilitation services to an offender which may not be offered in its own county.

Furthermore, most public defenders see their defendants for the first time at the first hearing in the court room. Seattle is unique because their defenders' office is located across the street from the jail. Despite where the defendant is housed it is the judges' responsibility to make sure the defendant is adequately represented by his or her counsel.

King County Jail has notified cities that there will be no more room in the county jail for misdemeanor offenders after the year 2003. As a result, some cities have already started to contract with other cities to house their inmates. The problem is that RCW 70.48, as currently written, is somewhat conflicting. One section states that cities can only confine prisoners in a county in which they have been charged. The other statute states that you can contract for jail services with anyone that you choose. This bill is an attempt to correct those conflicting statutes.

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 a 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) Judge Peter Lukevich, District and Municipal Court Judges; Mike Doubleday, city of Bellevue; and David Mosely, city of Federal Way.

(In support with concerns) Sophia Byrd, Washington Association of Counties.

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