
SENATE BILL 6344

State of Washington 57th Legislature

2002 Regular Session

By Senators Kline, McCaslin, Haugen, Johnson, Roach, Finkbeiner,
Hochstatter, Rasmussen and Oke

Read first time 01/16/2002. Referred to Committee on Judiciary.

1 AN ACT Relating to where sentences are served; and amending RCW
2 9.94A.190 and 70.48.400.

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

4 **Sec. 1.** RCW 9.94A.190 and 2001 2nd sp.s. c 12 s 313 are each
5 amended to read as follows:

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

15 (2) If a county uses a state partial confinement facility for the
16 partial confinement of a person sentenced to confinement for not more
17 than (~~one year~~) nine months, the county shall reimburse the state for
18 the use of the facility as provided in this subsection. The office of
19 financial management shall set the rate of reimbursement based upon the

1 average per diem cost per offender in the facility. The office of
2 financial management shall determine to what extent, if any,
3 reimbursement shall be reduced or eliminated because of funds provided
4 by the legislature to the department for the purpose of covering the
5 cost of county use of state partial confinement facilities. The office
6 of financial management shall reestablish reimbursement rates each
7 even-numbered year.

8 (3) A person who is sentenced for a felony to a term of not more
9 than ~~((one year))~~ nine months, and who is committed or returned to
10 incarceration in a state facility on another felony conviction, either
11 under the indeterminate sentencing laws, chapter 9.95 RCW, or under
12 this chapter shall serve all terms of confinement, including a sentence
13 of not more than ~~((one year))~~ nine months, in a facility or institution
14 operated, or utilized under contract, by the state, consistent with the
15 provisions of RCW 9.94A.589.

16 (4) Notwithstanding any other provision of this section, a sentence
17 imposed pursuant to RCW 9.94A.660 which has a standard sentence range
18 of over ~~((one year))~~ nine months, regardless of length, shall be served
19 in a facility or institution operated, or utilized under contract, by
20 the state.

21 (5) Sentences imposed pursuant to RCW 9.94A.712 shall be served in
22 a facility or institution operated, or utilized under contract, by the
23 state.

24 **Sec. 2.** RCW 70.48.400 and 1987 c 462 s 11 are each amended to read
25 as follows:

26 Persons sentenced to felony terms or a combination of terms of more
27 than ~~((three hundred sixty five days))~~ nine months of incarceration
28 shall be committed to state institutions under the authority of the
29 department of corrections. Persons serving sentences of ~~((three
30 hundred sixty five consecutive days))~~ nine months or less may be
31 sentenced to a jail as defined in RCW 70.48.020. All persons convicted
32 of felonies or misdemeanors and sentenced to jail shall be the
33 financial responsibility of the city or county.

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