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**SUBSTITUTE SENATE BILL 6393**

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**State of Washington 57th Legislature**

**2002 Regular Session**

**By** Senate Committee on Judiciary (originally sponsored by Senators Kline, Deccio, Haugen, Honeyford, Eide, Kastama and Horn)

Read first time 02/08/2002. Referred to Committee on .

1 AN ACT Relating to interlocal agreements for jail services; and  
2 amending RCW 70.48.090 and 70.48.220.

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

4 **Sec. 1.** RCW 70.48.090 and 1987 c 462 s 7 are each amended to read  
5 as follows:

6 (1) Contracts for jail services may be made between a county and a  
7 city (~~located within the boundaries of a county~~), and among counties  
8 and cities. The contracts shall: Be in writing, give one governing  
9 unit the responsibility for the operation of the jails, specify the  
10 responsibilities of each governing unit involved, and include the  
11 applicable charges for custody of the prisoners as well as the basis  
12 for adjustments in the charges. The contracts may be terminated only  
13 by ninety days written notice to the governing units involved and to  
14 the office. The notice shall state the grounds for termination and the  
15 specific plans for accommodating the affected jail population.

16 (2) The contract authorized in subsection (1) of this section shall  
17 be for a minimum term of ten years when state funds are provided to  
18 construct or remodel a jail in one governing unit that will be used to  
19 house prisoners of other governing units. The contract may not be

1 terminated prior to the end of the term without the office's approval.  
2 If the contract is terminated, or upon the expiration and nonrenewal of  
3 the contract, the governing unit whose jail facility was built or  
4 remodeled to hold the prisoners of other governing units shall pay to  
5 the state treasurer the amount set by the corrections standards board  
6 or office when it authorized disbursement of state funds for the  
7 remodeling or construction under RCW 70.48.120. This amount shall be  
8 deposited in the local jail improvement and construction account and  
9 shall fairly represent the construction costs incurred in order to  
10 house prisoners from other governing units. The office may pay the  
11 funds to the governing units which had previously contracted for jail  
12 services under rules which the office may adopt. The acceptance of  
13 state funds for constructing or remodeling consolidated jail facilities  
14 constitutes agreement to the proportionate amounts set by the office.  
15 Notice of the proportionate amounts shall be given to all governing  
16 units involved.

17 (3) A city or county primarily responsible for the operation of a  
18 jail or jails may create a department of corrections to be in charge of  
19 such jail and of all persons confined therein by law, subject to the  
20 authority of the governing unit. If such department is created, it  
21 shall have charge of jails and persons confined therein. If no such  
22 department of corrections is created, the chief law enforcement officer  
23 of the city or county primarily responsible for the operation of said  
24 jail shall have charge of the jail and of all persons confined therein.

25 **Sec. 2.** RCW 70.48.220 and 1979 ex.s. c 232 s 19 are each amended  
26 to read as follows:

27 A person charged or convicted of an offense punishable by  
28 imprisonment in a city or county jail may be confined in the jail of  
29 any city or county contracting with the prosecuting city or county for  
30 jail services.

31 A jurisdiction that has contracted for its defendants to be held in  
32 a jail of another county or city is responsible for the reasonable  
33 costs of personal contact between defendants, who have not been  
34 convicted, and their appointed defense counsel. The jurisdiction may  
35 meet this obligation by: (1) Paying the reasonable costs of mileage to  
36 the appointed defense counsel, at the standard rate for employees or  
37 contractors; (2) transporting the defendant to meet with appointed  
38 defense counsel; or (3) providing video-conference facilities at the

1 jail and a facility within the jurisdiction that are reasonably  
2 available to the defendant and appointed defense counsel.

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