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**SUBSTITUTE SENATE BILL 6270**

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**State of Washington 66th Legislature 2020 Regular Session**

**By** Senate Human Services, Reentry & Rehabilitation (originally sponsored by Senators Darneille, Hasegawa, Kuderer, Wilson, C., Das, and Nguyen)

AN ACT Relating to resolution of warrants by persons serving a term of confinement in prison or juvenile rehabilitation; and amending RCW 9.98.010.

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

**Sec.**  RCW 9.98.010 and 2011 c 336 s 345 are each amended to read as follows:

(1) Whenever a person has entered upon a term of imprisonment in a penal ((~~or~~)), correctional, or juvenile rehabilitation institution of this state, and whenever during the continuance of the term of imprisonment there is pending in this state any untried indictment, information, or complaint against the ((~~prisoner~~)) person, he or she shall be brought to trial within one hundred twenty days after he or she shall have caused to be delivered to the prosecuting attorney and the ((~~superior~~)) court ((~~of the county~~)) in which the indictment, information, or complaint is pending written notice of the place of his or her imprisonment and his or her request for a final disposition to be made of the indictment, information, or complaint((~~: PROVIDED, That for~~)). The following time periods shall be excluded from the one hundred twenty-day calculation:

(a) Arraignment, pretrial proceedings, trial, and sentencing on an unrelated charge in a different country than the court where the charge is pending;

(b) Proceedings related to competency to stand trial on the pending charge, from the entry of an evaluation order to the entry of a court order finding the person competent to proceed; and

(c) Time during which the person is detained in a federal jail or prison and subject to conditions of release not imposed by the state of Washington.

(2) The superintendent who provides the certificate under subsection (4) of this section shall inform any prosecuting attorney or court requesting transportation of the person to resolve an untried indictment, information, or complaint of the person's current location and availability for trial. If the person is unavailable for transportation due to court proceedings in another county, the department shall inform the prosecuting attorney or court when the person becomes available for transportation and provide a new certificate containing the information under subsection (4) of this section.

(3) For good cause shown in open court, with the ((~~prisoner~~)) person or his or her counsel ((~~shall have~~)) having the right to be present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance.

(4) The request of the ((~~prisoner~~)) person shall be accompanied by a certificate of the superintendent having custody of the ((~~prisoner~~)) person, stating the term of commitment under which the ((~~prisoner~~)) person is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the ((~~time of parole eligibility~~)) earned release date of the ((~~prisoner~~)) person, and any decisions of the indeterminate sentence review board relating to the ((~~prisoner~~)) person.

((~~(2)~~)) (5) The written notice and request for final disposition referred to in subsection (1) of this section shall be given or sent by the ((~~prisoner~~)) person to the superintendent having custody of him or her, who shall promptly forward it together with the certificate to the appropriate prosecuting attorney and superior, district, municipal, or juvenile court by certified mail, return receipt requested.

((~~(3)~~)) (6) The superintendent having custody of the ((~~prisoner~~)) person shall promptly inform him or her in writing of the source and contents of any untried indictment, information, or complaint against him or her concerning which the superintendent has knowledge and of his or her right to make a request for final disposition thereof.

((~~(4)~~)) (7) Escape from custody by the ((~~prisoner~~)) person subsequent to his or her execution of the request for final disposition referred to in subsection (1) of this section shall void the request.

**--- END ---**