
HOUSE BILL 1766

State of Washington

57th Legislature

2001 Regular Session

By Representatives Ericksen and Casada

Read first time 02/02/2001. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to city and county jails; amending RCW 70.48.020,
2 70.48.090, 70.48.180, 70.48.190, and 70.48.220; and adding a new
3 section to chapter 70.48 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.48 RCW
6 to read as follows:

7 A city, town, or county, or any combination thereof, may by
8 ordinance award contracts to a private jail contractor for jail
9 services. If more than one governing unit enters jointly into a
10 contract with a private jail contractor under this section, the
11 legislative authority of each entity must pass an ordinance awarding
12 the contract. The contracts may be for the construction, lease,
13 operation, supervision, or maintenance of a jail. The contracts shall:
14 (a) Be in writing; (b) give the governing unit or units the
15 responsibility for the oversight, compliance, review, and audit of the
16 contract and the private jail; and (c) include the applicable charges
17 for custody of the prisoners as well as the basis for adjustments in
18 the charges. The contracts may be terminated only by ninety days'
19 notice to the governing unit or units involved and the private jail

1 contractor. The notice shall state the grounds for termination and the
2 specific plans for accommodating the affected jail population.

3 **Sec. 2.** RCW 70.48.020 and 1987 c 462 s 6 are each amended to read
4 as follows:

5 As used in this chapter the words and phrases in this section shall
6 have the meanings indicated unless the context clearly requires
7 otherwise.

8 (1) "Holding facility" means a facility operated by or contracting
9 with a governing unit primarily designed, staffed, and used for the
10 temporary housing of adult persons charged with a criminal offense
11 prior to trial or sentencing and for the temporary housing of such
12 persons during or after trial and/or sentencing, but in no instance
13 shall the housing exceed thirty days.

14 (2) "Detention facility" means a facility operated by or
15 contracting with a governing unit primarily designed, staffed, and used
16 for the temporary housing of adult persons charged with a criminal
17 offense prior to trial or sentencing and for the housing of adult
18 persons for purposes of punishment and correction after sentencing or
19 persons serving terms not to exceed ninety days.

20 (3) "Special detention facility" means a minimum security facility
21 operated by or contracting with a governing unit primarily designed,
22 staffed, and used for the housing of special populations of sentenced
23 persons who do not require the level of security normally provided in
24 detention and correctional facilities including, but not necessarily
25 limited to, persons convicted of offenses under RCW 46.61.502 or
26 46.61.504.

27 (4) "Correctional facility" means a facility operated by or
28 contracting with a governing unit primarily designed, staffed, and used
29 for the housing of adult persons serving terms not exceeding one year
30 for the purposes of punishment, correction, and rehabilitation
31 following conviction of a criminal offense.

32 (5) "Jail" means any holding, detention, special detention, or
33 correctional facility as defined in this section.

34 (6) "Health care" means preventive, diagnostic, and rehabilitative
35 services provided by licensed health care professionals and/or
36 facilities; such care to include providing prescription drugs where
37 indicated.

1 (7) "Governing unit" means the city and/or county or any
2 combinations of cities and/or counties responsible for either the
3 operation, supervision, and maintenance of a jail, or contract
4 compliance of a private jail contractor.

5 (8) "Private jail contractor" means any company that provides
6 services to a city or county for the construction, operation,
7 supervision, or maintenance of a jail.

8 (9) "Major urban" means a county or combination of counties which
9 has a city having a population greater than twenty-six thousand based
10 on the 1978 projections of the office of financial management.

11 (~~(9)~~) (10) "Medium urban" means a county or combination of
12 counties which has a city having a population equal to or greater than
13 ten thousand but less than twenty-six thousand based on the 1978
14 projections of the office of financial management.

15 (~~(10)~~) (11) "Rural" means a county or combination of counties
16 which has a city having a population less than ten thousand based on
17 the 1978 projections of the office of financial management.

18 (~~(11)~~) (12) "Office" means the office of financial management.

19 **Sec. 3.** RCW 70.48.090 and 1987 c 462 s 7 are each amended to read
20 as follows:

21 (1) Contracts for jail services may be made between a county and
22 city located within the boundaries of a county, (~~and~~) among counties,
23 or between a city or county and a private jail contractor. The
24 contracts shall: Be in writing, give one governing unit the
25 responsibility for the operation of the jails, specify the
26 responsibilities of each governing unit involved, and include the
27 applicable charges for custody of the prisoners as well as the basis
28 for adjustments in the charges. The contracts may be terminated only
29 by ninety days written notice to the governing units involved and to
30 the office. The notice shall state the grounds for termination and the
31 specific plans for accommodating the affected jail population.

32 (2) The contract authorized in subsection (1) of this section shall
33 be for a minimum term of ten years when state funds are provided to
34 construct or remodel a jail in one governing unit that will be used to
35 house prisoners of other governing units. The contract may not be
36 terminated prior to the end of the term without the office's approval.
37 If the contract is terminated, or upon the expiration and nonrenewal of
38 the contract, the governing unit whose jail facility was built or

1 remodeled to hold the prisoners of other governing units shall pay to
2 the state treasurer the amount set by the corrections standards board
3 or office when it authorized disbursement of state funds for the
4 remodeling or construction under RCW 70.48.120. This amount shall be
5 deposited in the local jail improvement and construction account and
6 shall fairly represent the construction costs incurred in order to
7 house prisoners from other governing units. The office may pay the
8 funds to the governing units which had previously contracted for jail
9 services under rules which the office may adopt. The acceptance of
10 state funds for constructing or remodeling consolidated jail facilities
11 constitutes agreement to the proportionate amounts set by the office.
12 Notice of the proportionate amounts shall be given to all governing
13 units involved.

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

22 **Sec. 4.** RCW 70.48.180 and 1983 c 165 s 37 are each amended to read
23 as follows:

24 Counties may acquire, build, operate, and maintain or contract with
25 a private jail contractor under section 1 of this act to build, lease,
26 operate, and maintain holding, detention, special detention, and
27 correctional facilities as defined in RCW 70.48.020 at any place
28 designated by the county legislative authority within the territorial
29 limits of the county. The facilities shall comply with chapter 70.48
30 RCW and the rules adopted thereunder.

31 **Sec. 5.** RCW 70.48.190 and 1983 c 165 s 38 are each amended to read
32 as follows:

33 Cities and towns may acquire, build, operate, and maintain or
34 contract with a private jail contractor under section 1 of this act to
35 build, lease, operate, and maintain holding, detention, special
36 detention, and correctional facilities as defined in RCW 70.48.020 at
37 any place within the territorial limits of the county in which the city

1 or town is situated, as may be selected by the legislative authority of
2 the municipality. The facilities comply with the provisions of chapter
3 70.48 RCW and rules adopted thereunder.

4 **Sec. 6.** RCW 70.48.220 and 1979 ex.s. c 232 s 19 are each amended
5 to read as follows:

6 A person convicted of an offense punishable by imprisonment in a
7 city or county jail may be confined in the jail of any city ~~((or))~~,
8 county, or private jail contractor contracting with the prosecuting
9 city or county for jail services.

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