

State of Washington

CORRECTIONS STANDARDS BOARD

(name of governing body)

(agency name, if applicable)

Resolution No. _____

Administrative Order No. 35

(1) Be it resolved by the Corrections Standards Board

acting at Olympia, Washington

(place)

that it does adopt the annexed rules relating to:

WAC 289-02-040. Classification and Uses of Holding Facilities.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. 83-21-089

filed with the code reviser on 10/19/83. These rules shall take effect:

thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

at a later date, such date being _____.

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

We, _____, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is:

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026¹ that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" fill in statement (a), (b), or (c) as appropriate:

(a) This rule is promulgated pursuant to RCW _____ and is intended to administratively implement that statute.

(b) This rule is promulgated pursuant to RCW _____ which directs that the

(agency)

has authority to implement the provisions of

(name of act or RCW citation)

(c) This rule is promulgated under the general rule-making authority of the

Corrections Standards Board

(agency)

as authorized in RCW 70.48.050(1)(c)

(4) The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(5) This order, after being first recorded in the order register of this governing body, is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED November 22, 19 83

FILED

NOV 23 1983

By Robert W. Cote

Robert W. Cote
Executive Secretary

Title

CODE REVISER'S OFFICE

WSR 83-24-046

NEW SECTION

WAC 289-02-040. Classification and Uses of Holding Facilities. (1) The Corrections Standards Board shall classify each holding facility as a "6-hour," "72-hour," or "30-day" holding facility, pursuant to WAC 289-02-030. (2) Pursuant to RCW 70.48.050(1)(c) and with the approval of the court having jurisdiction of the prisoner, a sentenced prisoner may serve up to four 72-hour sentences in a 72-hour holding facility PROVIDED THAT no continuous portion thereof exceeds 72 hours and each such portion is followed by a period of non-incarceration which is at least as long as the period of incarceration. (3) Pursuant to RCW 70.48.050(1)(c) and with the approval of the court having jurisdiction of the prisoner, a sentenced prisoner may serve two 30-day sentences in a 30-day holding facility PROVIDED THAT no continuous portion thereof exceeds 30 days and each such portion is followed by a period of non-incarceration of at least seven days.