

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

DEPARTMENT OF CORRECTIONS
(agency name)

Administrative Order No. 85-06

(1) I, Amos E. Reed, Secretary, director of the Department of Corrections

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to:

AMEND: WAC 137-28-030, Serious Infractions

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

This action is taken pursuant to Notice No. 85-05-048 filed with the code reviser on Feb. 20, 1985. These rules shall take effect: [X] 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.

I, 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 34.04.026 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)

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

Department of Corrections (agency)

as authorized in RCW 72.01.090

(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 agency, is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED April 1, 1985

STATE OF WASHINGTON FILED

APR 1 1985

By Amos E. Reed, Secretary Title

[Form CR-7: Rev. 7/23/82]

CODE REVISER'S OFFICE WSR 85-08-026

AMENDATORY SECTION (Amending Order 84-13, filed 8/14/84, effective 10/10/84)

WAC 137-28-030 SERIOUS INFRACTIONS. Any of the following types of behavior shall constitute a serious infraction:

- 501 - Committing homicide;
- 502 - Assaulting any person;
- 503 - Extortion, blackmail, demanding or receiving money or anything of value in return for protection against others, or under threat of informing;
- 504 - Engaging in sexual acts with others, with the exception of conjugal visits authorized by the superintendent;
- 505 - Fighting with any person except in self-defense;
- 506 - Threatening another with bodily harm or with any offense against his/her person;
- 507 - Committing an act not otherwise proscribed by these regulations which constitutes a felony or misdemeanor under state or federal law;
- 508 - Throwing objects or material at staff members, institution visitors, or other inmates;
- 521 - Holding a person hostage;
- 525 - Violation of conditions of furlough;
- 550 - Escape or attempted escape;
- 551 - Lying to the disciplinary hearing committee or hearing officer;
- 552 - Lying to a staff member with the intention of causing an innocent person to be penalized or proceeded against;
- 553 - Intentionally or recklessly setting a fire;
- 554 - Intentionally or recklessly destroying or damaging state property, or the property of another person in excess of five dollars;
- 555 - Stealing (theft) or knowing possession of stolen property;
- 556 - Refusing to submit to a body search when lawfully ordered to do so by a staff member;
- 557 - Refusing and/or failing to work or attend other regularly scheduled assignments;
- 558 - Intentionally interfering with a staff member in the performance of his/her duties;
- 559 - Gambling;
- 600 - Tampering with or blocking any locking device or seal;
- 601 - Possession or introduction of an explosive, poison, or any ammunition or components thereof;
- 602 - Possession or introduction of any gun, firearm, weapon, sharpened instrument, knife, or unauthorized tool or components thereof;
- 603 - Possession, introduction, transfer, or use of any narcotics, controlled substance, or related paraphernalia; possession, transfer, or use of any intoxicant or drug not prescribed or authorized for the inmate or for the inmate to whom transferred, if applicable, by the medical staff; or being intoxicated, or under the influence of an unauthorized drug, narcotic, controlled substance, or other intoxicant;
- 605 - Unauthorized possession of any officer's or staff's clothing;
- 607 - Refusing to submit to a urinalysis (~~((or blood test under medically acceptable conditions,))~~) when (~~((requested in writing to do so by a supervisory employee of the rank of shift commander or above, by licensed medical staff, or by others designated by the superintendent))~~) ordered to do so by an authorized staff member;
- 608 - Refusing to submit to a breathalyzer or other standard sobriety test;
- 650 - Rioting;
- 651 - Inciting others to riot;
- 652 - Engaging in or inciting a prohibited group demonstration;

- 653 - Intentionally interfering with the taking of count;
- 654 - Counterfeiting, forging or unauthorized reproduction of any document, article of identification, money, security, or official paper;
- 655 - Making intoxicants, controlled substances, narcotics;
- 656 - Giving or offering any official or staff member or a volunteer a bribe or anything of value for a favor or unauthorized service;
- 657 - Four or more general infractions arising out of separate incidents, all of which occur within the previous six-month period, and which have been reported in writing;
- 658 - Intentional failure to perform according to an administrative action taken pursuant to WAC 137-28-050 (2), or resisting posthearing sanctions as provided for in WAC 137-28-105;
- 660 - Unauthorized possession of money or other negotiable instruments of five dollars or more;
- 661 - Performing or taking part in performing a marriage in the institution buildings or on the institutional grounds, except when such marriage was approved by the superintendent of the institution, which may, in appropriate cases, also be deemed a violation of a visiting rule that can subject an inmate to the sanction contained in WAC 137-28-105 (1) (d), as well as other sanctions available for serious infractions;
- 662 - Solicitation of goods and/or services for which the provider would expect payment when the inmate knows or should have known he/she has no funds available to pay for such goods or services;
- 700 - Attempting to commit or aiding another person to commit a serious infraction as enumerated in this rule, and such action shall be considered the same as commission of the offense itself; or
- 701 - Commission of any general infraction as enumerated in WAC 137-28-025 or any local rule denominated as a general infraction in such a manner as likely to result in danger to life or limb or to create a risk to the orderly operation of the institution or the health and safety of its inmates, staff, or visitors shall be considered a serious infraction, provided there is substantial evidence which establishes there was such a danger.