

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE SENATE BILL 6761**

Chapter 62, Laws of 2000

56th Legislature  
2000 Regular Session

CORRECTIONS--TRANSFERRING OFFENDERS OUT-OF-STATE

EFFECTIVE DATE: 3/22/00

Passed by the Senate February 15, 2000

YEAS 47 NAYS 0

BRAD OWEN

**President of the Senate**

Passed by the House March 2, 2000

YEAS 98 NAYS 0

CLYDE BALLARD

**Speaker of the  
House of Representatives**

FRANK CHOPP

**Speaker of the  
House of Representatives**

Approved March 22, 2000

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6761** as passed by the Senate and the House of Representatives on the dates hereon set forth.

TONY M. COOK

**Secretary**

FILED

March 22, 2000 - 4:07 p.m.

GARY LOCKE

**Governor of the State of Washington**

**Secretary of State  
State of Washington**

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**ENGROSSED SUBSTITUTE SENATE BILL 6761**

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Passed Legislature - 2000 Regular Session

**State of Washington**

**56th Legislature**

**2000 Regular Session**

**By** Senate Committee on Human Services & Corrections (originally sponsored by Senator Hargrove; by request of Department of Corrections)

Read first time 02/04/00.

1        AN ACT Relating to agreements for the operation of correctional  
2 facilities and programs in any other state; amending RCW 72.68.010 and  
3 72.68.040; adding new sections to chapter 72.68 RCW; and declaring an  
4 emergency.

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

6        NEW SECTION.    **Sec. 1.** A new section is added to chapter 72.68 RCW  
7 to read as follows:

8        The legislature has in the past allowed funding for transfer of  
9 convicted felons to a private institution in another state. It is the  
10 legislature's intent to clarify the law to reflect that the secretary  
11 of corrections has authority to contract with private corporations to  
12 house felons out-of-state and has had that authority since before  
13 February 1, 1999, when specific authority to expend funds during  
14 specified bienniums was granted under RCW 72.09.050. The secretary has  
15 the authority to expend funds between February 1, 1999, and June 30,  
16 2001, for contracts with private corporations to house felons out-of-  
17 state.

1       **Sec. 2.** RCW 72.68.010 and 1983 c 255 s 10 are each amended to read  
2 as follows:

3       (1) Whenever in its judgment the best interests of the state or the  
4 welfare of any prisoner confined in any penal institution will be  
5 better served by his or her transfer to another institution or to a  
6 foreign country of which the prisoner is a citizen or national, the  
7 secretary may effect such transfer consistent with applicable federal  
8 laws and treaties. The secretary has the authority to transfer  
9 offenders out-of-state to private or governmental institutions if the  
10 secretary determines that transfer is in the best interest of the state  
11 or the offender. The determination of what is in the best interest of  
12 the state or offender may include but is not limited to considerations  
13 of overcrowding, emergency conditions, or hardship to the offender. In  
14 determining whether the transfer will impose a hardship on the  
15 offender, the secretary shall consider: (a) The location of the  
16 offender's family and whether the offender has maintained contact with  
17 members of his or her family; (b) whether, if the offender has  
18 maintained contact, the contact will be significantly disrupted by the  
19 transfer due to the family's inability to maintain the contact as a  
20 result of the transfer; and (c) whether the offender is enrolled in a  
21 vocational or educational program that cannot reasonably be resumed if  
22 the offender is returned to the state.

23       (2) If directed by the governor, the secretary shall, in carrying  
24 out this section and RCW 43.06.350, adopt rules under chapter 34.05 RCW  
25 to effect the transfer of prisoners requesting transfer to foreign  
26 countries.

27       **Sec. 3.** RCW 72.68.040 and 1981 c 136 s 117 are each amended to  
28 read as follows:

29       The secretary may contract with the authorities of the federal  
30 government, or the authorities of any state of the United States,  
31 private companies in other states, or ((of)) any county or city in this  
32 state providing for the detention in an institution or jail operated by  
33 such ((governmental unit)) entity, ((of)) for prisoners convicted of a  
34 felony in the courts of this state and sentenced to a term of  
35 imprisonment therefor in a state correctional institution for convicted  
36 felons under the jurisdiction of the department. After the making of  
37 a contract under this section, prisoners sentenced to a term of  
38 imprisonment in a state correctional institution for convicted felons

1 may be conveyed by the superintendent or his assistants to the  
2 institution or jail named in the contract. The prisoners shall be  
3 delivered to the authorities of the institution or jail, there to be  
4 confined until their sentences have expired or they are otherwise  
5 discharged by law, paroled or until they are returned to a state  
6 correctional institution for convicted felons for further confinement.

7 NEW SECTION. **Sec. 4.** A new section is added to chapter 72.68 RCW  
8 to read as follows:

9 (1) If the secretary transfers any offender to an institution in  
10 another state after the effective date of this act, the secretary  
11 shall, prior to the transfer, review the records of victims registered  
12 with the department. If any registered victim of the offender resides:  
13 (a) In the state to which the offender is to be transferred; or (b) in  
14 close proximity to the institution to which the offender is to be  
15 transferred, the secretary shall notify the victim prior to the  
16 transfer and consider the victim's concerns about the transfer.

17 (2) Any victim notified under subsection (1) of this section shall  
18 also be notified of the return of the offender to a facility in  
19 Washington, prior to the return.

20 (3) The secretary shall develop a written policy to define "close  
21 proximity" for purposes of this section.

22 NEW SECTION. **Sec. 5.** This act is necessary for the immediate  
23 preservation of the public peace, health, or safety, or support of the  
24 state government and its existing public institutions, and takes effect  
25 immediately.

Passed the Senate February 15, 2000.

Passed the House March 2, 2000.

Approved by the Governor March 22, 2000.

Filed in Office of Secretary of State March 22, 2000.