

ESSB 5118 - H COMM AMD

By Committee on Children, Youth & Families

ADOPTED 04/08/2021

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Sec. 1.** RCW 9.98.010 and 2011 c 336 s 345 are each amended to
4 read as follows:

5 (1) Whenever a person has entered upon a term of imprisonment in
6 a penal ~~((or))~~, correctional, or juvenile rehabilitation institution
7 of this state, and whenever during the continuance of the term of
8 imprisonment there is pending in this state any untried indictment,
9 information, or complaint against the ~~((prisoner))~~ person, he or she
10 shall be brought to trial within ~~((one hundred twenty))~~ 120 days
11 after he or she shall have caused to be delivered to the prosecuting
12 attorney and the ~~((superior))~~ court ~~((of the county))~~ in which the
13 indictment, information, or complaint is pending written notice of
14 the place of his or her imprisonment and his or her request for a
15 final disposition to be made of the indictment, information, or
16 complaint ~~((: PROVIDED, That for))~~. The following time periods shall
17 be excluded from the 120-day calculation:

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

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

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

27 (2) The superintendent or the superintendent's designee who
28 provides the certificate under subsection (4) of this section shall
29 inform any prosecuting attorney or court requesting transportation of
30 the person to resolve an untried indictment, information, or
31 complaint of the person's current location and availability for
32 trial. If the person is unavailable for transportation due to court

1 proceedings in another county, the superintendent shall inform the
2 prosecuting attorney or court when the person becomes available for
3 transportation and provide a new certificate containing the
4 information under subsection (4) of this section.

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

9 (4) The request of the ((prisoner)) person shall be accompanied
10 by a certificate of the superintendent or the superintendent's
11 designee having custody of the ((prisoner)) person, stating the term
12 of commitment under which the ((prisoner)) person is being held, the
13 time already served, the time remaining to be served on the sentence,
14 the amount of good time earned, the ((time of parole eligibility))
15 earned release date of the ((prisoner)) person, and any decisions of
16 the indeterminate sentence review board relating to the ((prisoner))
17 person.

18 ~~((2))~~ (5) The written notice and request for final disposition
19 referred to in subsection (1) of this section shall be given or sent
20 by the ((prisoner)) person to the superintendent or the
21 superintendent's designee having custody of him or her, who shall
22 promptly forward it together with the certificate to the appropriate
23 prosecuting attorney and superior, district, municipal, or juvenile
24 court by certified mail, return receipt requested.

25 ~~((3))~~ (6) The superintendent or the superintendent's designee
26 having custody of the ((prisoner)) person shall promptly inform him
27 or her in writing of the source and contents of any untried
28 indictment, information, or complaint against him or her concerning
29 which the superintendent or the superintendent's designee has
30 knowledge and of his or her right to make a request for final
31 disposition thereof.

32 ~~((4))~~ (7) Escape from custody by the ((prisoner)) person
33 subsequent to his or her execution of the request for final
34 disposition referred to in subsection (1) of this section shall void
35 the request.

36 **Sec. 2.** RCW 36.70A.200 and 2020 c 128 s 1 and 2020 c 20 s 1027
37 are each reenacted and amended to read as follows:

38 (1)(a) The comprehensive plan of each county and city that is
39 planning under RCW 36.70A.040 shall include a process for identifying

1 and siting essential public facilities. Essential public facilities
2 include those facilities that are typically difficult to site, such
3 as airports, state education facilities and state or regional
4 transportation facilities as defined in RCW 47.06.140, regional
5 transit authority facilities as defined in RCW 81.112.020, state and
6 local correctional facilities, solid waste handling facilities, and
7 inpatient facilities including substance abuse facilities, mental
8 health facilities, group homes, community facilities as defined in
9 RCW 72.05.020, and secure community transition facilities as defined
10 in RCW 71.09.020.

11 (b) Unless a facility is expressly listed in (a) of this
12 subsection, essential public facilities do not include facilities
13 that are operated by a private entity in which persons are detained
14 in custody under process of law pending the outcome of legal
15 proceedings but are not used for punishment, correction, counseling,
16 or rehabilitation following the conviction of a criminal offense.
17 Facilities included under this subsection (1)(b) shall not include
18 facilities detaining persons under RCW 71.09.020 (6) or (15) or
19 chapter 10.77 or 71.05 RCW.

20 (c) The department of children, youth, and families may not
21 attempt to site new community facilities as defined in RCW 72.05.020
22 east of the crest of the Cascade mountain range unless there is an
23 equal or greater number of sited community facilities as defined in
24 RCW 72.05.020 on the western side of the crest of the Cascade
25 mountain range.

26 (2) Each county and city planning under RCW 36.70A.040 shall, not
27 later than September 1, 2002, establish a process, or amend its
28 existing process, for identifying and siting essential public
29 facilities and adopt or amend its development regulations as
30 necessary to provide for the siting of secure community transition
31 facilities consistent with statutory requirements applicable to these
32 facilities.

33 (3) Any city or county not planning under RCW 36.70A.040 shall,
34 not later than September 1, 2002, establish a process for siting
35 secure community transition facilities and adopt or amend its
36 development regulations as necessary to provide for the siting of
37 such facilities consistent with statutory requirements applicable to
38 these facilities.

39 (4) The office of financial management shall maintain a list of
40 those essential state public facilities that are required or likely

1 to be built within the next six years. The office of financial
2 management may at any time add facilities to the list.

3 (5) No local comprehensive plan or development regulation may
4 preclude the siting of essential public facilities.

5 (6) No person may bring a cause of action for civil damages based
6 on the good faith actions of any county or city to provide for the
7 siting of secure community transition facilities in accordance with
8 this section and with the requirements of chapter 12, Laws of 2001
9 2nd sp. sess. For purposes of this subsection, "person" includes, but
10 is not limited to, any individual, agency as defined in RCW
11 42.17A.005, corporation, partnership, association, and limited
12 liability entity.

13 (7) Counties or cities siting facilities pursuant to subsection
14 (2) or (3) of this section shall comply with RCW 71.09.341.

15 (8) The failure of a county or city to act by the deadlines
16 established in subsections (2) and (3) of this section is not:

17 (a) A condition that would disqualify the county or city for
18 grants, loans, or pledges under RCW 43.155.070 or 70A.135.070;

19 (b) A consideration for grants or loans provided under RCW
20 43.17.250(3); or

21 (c) A basis for any petition under RCW 36.70A.280 or for any
22 private cause of action.

23 NEW SECTION. **Sec. 3.** A new section is added to chapter 13.40
24 RCW to read as follows:

25 (1) At least 30 days before release from a residential facility,
26 the secretary shall send written notice of the planned release to the
27 person's health care insurance provider. The notice shall include the
28 person's current location and contact information as well as the
29 person's expected location and contact information upon release. The
30 notice shall not disclose the person's incarceration status unless
31 their consent is given.

32 (2) If the person is not enrolled in a health insurance program,
33 the secretary and the health care authority shall assist the person
34 in obtaining coverage for which they are eligible in accordance with
35 the time frames specified in subsection (1) of this section.

36 (3) The secretary may share with the health insurance provider
37 additional health information related to the person to assist with

1 care coordination and continuity of care consistent with RCW
2 70.02.230(2)(u) and other provisions of chapter 70.02 RCW."

3 Correct the title.

EFFECT: Specifies that the Department of Children, Youth, and Families (instead of the Department of Commerce) may not attempt to site new community facilities in Eastern Washington unless there is an equal or greater number in Western Washington and makes the references to community facilities consistent with other references used in this section.

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