

Chapter 82-30 WAC

COUNTY INDIGENT DEFENSE COSTS

WAC

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WAC 82-30-010 Purpose. It is the purpose of this chapter to identify the procedures for reimbursing counties for the cost of legal defense services provided indigent offenders detained solely for violating a condition of postrelease supervision.

[Statutory Authority: RCW 9.94A.175. WSR 90-12-009 (Order 90-71), § 82-30-010, filed 5/25/90, effective 6/25/90.]

WAC 82-30-020 Definitions. As used in this chapter, the following words shall have the following meanings:

- (1) "Department" shall mean the department of corrections.
- (2) "Secretary" shall mean the secretary of the department of corrections or the secretary's designee.
- (3) "Director" shall mean the director of the office of financial management or the director's designee.
- (4) "Offender" shall mean a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110.
- (5) "Indigent" shall have the same meaning as set forth in chapter 10.101 RCW.

[Statutory Authority: RCW 9.94A.175. WSR 90-12-009 (Order 90-71), § 82-30-020, filed 5/25/90, effective 6/25/90.]

WAC 82-30-030 Request for reimbursement. (1) A county requesting reimbursement, under this chapter, of costs incurred in the legal defense of an indigent offender must have adopted standards for the delivery of public defense services pursuant to chapter 10.101 RCW. The county shall submit to the department a copy of such standards or an affidavit swearing that such standards have been adopted.

(2) The county shall submit to the department with its request for reimbursement an affidavit swearing that the offender has been determined by the court to be indigent pursuant to chapter 10.101 RCW.

(3) The county shall submit documentation on such forms as may be prescribed by the department indicating the offender's name, the dates service was provided, and the amount of reimbursement requested.

(4) All requests for reimbursement and required documentation shall be filed with the Administrator, Office of Contracts and Regulations, Department of Corrections, P.O. Box 9699, Olympia, Washington 98504.

(5) All such requests should be filed within thirty days after the costs for which reimbursement is requested were

(5/25/90)

incurred, but in no event later than ten days after the close of the state fiscal biennium during which such costs were incurred.

[Statutory Authority: RCW 9.94A.175. WSR 90-12-009 (Order 90-71), § 82-30-030, filed 5/25/90, effective 6/25/90.]

WAC 82-30-040 Reimbursement rates. (1) Reimbursement shall be restricted to fully documented defense costs for indigent offenders.

(2) The director shall set the rate of reimbursement based on the average per case cost of all county indigent defense costs. The director shall determine to what extent, if any, reimbursement shall be reduced or eliminated because of contribution by the indigent offender receiving the services.

[Statutory Authority: RCW 9.94A.175. WSR 90-12-009 (Order 90-71), § 82-30-040, filed 5/25/90, effective 6/25/90.]

WAC 82-30-050 Department financial responsibility.

(1) Defense costs of any county in connection with hearings conducted pursuant to RCW 9.94A.175 for offenders who are detained by the county solely for violating a condition of postrelease supervision shall be the financial responsibility of the department and shall be reimbursed by the department in accordance with this chapter upon receipt and verification by the department of the county's request.

(2) Such reimbursement shall be made to the extent funds allotted by the department for such purpose are available. If the costs of reimbursement to counties exceed the available funds, the secretary shall request the legislature to appropriate additional funds to enable the department to make full reimbursement.

[Statutory Authority: RCW 9.94A.175. WSR 90-12-009 (Order 90-71), § 82-30-050, filed 5/25/90, effective 6/25/90.]

WAC 82-30-060 Implied consent to audit. By submitting a request for reimbursement under this chapter, the requesting county agrees to maintain for a period of five years after the date of the request records which would support such request, and to make such records available for review or audit by the department or the director.

[Statutory Authority: RCW 9.94A.175. WSR 90-12-009 (Order 90-71), § 82-30-060, filed 5/25/90, effective 6/25/90.]