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SENATE BILL 5244

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State of Washington

61st Legislature

2009 Regular Session

By Senator Carrell

Read first time 01/19/09. Referred to Committee on Judiciary.

1 AN ACT Relating to special detention facilities; amending RCW  
2 70.48.020; adding a new section to chapter 70.48 RCW; adding a new  
3 section to chapter 82.08 RCW; adding a new section to chapter 82.12  
4 RCW; and providing an effective date.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.48 RCW  
7 to read as follows:

8 (1) A city or county must establish an objective classification  
9 system to determine those persons eligible for a special detention  
10 facility. The city or county and its employees are immune from civil  
11 liability for damages caused by individual eligibility decisions,  
12 unless the city, county, or its employees acted with gross negligence  
13 or in bad faith.

14 (2) A city or county may establish and maintain alternative  
15 supervision or rehabilitation programs, other than those authorized in  
16 RCW 70.48.090, within the special detention facility.

17 **Sec. 2.** RCW 70.48.020 and 1987 c 462 s 6 are each amended to read  
18 as follows:

1       (~~As used in this chapter the words and phrases in this section~~  
2 ~~shall have the meanings indicated~~) The definitions in this section  
3 apply throughout this chapter unless the context clearly requires  
4 otherwise.

5       (1) "Holding facility" means a facility operated by a governing  
6 unit primarily designed, staffed, and used for the temporary housing of  
7 adult persons charged with a criminal offense prior to trial or  
8 sentencing and for the temporary housing of such persons during or  
9 after trial and/or sentencing, but in no instance shall the housing  
10 exceed thirty days.

11       (2) "Detention facility" means a facility operated by a governing  
12 unit primarily designed, staffed, and used for the temporary housing of  
13 adult persons charged with a criminal offense prior to trial or  
14 sentencing and for the housing of adult persons for purposes of  
15 punishment and correction after sentencing or persons serving terms not  
16 to exceed ninety days.

17       (3) "Special detention facility" means a minimum security facility  
18 operated by a governing unit primarily designed, staffed, and used for  
19 the housing of special populations of adult persons charged with a  
20 criminal offense prior to trial or sentencing or for punishment and  
21 correction after sentencing when those sentenced persons (~~who~~) do not  
22 require the level of security normally provided in detention and  
23 correctional facilities including, but not necessarily limited to,  
24 persons convicted of offenses under RCW 46.61.502 or 46.61.504.

25       (4) "Correctional facility" means a facility operated by a  
26 governing unit primarily designed, staffed, and used for the housing of  
27 adult persons serving terms not exceeding one year for the purposes of  
28 punishment, correction, and rehabilitation following conviction of a  
29 criminal offense.

30       (5) "Jail" means any holding, detention, special detention, or  
31 correctional facility as defined in this section.

32       (6) "Health care" means preventive, diagnostic, and rehabilitative  
33 services provided by licensed health care professionals and/or  
34 facilities; such care to include providing prescription drugs where  
35 indicated.

36       (7) "Governing unit" means the city and/or county or any  
37 combinations of cities and/or counties responsible for the operation,  
38 supervision, and maintenance of a jail.

1 (8) "Major urban" means a county or combination of counties which  
2 has a city having a population greater than twenty-six thousand based  
3 on the 1978 projections of the office of financial management.

4 (9) "Medium urban" means a county or combination of counties which  
5 has a city having a population equal to or greater than ten thousand  
6 but less than twenty-six thousand based on the 1978 projections of the  
7 office of financial management.

8 (10) "Rural" means a county or combination of counties which has a  
9 city having a population less than ten thousand based on the 1978  
10 projections of the office of financial management.

11 (11) "Office" means the office of financial management.

12 NEW SECTION. **Sec. 3.** A new section is added to chapter 82.08 RCW  
13 to read as follows:

14 (1) The tax levied by RCW 82.08.020 does not apply to sales of:

15 (a) Items that become components of a special detention facility as  
16 defined in RCW 70.48.020; or

17 (b) Labor and services rendered for constructing, repairing,  
18 decorating, or improving a special detention facility as defined in RCW  
19 70.48.020.

20 (2) A person taking an exemption under this section must keep  
21 records necessary for the department to verify eligibility under this  
22 section. The exemption is available only when the buyer provides the  
23 seller with an exemption certificate in a form and manner prescribed by  
24 the department. The seller shall retain a copy of the certificate for  
25 the seller's files.

26 NEW SECTION. **Sec. 4.** A new section is added to chapter 82.12 RCW  
27 to read as follows:

28 The provisions of this chapter do not apply in respect to the use  
29 of items that become components of a special detention facility as  
30 defined in RCW 70.48.020. A person taking an exemption under this  
31 section must keep records necessary for the department to verify  
32 eligibility under this section.

33 NEW SECTION. **Sec. 5.** Sections 3 and 4 of this act take effect

1 August 1, 2009.

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