

HOUSE BILL ANALYSIS

HB 1274

Title: An act relating to jails.

Brief Description: Changing provisions relating to jails.

Sponsors: Representatives Cairnes, O'Brien, Ballasiotes, Lovick, Koster and Haigh.

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

Staff: Yvonne Walker (786-7841).

Background:

Reimbursement for Cost of Incarceration. Municipalities and counties may establish inmate fines and require reimbursement for the cost of incarceration from inmates with the means to pay. These fines can range up to a maximum of \$50 per day for offenders convicted of a misdemeanor or gross misdemeanor and sentenced to a local jail. All funds received by inmates for the cost of incarceration in a county or city jail must be remitted for criminal justice purposes to the county or city that is responsible for the offender's jail costs.

Article I Section 17 of the Washington State Constitution prohibits imprisoning a person for failing to pay a debt, except in cases of absconding debtors.

County Supervised Community Option. Alternatives to total confinement are available for offenders with sentences of one year or less. These alternatives include the following sentence conditions that the court may order as substitutes for total confinement: (1) One day of partial confinement may be substituted for one day of total confinement; (2) in addition, for offenders convicted of nonviolent offenses only, eight hours of community service may be substituted for one day of total confinement, with a maximum conversion limit of 240 hours or 30 days. Community service hours must be completed within the period of community supervision or a time period specified by the court, which shall not exceed 24 months, pursuant to a schedule determined by the department.

Separation of Adult and Juvenile Offenders. Any juvenile offender under the age of 18 years old, who has been convicted in criminal court, must be housed in a jail or prison cell that does not contain adult offenders.

Summary:

Reimbursement for cost of Incarceration. Municipalities and counties may require any person who is booked in a county or municipal jail and not released upon completion of the booking process, to pay a \$10 booking fee to the sheriff's department of the county where the jail is located. The person may pay the booking fee from any money he currently has in his possession. If the person does not have any money in his current possession then the sheriff must notify the district court for assessment of the fee. The district court must order the booking fee to be paid to the sheriff's department as part of the defendant's sentence or disposition imposed. If the defendant is acquitted, not charged, or if the charges are dismissed then the sheriff must return the booking fee to the defendant at his last known address.

In addition, municipalities and counties may require a nonindigent inmate to pay for his entire cost of incarceration including any pretrial expenses the municipality or city may have occurred as a result of the offender being held in confinement prior to his sentencing. The cost of incarceration" may include the actual cost of providing a prisoner with shelter, food, clothing, transportation, supervision, health care, and other services and supplies as may be necessary for the maintenance and support of the offender while in custody.

Before a jail or detention administrator may request reimbursement from a prisoner, they must determine the financial status of the prisoner by requesting the prisoner to complete and sign a form, under penalty of perjury, that contains his age, sex, marital status, the number and ages of any children or dependents, and the type and value of any real estate, personal property, investments, pensions, annuities, bank accounts, cash, or other property of value owned or possessed by the prisoner.

If the prisoner refuses to complete the form, the jail or detention administrator may issue a written demand for the prisoner to pay the reimbursement costs associated with his incarceration. The prisoner may arrange to repay the reimbursement costs on a monthly basis, however, if he does not satisfy the demand for reimbursement then the matter will be turned over to the prosecuting attorney or city attorney for the filing of a civil action suit on behalf of the county or municipality for the amount of reimbursement, costs incurred in conducting any investigation of the financial status of the prisoner, and any attorneys' fees and costs.

The court in this civil action may award a monetary judgment in favor of the city or county, or order a prisoner to perform community service to satisfy the reimbursement cost. Each hour of work performed by the prisoner reduces the amount owed by \$8. Also, to prevent the disposition of the prisoner's property by the prisoner, or the prisoner's spouse, the attorney may file a motion for a temporary restraining order. Prior child support or alimony, restitution, and court-ordered legal financial obligations

have priority over the any incarceration reimbursement payment. A county or municipality may also seek to have a prisoner's wages garnished in order to satisfy his legal financial obligations.

All reimbursements received by a county or municipality must be deposited into its general fund.

If an offender is held in incarceration in another neighboring county or city jail due to lack of bed space in the area where the crime was committed then that county or city shall receive the reimbursement for any incarceration costs they incurred with that offender. Those reimbursement costs may be paid directly by the offender or by the county or municipality that placed that offender in their care. If the county or city where the crime occurred paid the incarceration costs then they may seek reimbursement from the offender themselves.

In addition, the administrator of a jail may acquire any necessary treatment for medical and dental conditions requiring prompt attention, for juveniles detained in jail. The care and treatment may be provided without parental consent when prompt attention is required and the administrator of the county jail has been unable to secure parental or guardian permission after several reasonable attempts. Treatment is prohibited for juveniles whose parents or guardians inform the administrator of the jail of objections to medical treatment prior to when the treatment is actually provided.

County Supervised Community Option. A local option is created for community custody (or a county supervised community option) whereby jails may convert a nonviolent/nonsex offender's jail time to an available county supervised alternative placement.

Separation of Adult and Juvenile Offenders. Juvenile offenders under the age of 18 years old, who have been convicted in criminal court, may be co-mingled and housed in jail or prison cells that contain adult offenders.

Fiscal Note: Requested on January 26, 1999.

Effective Date: Ninety days after adjournment of session in which bill is passed.