
SUBSTITUTE HOUSE BILL 2797

State of Washington

56th Legislature

2000 Regular Session

By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Alexander, Ballasiotes, Mulliken, Scott, O'Brien, Doumit, DeBolt, Delvin, Koster, Benson, Schoesler, McDonald, Carlson, Parlette, Esser, Woods and Skinner)

Read first time 02/04/2000. Referred to Committee on .

1 AN ACT Relating to financial responsibility for confinement of
2 offenders; amending RCW 9.94A.175 and 9.94A.207; adding a new section
3 to chapter 72.09 RCW; repealing RCW 70.48.440; providing an effective
4 date; and prescribing penalties.

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

6 **Sec. 1.** RCW 9.94A.175 and 1988 c 153 s 8 are each amended to read
7 as follows:

8 If the offender violates any condition of postrelease supervision,
9 a hearing may be conducted in the same manner as provided in RCW
10 9.94A.200. Jurisdiction shall be with the court of the county in which
11 the offender was sentenced. However, the court may order a change of
12 venue to the offender's county of residence or where the violation
13 occurred, for the purpose of holding a violation hearing.

14 After the hearing, the court may order the offender to be confined
15 for up to sixty days per violation in the county jail. Reimbursement
16 to a city or county for the care of offenders who are detained solely
17 for violating a condition of postrelease supervision shall be ((~~under~~
18 ~~RCW 70.48.440~~)) made pursuant to section 3 of this act. A county shall
19 be reimbursed for indigent defense costs for offenders who are detained

1 solely for violating a condition of postrelease supervision in
2 accordance with regulations to be promulgated by the office of
3 financial management. An offender may be held in jail at state expense
4 pending the hearing, and any time served while awaiting the hearing
5 shall be credited against confinement imposed for a violation. The
6 court shall retain jurisdiction for the purpose of holding the
7 violation hearing and imposing a sanction.

8 **Sec. 2.** RCW 9.94A.207 and 1999 c 196 s 9 are each amended to read
9 as follows:

10 (1) The secretary may issue warrants for the arrest of any offender
11 who violates a condition of community placement or community custody.
12 The arrest warrants shall authorize any law enforcement or peace
13 officer or community corrections officer of this state or any other
14 state where such offender may be located, to arrest the offender and
15 place him or her in total confinement pending disposition of the
16 alleged violation. The department shall compensate the local
17 jurisdictions ~~((at the office of financial management's adjudicated~~
18 ~~rate,))~~ in accordance with ~~((RCW 70.48.440))~~ section 3 of this act. A
19 community corrections officer, if he or she has reasonable cause to
20 believe an offender in community placement or community custody has
21 violated a condition of community placement or community custody, may
22 suspend the person's community placement or community custody status
23 and arrest or cause the arrest and detention in total confinement of
24 the offender, pending the determination of the secretary as to whether
25 the violation has occurred. The community corrections officer shall
26 report to the secretary all facts and circumstances and the reasons for
27 the action of suspending community placement or community custody
28 status. A violation of a condition of community placement or community
29 custody shall be deemed a violation of the sentence for purposes of RCW
30 9.94A.195. The authority granted to community corrections officers
31 under this section shall be in addition to that set forth in RCW
32 9.94A.195.

33 (2) Inmates, as defined in RCW 72.09.015, sentenced to more than
34 twelve months of total confinement, who have been transferred to
35 community custody or community placement and who are detained in a
36 local correctional facility are the financial responsibility of the
37 department of corrections ~~((, except as provided in subsection (3) of~~
38 ~~this section))~~. The community custody inmate shall be removed from the

1 local correctional facility, except as provided in subsection (3) of
2 this section, not later than eight days, excluding weekends and
3 holidays, following admittance to the local correctional facility and
4 notification that the inmate is available for movement to a state
5 correctional institution.

6 (3) The department may negotiate with local correctional
7 authorities for an additional period of detention; however, sex
8 offenders sanctioned for community custody violations under RCW
9 9.94A.205(2) to a term of confinement shall remain in the local
10 correctional facility for the complete term of the sanction. ((For
11 confinement sanctions imposed under RCW 9.94A.205(2)(a), the local
12 correctional facility shall be financially responsible. For
13 confinement sanctions imposed under RCW 9.94A.205(2)(b), the department
14 of corrections shall be financially responsible for that portion of the
15 sanction served during the time in which the sex offender is on
16 community custody in lieu of earned release, and the local correctional
17 facility shall be financially responsible for that portion of the
18 sanction served by the sex offender after the time in which the sex
19 offender is on community custody in lieu of earned release.)) The
20 department, in consultation with the Washington association of sheriffs
21 and police chiefs and those counties in which the sheriff does not
22 operate a correctional facility, shall establish a methodology for
23 determining the department's local correctional facilities bed
24 utilization rate, for each county in calendar year 1998, for offenders
25 being held for violations of conditions of community custody, community
26 placement, or community supervision. For confinement sanctions imposed
27 under RCW 9.94A.205(2) (c) or (d) where the offender has been sentenced
28 to a term of community custody under RCW 9.94A.383, the local
29 correctional facility shall continue to be financially responsible to
30 the extent of the calendar year 1998 bed utilization rate. If the
31 department's use of bed space in local correctional facilities of any
32 county for confinement sanctions imposed on felony offenders sentenced
33 to a term of community custody under RCW 9.94A.383 and confined to the
34 local correctional facility pursuant to RCW 9.94A.205(2) (c) or (d)
35 exceeds the 1998 bed utilization rate for the county, the department
36 shall compensate the county for the excess use at the per diem rate
37 equal to the lowest rate charged by the county under its contract with
38 a municipal government during the year in which the use occurs.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 72.09 RCW
2 to read as follows:

3 The department shall reimburse cities and counties for the care of
4 sentenced felons who are the financial responsibility of the department
5 and who are detained in a city or county jail at the per diem rate
6 equal to the lowest rate charged by that county under its contract with
7 a municipal government during the year in which the use occurs.

8 NEW SECTION. **Sec. 4.** RCW 70.48.440 (Office of financial
9 management to establish reimbursement rate for cities and counties--
10 Rate until June 30, 1985--Re-establishment of rates) and 1984 c 235 s
11 5 are each repealed.

12 NEW SECTION. **Sec. 5.** This act takes effect July 1, 2002.

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