
ENGROSSED SUBSTITUTE SENATE BILL 6761

State of Washington

56th Legislature

2000 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senator Hargrove; by request of Department of Corrections)

Read first time 02/04/00.

1 AN ACT Relating to agreements for the operation of correctional
2 facilities and programs in any other state; amending RCW 72.68.010 and
3 72.68.040; adding new sections to chapter 72.68 RCW; and declaring an
4 emergency.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 72.68 RCW
7 to read as follows:

8 The legislature has in the past allowed funding for transfer of
9 convicted felons to a private institution in another state. It is the
10 legislature's intent to clarify the law to reflect that the secretary
11 of corrections has authority to contract with private corporations to
12 house felons out-of-state and has had that authority since before
13 February 1, 1999, when specific authority to expend funds during
14 specified bienniums was granted under RCW 72.09.050. The secretary has
15 the authority to expend funds between February 1, 1999, and June 30,
16 2001, for contracts with private corporations to house felons out-of-
17 state.

1 **Sec. 2.** RCW 72.68.010 and 1983 c 255 s 10 are each amended to read
2 as follows:

3 (1) Whenever in its judgment the best interests of the state or the
4 welfare of any prisoner confined in any penal institution will be
5 better served by his or her transfer to another institution or to a
6 foreign country of which the prisoner is a citizen or national, the
7 secretary may effect such transfer consistent with applicable federal
8 laws and treaties. The secretary has the authority to transfer
9 offenders out-of-state to private or governmental institutions if the
10 secretary determines that transfer is in the best interest of the state
11 or the offender. The determination of what is in the best interest of
12 the state or offender may include but is not limited to considerations
13 of overcrowding, emergency conditions, or hardship to the offender. In
14 determining whether the transfer will impose a hardship on the
15 offender, the secretary shall consider: (a) The location of the
16 offender's family and whether the offender has maintained contact with
17 members of his or her family; (b) whether, if the offender has
18 maintained contact, the contact will be significantly disrupted by the
19 transfer due to the family's inability to maintain the contact as a
20 result of the transfer; and (c) whether the offender is enrolled in a
21 vocational or educational program that cannot reasonably be resumed if
22 the offender is returned to the state.

23 (2) If directed by the governor, the secretary shall, in carrying
24 out this section and RCW 43.06.350, adopt rules under chapter 34.05 RCW
25 to effect the transfer of prisoners requesting transfer to foreign
26 countries.

27 **Sec. 3.** RCW 72.68.040 and 1981 c 136 s 117 are each amended to
28 read as follows:

29 The secretary may contract with the authorities of the federal
30 government, or the authorities of any state of the United States,
31 private companies in other states, or ((of)) any county or city in this
32 state providing for the detention in an institution or jail operated by
33 such ((governmental unit)) entity, ((of)) for prisoners convicted of a
34 felony in the courts of this state and sentenced to a term of
35 imprisonment therefor in a state correctional institution for convicted
36 felons under the jurisdiction of the department. After the making of
37 a contract under this section, prisoners sentenced to a term of
38 imprisonment in a state correctional institution for convicted felons

1 may be conveyed by the superintendent or his assistants to the
2 institution or jail named in the contract. The prisoners shall be
3 delivered to the authorities of the institution or jail, there to be
4 confined until their sentences have expired or they are otherwise
5 discharged by law, paroled or until they are returned to a state
6 correctional institution for convicted felons for further confinement.

7 NEW SECTION. **Sec. 4.** A new section is added to chapter 72.68 RCW
8 to read as follows:

9 (1) If the secretary transfers any offender to an institution in
10 another state after the effective date of this act, the secretary
11 shall, prior to the transfer, review the records of victims registered
12 with the department. If any registered victim of the offender resides:
13 (a) In the state to which the offender is to be transferred; or (b) in
14 close proximity to the institution to which the offender is to be
15 transferred, the secretary shall notify the victim prior to the
16 transfer and consider the victim's concerns about the transfer.

17 (2) Any victim notified under subsection (1) of this section shall
18 also be notified of the return of the offender to a facility in
19 Washington, prior to the return.

20 (3) The secretary shall develop a written policy to define "close
21 proximity" for purposes of this section.

22 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
23 preservation of the public peace, health, or safety, or support of the
24 state government and its existing public institutions, and takes effect
25 immediately.

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