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**SUBSTITUTE SENATE BILL 6761**

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**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.

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

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

20       The secretary may contract with the authorities of the federal  
21 government, or the authorities of any state of the United States,  
22 private companies in other states, or ((of)) any county or city in this  
23 state providing for the detention in an institution or jail operated by  
24 such ((governmental unit)) entity, ((of)) for prisoners convicted of a  
25 felony in the courts of this state and sentenced to a term of  
26 imprisonment therefor in a state correctional institution for convicted  
27 felons under the jurisdiction of the department. After the making of  
28 a contract under this section, prisoners sentenced to a term of  
29 imprisonment in a state correctional institution for convicted felons  
30 may be conveyed by the superintendent or his assistants to the  
31 institution or jail named in the contract. The prisoners shall be  
32 delivered to the authorities of the institution or jail, there to be  
33 confined until their sentences have expired or they are otherwise  
34 discharged by law, paroled or until they are returned to a state  
35 correctional institution for convicted felons for further confinement.

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

1 (1) If the secretary transfers any offender to an institution in  
2 another state after the effective date of this act, the secretary  
3 shall, prior to the transfer, review the records of victims registered  
4 with the department. If any registered victim of the offender resides:  
5 (a) In the state to which the offender is to be transferred; or (b) in  
6 close proximity to the institution to which the offender is to be  
7 transferred, the secretary shall notify the victim prior to the  
8 transfer and consider the victim's concerns about the transfer.

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

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

14 NEW SECTION. **Sec. 5.** This act is necessary for the immediate  
15 preservation of the public peace, health, or safety, or support of the  
16 state government and its existing public institutions, and takes effect  
17 immediately.

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