

# SENATE BILL REPORT

## SB 5427

---

As of February 6, 2001

**Title:** An act relating to felony costs of incarceration reimbursements.

**Brief Description:** Requiring state reimbursement for local felony confinement.

**Sponsors:** Senators Hargrove, McCaslin, Sheahan, T. Sheldon, Hewitt and Oke.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 2/7/01.

---

### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Staff:** Robert Antanaitis (786-7452)

**Background:** A criminal sentence that includes a term or terms of confinement totaling more than one year is to be served in a facility or institution operated, or utilized under contract, by the state. A prisoner becomes the financial responsibility of the Department of Corrections no later than the eighth working day following sentencing and notification that the prisoner is available for transfer to a state correctional institution. Time served prior to the eighth day, and pretrial time a prisoner is given credit for, is not the financial responsibility of the Department of Corrections. A superior court judge may order a prisoner detained in the county jail for an additional ten days beyond the original eight days, but the county is financially responsible for that period of time.

Concerns have been expressed that limiting the financial responsibility of the state has placed an unfair burden on the counties in situations where a prisoner waives his or her speedy trial right and ends up serving a significant portion of his or her sentence in the county jail before the trial even occurs.

**Summary of Bill:** The Department of Corrections is financially responsible for the entire sentence of a criminal sentenced to a term or terms of confinement totaling more than one year. The state must reimburse the county for any portion of the sentence served in the county jail, including credit given to a prisoner for pretrial time served prior to the transfer to a state facility.

The eight day transfer period, and the ten day extension, are eliminated.

Reimbursement for the cost of incarceration must not exceed the highest rate charged by the county under its contract with a municipal government during the year in which the costs were incurred.

All revenues derived from this section are considered in interlocal criminal justice contract negotiations.

**Appropriation:** None.

**Fiscal Note:** Requested on January 29, 2001.

**Effective Date:** The bill contains an emergency clause and takes effect on July 1, 2001.