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HOUSE BILL 1262

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State of Washington

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2001 Regular Session

By Representatives O'Brien, Casada, Doumit, Lambert, Cooper, Simpson, Reardon, Carrell, Quall, Delvin, Lovick, Kagi, Clements, Lisk, Armstrong, Ballasiotes, Conway and Talcott

Read first time 01/22/2001. Referred to Committee on Appropriations.

1 AN ACT Relating to felony costs of incarceration  
2 reimbursements; amending RCW 9.94A.190 and 70.48.410; providing an  
3 effective date; and declaring an emergency.

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

5 **Sec. 1.** RCW 9.94A.190 and 2000 c 28 s 4 are each amended to read  
6 as follows:

7 (1) A sentence that includes a term or terms of confinement  
8 totaling more than one year shall be served in a facility or  
9 institution operated, or utilized under contract, by the state.  
10 The costs of incarceration for the portion of the sentence or  
11 sentences served in the county jail, including credit given to the  
12 offender for pretrial time served prior to an offender's transfer  
13 to a state facility shall be the financial responsibility of the  
14 state. Reimbursement to the county for those costs shall not  
15 exceed the highest rate charged by the county under its contract  
16 with a municipal government during the year in which the costs  
17 were incurred. Except as provided in subsection (3) of this  
18 section, a sentence of not more than one year of confinement shall  
19 be served in a facility operated, licensed, or utilized under

1 contract, by the county, or if home detention or work crew has  
2 been ordered by the court, in the residence of either the offender  
3 or a member of the offender's immediate family.

4 (2) If a county uses a state partial confinement facility for  
5 the partial confinement of a person sentenced to confinement for  
6 not more than one year, the county shall reimburse the state for  
7 the use of the facility as provided in this subsection. The  
8 office of financial management shall set the rate of reimbursement  
9 based upon the average per diem cost per offender in the  
10 facility. The office of financial management shall determine to  
11 what extent, if any, reimbursement shall be reduced or eliminated  
12 because of funds provided by the legislature to the department for  
13 the purpose of covering the cost of county use of state partial  
14 confinement facilities. The office of financial management shall  
15 reestablish reimbursement rates each even-numbered year.

16 (3) A person who is sentenced for a felony to a term of not  
17 more than one year, and who is committed or returned to  
18 incarceration in a state facility on another felony conviction,  
19 either under the indeterminate sentencing laws, chapter 9.95 RCW,  
20 or under this chapter shall serve all terms of confinement,  
21 including a sentence of not more than one year, in a facility or  
22 institution operated, or utilized under contract, by the state,  
23 consistent with the provisions of RCW 9.94A.400.

24 (4) Notwithstanding any other provision of this section, a  
25 sentence imposed pursuant to RCW 9.94A.660 which has a standard  
26 sentence range of over one year, regardless of length, shall be  
27 served in a facility or institution operated, or utilized under  
28 contract, by the state.

29 (5) All revenues derived from this section shall be considered  
30 in contract negotiations under RCW 39.34.180(2).

31 **Sec. 2.** RCW 70.48.410 and 1984 c 235 s 2 are each amended to read  
32 as follows:

33 Persons convicted of a felony as defined by chapter 9A.20 RCW  
34 and committed to the care and custody of the department of  
35 corrections shall be the financial responsibility of the  
36 department of corrections (~~not later than the eighth day,~~  
37 ~~excluding weekends and holidays, following sentencing for the~~

1 ~~felony and notification that the prisoner is available for~~  
2 ~~movement to a state correctional institution. However, if good~~  
3 ~~cause is shown, a superior court judge may order the prisoner~~  
4 ~~detained in the jail beyond the eight day period for an additional~~  
5 ~~period not to exceed ten days. If a superior court orders a~~  
6 ~~convicted felon to be detained beyond the eighth day following~~  
7 ~~sentencing, the county or city shall retain financial~~  
8 ~~responsibility for that ten day period or portion thereof ordered~~  
9 ~~by the court)).~~

10 NEW SECTION. **Sec. 3.** Section 1 of this act is necessary for the  
11 immediate preservation of the public peace, health, or safety, or  
12 support of the state government and its existing public  
13 institutions, and takes effect July 1, 2001.

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