

---

HOUSE BILL 1481

---

State of Washington

57th Legislature

2001 Regular Session

By Representatives Carrell, Lambert, Lovick, Crouse and Pennington

Read first time 01/26/2001. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to alternative detention and rehabilitation  
2 facilities for cities and counties; amending RCW 70.48.020; adding a  
3 new section to chapter 70.48 RCW; adding a new section to chapter 82.08  
4 RCW; adding a new section to chapter 82.12 RCW; and providing an  
5 effective date.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.48 RCW  
8 to read as follows:

9 (1) A city or county may establish and maintain an alternative  
10 detention and rehabilitation facility for adult persons confined in a  
11 holding facility, detention facility, or special detention facility.

12 (2) A city or county must establish an objective classification  
13 system to determine those persons eligible for an alternative detention  
14 and rehabilitation facility. The city or county and its employees are  
15 immune from civil liability for damages caused by individual  
16 eligibility decisions, unless the city, county, or its employees acted  
17 with gross negligence or in bad faith.

18 (3) A city or county may establish and maintain alternative  
19 supervision or rehabilitation programs, other than those authorized in

1 RCW 70.48.090, within the alternative detention and rehabilitation  
2 facility.

3 **Sec. 2.** RCW 70.48.020 and 1987 c 462 s 6 are each amended to read  
4 as follows:

5 As used in this chapter the words and phrases in this section shall  
6 have the meanings indicated unless the context clearly requires  
7 otherwise.

8 (1) "Holding facility" means a facility operated by a governing  
9 unit primarily designed, staffed, and used for the temporary housing of  
10 adult persons charged with a criminal offense prior to trial or  
11 sentencing and for the temporary housing of such persons during or  
12 after trial and/or sentencing, but in no instance shall the housing  
13 exceed thirty days.

14 (2) "Detention facility" means a facility operated by a governing  
15 unit primarily designed, staffed, and used for the temporary housing of  
16 adult persons charged with a criminal offense prior to trial or  
17 sentencing and for the housing of adult persons for purposes of  
18 punishment and correction after sentencing or persons serving terms not  
19 to exceed ninety days.

20 (3) "Special detention facility" means a minimum security facility  
21 operated by a governing unit primarily designed, staffed, and used for  
22 the housing of special populations of sentenced persons who do not  
23 require the level of security normally provided in detention and  
24 correctional facilities including, but not necessarily limited to,  
25 persons convicted of offenses under RCW 46.61.502 or 46.61.504.

26 (4) "Correctional facility" means a facility operated by a  
27 governing unit primarily designed, staffed, and used for the housing of  
28 adult persons serving terms not exceeding one year for the purposes of  
29 punishment, correction, and rehabilitation following conviction of a  
30 criminal offense.

31 (5) "Jail" means any holding, detention, special detention, or  
32 correctional facility as defined in this section.

33 (6) "Health care" means preventive, diagnostic, and rehabilitative  
34 services provided by licensed health care professionals and/or  
35 facilities; such care to include providing prescription drugs where  
36 indicated.

1 (7) "Governing unit" means the city and/or county or any  
2 combinations of cities and/or counties responsible for the operation,  
3 supervision, and maintenance of a jail.

4 (8) "Major urban" means a county or combination of counties which  
5 has a city having a population greater than twenty-six thousand based  
6 on the 1978 projections of the office of financial management.

7 (9) "Medium urban" means a county or combination of counties which  
8 has a city having a population equal to or greater than ten thousand  
9 but less than twenty-six thousand based on the 1978 projections of the  
10 office of financial management.

11 (10) "Rural" means a county or combination of counties which has a  
12 city having a population less than ten thousand based on the 1978  
13 projections of the office of financial management.

14 (11) "Office" means the office of financial management.

15 (12) "Alternative detention and rehabilitation facility" means a  
16 facility, other than those facilities defined in this section,  
17 established and staffed by a county or city for the detention,  
18 surveillance, supervision, or rehabilitation of persons who do not  
19 require the level of security normally provided in holding facilities,  
20 detention facilities, or special detention facilities.

21 NEW SECTION. Sec. 3. A new section is added to chapter 82.08 RCW  
22 to read as follows:

23 (1) The tax levied by RCW 82.08.020 does not apply to sales of:

24 (a) Items that become components of an alternative detention and  
25 rehabilitation facility as defined in RCW 70.48.020; or

26 (b) Labor and services rendered for constructing, repairing,  
27 decorating, or improving an alternative detention and rehabilitation  
28 facility as defined in RCW 70.48.020.

29 (2) A person taking an exemption under this section must keep  
30 records necessary for the department to verify eligibility under this  
31 section. The exemption is available only when the buyer provides the  
32 seller with an exemption certificate in a form and manner prescribed by  
33 the department. The seller shall retain a copy of the certificate for  
34 the seller's files.

35 NEW SECTION. Sec. 4. A new section is added to chapter 82.12 RCW  
36 to read as follows:

1       The provisions of this chapter do not apply in respect to the use  
2 of items that become components of an alternative detention and  
3 rehabilitation facility as defined in RCW 70.48.020. A person taking  
4 an exemption under this section must keep records necessary for the  
5 department to verify eligibility under this section.

6       NEW SECTION.   **Sec. 5.** Sections 3 and 4 of this act take effect  
7 August 1, 2001.

--- END ---