
SENATE BILL 5427

State of Washington

57th Legislature

2001 Regular Session

By Senators Hargrove, McCaslin, Sheahan, T. Sheldon, Hewitt and Oke

Read first time 01/23/2001. Referred to Committee on Human Services & Corrections.

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 exceed
15 the highest rate charged by the county under its contract with a
16 municipal government during the year in which the costs were
17 incurred. Except as provided in subsection (3) of this section, a
18 sentence of not more than one year of confinement shall be served

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

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

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

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

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

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

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

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

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

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