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HOUSE BILL 2282

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State of Washington

59th Legislature

2005 Regular Session

By Representatives Sommers, O'Brien, Haler and Skinner; by request of Department of Corrections

Read first time 03/04/2005. Referred to Committee on Appropriations.

1 AN ACT Relating to the costs of transporting offender property upon  
2 transfer; amending RCW 72.02.045; and declaring an emergency.

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

4 **Sec. 1.** RCW 72.02.045 and 1993 c 281 s 63 are each amended to read  
5 as follows:

6 The superintendent of each institution has the powers, duties, and  
7 responsibilities specified in this section.

8 (1) Subject to the rules of the department, the superintendent is  
9 responsible for the supervision and management of the institution, the  
10 grounds and buildings, the subordinate officers and employees, and the  
11 prisoners committed, admitted, or transferred to the institution.

12 (2) Subject to the rules of the department and the director of the  
13 division of prisons or his or her designee and the Washington personnel  
14 resources board, the superintendent shall appoint all subordinate  
15 officers and employees.

16 (3) The superintendent, subject to approval by the secretary, has  
17 the authority to determine the types and amounts of property that  
18 convicted persons may possess in department facilities. This authority  
19 includes the authority to determine the types and amounts that the

1 department will transport at the department's expense whenever a  
2 convicted person is transferred between department institutions or to  
3 other jurisdictions. Convicted persons are responsible for the costs  
4 of transporting their excess property. If a convicted person fails to  
5 pay the costs of transporting any excess property within ninety days  
6 from the date of transfer, such property shall be presumed abandoned  
7 and may be disposed of in the manner allowed by RCW 63.42.040 (1)  
8 through (3). The superintendent shall be the custodian of all funds  
9 and valuable personal property of convicted persons as may be in their  
10 possession upon admission to the institution, or which may be sent or  
11 brought in to such persons, or earned by them while in custody, or  
12 which shall be forwarded to the superintendent on behalf of convicted  
13 persons. All such funds shall be deposited in the personal account of  
14 the convicted person and the superintendent shall have authority to  
15 disburse moneys from such person's personal account for the personal  
16 and incidental needs of the convicted person as may be deemed  
17 reasonably necessary. When convicted persons are released from the  
18 (~~confines~~) custody of the (~~institution~~) department either on  
19 parole, (~~transfer~~) community placement, community custody, community  
20 supervision, or discharge, all funds and valuable personal property in  
21 the possession of the superintendent belonging to such convicted  
22 persons shall be delivered to them. In no case shall the state of  
23 Washington, or any state officer, including state elected officials,  
24 employees, or volunteers, be liable for the loss of such personal  
25 property, except upon a showing that the loss was occasioned by the  
26 intentional act, gross negligence, or negligence of the officer,  
27 official, employee, or volunteer, and that the actions or omissions  
28 occurred while the person was performing, or in good faith purporting  
29 to perform, his or her official duties. Recovery of damages for loss  
30 of personal property while in the custody of the superintendent under  
31 this subsection shall be limited to the lesser of the market value of  
32 the item lost at the time of the loss, or the original purchase price  
33 of the item or, in the case of hand-made goods, the materials used in  
34 fabricating the item.

35 (4) The superintendent, subject to the approval of the director of  
36 the division of prisons and the secretary, shall make, amend, and  
37 repeal rules for the administration, supervision, discipline, and  
38 security of the institution.

1           (5) When in the superintendent's opinion an emergency exists, the  
2 superintendent may promulgate temporary rules for the governance of the  
3 institution, which shall remain in effect until terminated by the  
4 director of the division of prisons or the secretary.

5           (6) The superintendent shall perform such other duties as may be  
6 prescribed.

7           NEW SECTION.   **Sec. 2.** This act is necessary for the immediate  
8 preservation of the public peace, health, or safety, or support of the  
9 state government and its existing public institutions, and takes effect  
10 immediately.

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