
SUBSTITUTE SENATE BILL 5542

State of Washington

59th Legislature

2005 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Carrell, Hargrove, Zarelli, Benson, Delvin, Schoesler and Benton)

READ FIRST TIME 02/28/05.

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

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

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

8 (1) A city or county must establish an objective classification
9 system to determine those persons eligible for a special detention
10 facility. The city or county and its employees are immune from civil
11 liability for damages caused by individual eligibility decisions,
12 unless the city, county, or its employees acted with gross negligence
13 or in bad faith.

14 (2) A city or county may establish and maintain alternative
15 supervision or rehabilitation programs, other than those authorized in
16 RCW 70.48.090, within the special detention facility.

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

1 As used in this chapter the words and phrases in this section shall
2 have the meanings indicated unless the context clearly requires
3 otherwise.

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

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

16 (3) "Special detention facility" means a minimum security facility
17 operated by a governing unit primarily designed, staffed, and used for
18 the housing of special populations of adult persons charged with a
19 criminal offense prior to trial or sentencing or for punishment and
20 correction after sentencing when those sentenced persons (~~who~~) do not
21 require the level of security normally provided in detention and
22 correctional facilities including, but not necessarily limited to,
23 persons convicted of offenses under RCW 46.61.502 or 46.61.504.

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

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

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

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

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

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

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

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

12 NEW SECTION. **Sec. 3.** A new section is added to chapter 82.08 RCW
13 to read as follows:

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

15 (a) Items that become components of a special detention facility as
16 defined in RCW 70.48.020; or

17 (b) Labor and services rendered for constructing, repairing,
18 decorating, or improving a special detention facility as defined in RCW
19 70.48.020.

20 (2) A person taking an exemption under this section must keep
21 records necessary for the department to verify eligibility under this
22 section. The exemption is available only when the buyer provides the
23 seller with an exemption certificate in a form and manner prescribed by
24 the department. The seller shall retain a copy of the certificate for
25 the seller's files.

26 NEW SECTION. **Sec. 4.** A new section is added to chapter 82.12 RCW
27 to read as follows:

28 The provisions of this chapter do not apply in respect to the use
29 of items that become components of a special detention facility as
30 defined in RCW 70.48.020. A person taking an exemption under this
31 section must keep records necessary for the department to verify
32 eligibility under this section.

33 NEW SECTION. **Sec. 5.** Sections 3 and 4 of this act take effect

1 August 1, 2005.

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