SENATE BILL 5542
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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

1 supervision or rehabilitation programs, other than those authorized in
2 RCW 70.48.090, within the alternative detention and rehabilitation
3 facility.

4   **Sec. 2.** RCW 70.48.020 and 1987 c 462 s 6 are each amended to read
5 as follows:
6   As used in this chapter the words and phrases in this section shall
7 have the meanings indicated unless the context clearly requires
8 otherwise.
9   (1) "Holding facility" means a facility operated by a governing
10 unit primarily designed, staffed, and used for the temporary housing of
11 adult persons charged with a criminal offense prior to trial or
12 sentencing and for the temporary housing of such persons during or
13 after trial and/or sentencing, but in no instance shall the housing
14 exceed thirty days.
15   (2) "Detention facility" means a facility operated by a governing
16 unit primarily designed, staffed, and used for the temporary housing of
17 adult persons charged with a criminal offense prior to trial or
18 sentencing and for the housing of adult persons for purposes of
19 punishment and correction after sentencing or persons serving terms not
20 to exceed ninety days.
21   (3) "Special detention facility" means a minimum security facility
22 operated by a governing unit primarily designed, staffed, and used for
23 the housing of special populations of sentenced persons who do not
24 require the level of security normally provided in detention and
25 correctional facilities including, but not necessarily limited to,
26 persons convicted of offenses under RCW 46.61.502 or 46.61.504.
27   (4) "Correctional facility" means a facility operated by a
28 governing unit primarily designed, staffed, and used for the housing of
29 adult persons serving terms not exceeding one year for the purposes of
30 punishment, correction, and rehabilitation following conviction of a
31 criminal offense.
32   (5) "Jail" means any holding, detention, special detention, or
33 correctional facility as defined in this section.
34   (6) "Health care" means preventive, diagnostic, and rehabilitative
35 services provided by licensed health care professionals and/or
36 facilities; such care to include providing prescription drugs where
37 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, 2005.

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