
SENATE BILL 6080

State of Washington

59th Legislature

2005 Regular Session

By Senators Prentice and Stevens; by request of Department of Corrections

Read first time 03/07/2005. Referred to Committee on Ways & Means.

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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