

# HOUSE BILL REPORT

## SSB 5625

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### As Passed House:

March 30, 2007

**Title:** An act relating to contracts for jail services with counties and cities in adjacent states.

**Brief Description:** Authorizing counties and cities to contract for jail services with counties and cities in adjacent states.

**Sponsors:** By Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove and Pridemore).

### Brief History:

#### Committee Activity:

Public Safety & Emergency Preparedness: 3/21/07 [DP].

#### Floor Activity:

Passed House: 3/30/07, 92-2.

### Brief Summary of Substitute Bill

- Authorizes cities and counties to contract for jail services in adjacent neighboring states.

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## HOUSE COMMITTEE ON PUBLIC SAFETY & EMERGENCY PREPAREDNESS

**Majority Report:** Do pass. Signed by 7 members: Representatives O'Brien, Chair; Hurst, Vice Chair; Pearson, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Ahern, Goodman and Lovick.

**Staff:** Yvonne Walker (786-7841).

### Background:

Contracts for jail services may be made between or among counties and cities. The City and County Jails Act specifies that a person confined for an offense punishable by imprisonment in a city or county jail may be confined in a jail of any city or county contracting with the prosecuting city or county for jail services. However, the statute is unclear as to whether a

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county or a city is authorized to contract for jail services with an adjacent city or county that is located outside of the State of Washington.

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**Summary of Bill:**

Cities and counties are authorized to contract for jail services with an adjacent county or city in a neighboring state. A person confined for an offense punishable by incarceration within a jail may be transported to a city or county jail in other states where he or she will remain until his or her sentence is completed or until that person is returned to be confined in a city or county jail back in Washington.

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**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested on March 20, 2007.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:**

(In support) There is a jail crowding issue in Clark County and this bill would allow the county to contract with neighboring jails located across state lines. Some of the jails in the neighboring states are known to have good drug and mental health services that are provided within their facilities.

(Information only) This bill is probably an outgrowth out of a problem that the Department of Corrections has been dealing with in regards to capacity issues. There are currently over 900 prison-bound offenders located in out-of-state prisons. The problem is that facility structures and disciplinary rules vary quite differently in other states as compared to what is required of the prison facilities located within Washington.

(Opposed) There is a big difference between a jail and a prison. State prisons have had the ability to transfer offenders out-of-state for quite some time. Some of the reasons that an inmate may get transferred includes that the inmate may originally be from that state or the inmate may have family located in that other state. The key difference between jails and prisons is that the state is an entity that has consistent standards for when it transfers an inmate to another prison located outside of Washington. Counties and cities will not have those same type of standards. Back in the 1980s there used to be an agency called the Jail Commission that existed in Washington that set standards statewide for all of the jails. Since the dissolution of that agency, all counties and cities operate independently in running their jails.

If counties are authorized to send inmates out-of-state, one does not know what the standards are going to be in those other states. In addition, jails have a higher turnover rate of inmates than prisons and as such, most inmates that are held in jail only stay an average of three or four weeks. This makes it difficult for inmates to maintain contact with their families,

attorneys, or even get reintegrated back in the community. This bill should be limited to Clark County until other counties show that there is some other capacity issues where they would need to transfer their inmates to jails located in other states.

**Persons Testifying:** (In support) Mike Burgess, Clark County.

(Information only) Jim Thatcher, Department of Corrections.

(Opposed) John Sinclair, Washington Association of Criminal Defense Lawyers.

**Persons Signed In To Testify But Not Testifying:** None.