
SENATE BILL 6504

State of Washington

66th Legislature

2020 Regular Session

By Senators Darneille, Conway, Lovelett, Hasegawa, Nguyen, and Wilson, C.

Read first time 01/20/20. Referred to Committee on Local Government.

1 AN ACT Relating to clarifying that facilities that are operated
2 by a private entity in which persons are detained in custody under
3 process of law pending the outcome of legal proceedings are not
4 essential public facilities under the growth management act; amending
5 RCW 36.70A.200; creating a new section; and declaring an emergency.

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

7 **Sec. 1.** RCW 36.70A.200 and 2013 c 275 s 5 are each amended to
8 read as follows:

9 (1) The comprehensive plan of each county and city that is
10 planning under RCW 36.70A.040 shall include a process for identifying
11 and siting essential public facilities. Essential public facilities
12 include those facilities that are typically difficult to site, such
13 as airports, state education facilities and state or regional
14 transportation facilities as defined in RCW 47.06.140, regional
15 transit authority facilities as defined in RCW 81.112.020, state and
16 local correctional facilities, solid waste handling facilities, and
17 inpatient facilities including substance abuse facilities, mental
18 health facilities, group homes, and secure community transition
19 facilities as defined in RCW 71.09.020. Essential public facilities
20 do not include facilities that are operated by a private entity in
21 which persons are detained in custody under process of law pending

1 the outcome of legal proceedings but are not used for the primary
2 purpose of punishment, correction, counseling, or rehabilitation
3 following the conviction of a criminal offense, nor for the primary
4 purpose of providing evaluation and treatment, forensic services,
5 mental health services, or medical services.

6 (2) Each county and city planning under RCW 36.70A.040 shall, not
7 later than September 1, 2002, establish a process, or amend its
8 existing process, for identifying and siting essential public
9 facilities and adopt or amend its development regulations as
10 necessary to provide for the siting of secure community transition
11 facilities consistent with statutory requirements applicable to these
12 facilities.

13 (3) Any city or county not planning under RCW 36.70A.040 shall,
14 not later than September 1, 2002, establish a process for siting
15 secure community transition facilities and adopt or amend its
16 development regulations as necessary to provide for the siting of
17 such facilities consistent with statutory requirements applicable to
18 these facilities.

19 (4) The office of financial management shall maintain a list of
20 those essential state public facilities that are required or likely
21 to be built within the next six years. The office of financial
22 management may at any time add facilities to the list.

23 (5) No local comprehensive plan or development regulation may
24 preclude the siting of essential public facilities.

25 (6) No person may bring a cause of action for civil damages based
26 on the good faith actions of any county or city to provide for the
27 siting of secure community transition facilities in accordance with
28 this section and with the requirements of chapter 12, Laws of 2001
29 2nd sp. sess. For purposes of this subsection, "person" includes, but
30 is not limited to, any individual, agency as defined in RCW
31 42.17A.005, corporation, partnership, association, and limited
32 liability entity.

33 (7) Counties or cities siting facilities pursuant to subsection
34 (2) or (3) of this section shall comply with RCW 71.09.341.

35 (8) The failure of a county or city to act by the deadlines
36 established in subsections (2) and (3) of this section is not:

37 (a) A condition that would disqualify the county or city for
38 grants, loans, or pledges under RCW 43.155.070 or 70.146.070;

39 (b) A consideration for grants or loans provided under RCW
40 43.17.250(3); or

1 (c) A basis for any petition under RCW 36.70A.280 or for any
2 private cause of action.

3 NEW SECTION. **Sec. 2.** This act applies retroactively to land use
4 actions imposed prior to January 1, 2018, as well as prospectively.

5 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
6 preservation of the public peace, health, or safety, or support of
7 the state government and its existing public institutions, and takes
8 effect immediately.

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