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**SUBSTITUTE HOUSE BILL 1199**

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**State of Washington                      52nd Legislature                      1991 Regular Session**

**By** House Committee on Local Government (originally sponsored by Representatives Haugen, Ferguson, Cooper, Nealey, Appelwick, Wang, Horn, Prince and Scott).

Read first time February 14, 1991.

1            AN ACT Relating to local law and justice planning; amending RCW  
2 72.09.300 and 72.09.050; and adding a new section to chapter 36.28A  
3 RCW.

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

5            **Sec. 1.** RCW 72.09.300 and 1987 c 312 s 3 are each amended to read  
6 as follows:

7            (1) A county legislative authority may by resolution or ordinance  
8 establish a ~~((community corrections board which shall consist of nine~~  
9 ~~members))~~ local law and justice council. The county legislative  
10 authority shall ~~((appoint four members to the board, two of whom shall~~  
11 ~~be from the private sector. The secretary shall appoint one member to~~  
12 ~~the board. In addition, the county prosecutor and county sheriff, or~~  
13 ~~their designees, a judge of the county superior court selected by the~~  
14 ~~county superior court judges, and a county district court judge,~~  
15 ~~selected by the county district court judges, shall be members of the~~

1 board)) determine the size and composition of the council, which shall  
2 include the county sheriff and a representative of the municipal police  
3 departments within the county, the county prosecutor and a  
4 representative of the municipal prosecutors within the county, a  
5 representative of the city legislative authorities within the county,  
6 a representative of the county's superior, district, and municipal  
7 courts, the county jail administrator, the county clerk, the county  
8 risk manager, and the secretary of corrections. Officials designated  
9 may appoint representatives.

10 (2) ~~((If))~~ A combination of counties ((establishes)) may establish  
11 a ((community corrections board, an)) local law and justice council by  
12 intergovernmental agreement ((shall establish the composition and  
13 powers of the board, not to exceed the authority granted in this  
14 section)). The agreement shall comply with the requirements of this  
15 section.

16 (3) ~~The ((community corrections board))~~ local law and justice  
17 council shall develop a ((community corrections)) local law and justice  
18 plan for the county. The council shall design the elements and scope  
19 of the plan, subject to final approval by the county legislative  
20 authority. The general intent of the plan shall include seeking means  
21 to maximize local resources, reduce duplication of services, and share  
22 resources between local and state government. The plan shall also  
23 include a section on jail management. This section may include the  
24 following elements:

25 (a) A description of current jail conditions, including whether the  
26 jail is overcrowded;

27 (b) A description of potential alternatives to incarceration;

28 (c) A description of current jail resources;

29 (d) A description of the jail population as it presently exists and  
30 how it is projected to change in the future;

1 (e) A description of projected future resource requirements;

2 (f) A proposed action plan, which shall include recommendations to  
3 maximize resources, maximize the use of intermediate sanctions,  
4 minimize overcrowding, avoid duplication of services, and effectively  
5 manage the jail and the offender population;

6 (g) A list of proposed advisory jail standards and methods to  
7 effect periodic quality assurance inspections of the jail;

8 (h) A proposed plan to collect, synthesize, and disseminate  
9 technical information concerning local criminal justice activities,  
10 facilities, and procedures;

11 (i) A description of existing and potential services for offenders  
12 including employment services, substance abuse treatment, mental health  
13 services, and housing referral services.

14 (4) The council may propose other elements of the plan, which shall  
15 be subject to review and approval by the county legislative authority,  
16 prior to their inclusion into the plan.

17 (5) The county legislative authority may request technical  
18 assistance in developing or implementing the plan from other units or  
19 agencies of state or local government, which shall include the  
20 department, the office of financial management, and the Washington  
21 association of sheriffs and police chiefs.

22 (6) Upon receiving a request for assistance from a county, the  
23 department may provide ~~((technical))~~ the requested assistance ((in  
24 developing the plan. The plan shall describe the existing correctional  
25 resources, goals, objectives, needs, and problems for local and state  
26 correctional services in the county. The plan shall review ways to  
27 maximize resources and reduce duplication of services. Areas to be  
28 addressed in the plan include, but are not limited to: Voluntary  
29 services for offenders, which include employment, substance and alcohol  
30 abuse services, housing and mental health services; ways to share

1 administrative costs between local and state government; and the  
2 development of alternatives to partial and total confinement)).

3 ((+4)) (7) The secretary ((shall)) may adopt rules for the  
4 submittal ((and)), review, and approval of all ((plans.  
5 Representatives from other state and local agencies and organizations  
6 shall participate in the review process. Initiatives that reduce the  
7 duplication of services or maximize the use of existing resources shall  
8 be given priority)) requests for assistance made to the department.  
9 The secretary may also appoint an advisory committee of local and state  
10 government officials to recommend policies and procedures relating to  
11 the state and local correctional systems and to assist the department  
12 in providing technical assistance to local governments. The committee  
13 shall include representatives of the county sheriffs, the police  
14 chiefs, the county prosecuting attorneys, the county and city  
15 legislative authorities, and the jail administrators. The secretary  
16 may contract with other state and local agencies and provide funding in  
17 order to provide the assistance requested by counties.

18 ((+5)) (8) The department shall establish a base level of state  
19 correctional services, which shall be determined and distributed in a  
20 consistent manner state-wide. The department's contributions to any  
21 ((partnerships)) local government, approved pursuant to this section,  
22 shall not operate to reduce this base level of services.

23 **Sec. 2.** RCW 72.09.050 and 1987 c 312 s 4 are each amended to read  
24 as follows:

25 The secretary shall manage the department of corrections and shall  
26 be responsible for the administration of adult correctional programs,  
27 including but not limited to the operation of all state correctional  
28 institutions or facilities used for the confinement of convicted  
29 felons. In addition, the secretary shall have broad powers to enter

1 into agreements with any federal agency, or any other state, or any  
2 Washington state agency or local government providing for the operation  
3 of any correctional facility or program for persons convicted of  
4 felonies or misdemeanors or for juvenile offenders. Such agreements  
5 for counties with ~~((community corrections boards))~~ local law and  
6 justice councils shall be required in the ~~((community corrections))~~  
7 local law and justice plan pursuant to RCW 72.09.300. The agreements  
8 may provide for joint operation or operation by the department of  
9 corrections, alone, or by any of the other governmental entities,  
10 alone. The secretary may employ persons to aid in performing the  
11 functions and duties of the department. The secretary may delegate any  
12 of his functions or duties to department employees. The secretary is  
13 authorized to promulgate standards for the department of corrections  
14 within appropriation levels authorized by the legislature.

15 Pursuant to the authority granted in chapter 34.05 RCW, the  
16 secretary shall adopt rules providing for inmate restitution when  
17 restitution is determined appropriate as a result of a disciplinary  
18 action.

19 NEW SECTION. Sec. 3. A new section is added to chapter 36.28A RCW  
20 to read as follows:

21 The Washington association of sheriffs and police chiefs may, upon  
22 request of a county's legislative authority, assist the county in  
23 developing and implementing its local law and justice plan. In doing  
24 so, the association shall consult with the office of financial  
25 management and the department of corrections.