
HOUSE BILL 2688

State of Washington

60th Legislature

2008 Regular Session

By Representatives Roberts, Goodman, Hasegawa, Appleton, Pedersen,
and Darneille

Read first time 01/15/08. Referred to Committee on Human Services.

1 AN ACT Relating to constraining the department of corrections'
2 authority to transfer offenders out of state; and amending RCW
3 72.68.010.

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

5 **Sec. 1.** RCW 72.68.010 and 2000 c 62 s 2 are each amended to read
6 as follows:

7 (1) Except as provided in subsection (2) of this section, whenever
8 in its judgment the best interests of the state or the welfare of any
9 prisoner confined in any penal institution will be better served by his
10 or her transfer to another institution or to a foreign country of which
11 the prisoner is a citizen or national, the secretary may effect such
12 transfer consistent with applicable federal laws and treaties. The
13 secretary has the authority to transfer offenders out-of-state to
14 private or governmental institutions if the secretary determines that
15 transfer is in the best interest of the state or the offender. The
16 determination of what is in the best interest of the state or offender
17 may include but is not limited to considerations of overcrowding,
18 emergency conditions, or hardship to the offender. In determining
19 whether the transfer will impose a hardship on the offender, the

1 secretary shall consider: (a) The location of the offender's family
2 and whether the offender has maintained contact with members of his or
3 her family; (b) whether, if the offender has maintained contact, the
4 contact will be significantly disrupted by the transfer due to the
5 family's inability to maintain the contact as a result of the transfer;
6 and (c) whether the offender is enrolled in a vocational or educational
7 program that cannot reasonably be resumed if the offender is returned
8 to the state.

9 (2) The secretary may not transfer an offender out of state if the
10 offender:

11 (a) Is regularly participating in extended family visitations with
12 his or her child;

13 (b) Is regularly participating in parent-teacher conferences
14 involving his or her child; or

15 (c) Has had at least six contacts, either in person or by
16 telephone, with his or her child within the six months prior to the
17 proposed transfer.

18 (3) If directed by the governor, the secretary shall, in carrying
19 out this section and RCW 43.06.350, adopt rules under chapter 34.05 RCW
20 to effect the transfer of prisoners requesting transfer to foreign
21 countries.

22 (4) For the purposes of this section:

23 (a) "Child" means a biological or adoptive child under the age of
24 eighteen.

25 (b) "Regularly participating" means participating on a consistent,
26 ongoing basis with the anticipation of continuing participation in the
27 future. "Regularly participating" does not include infrequent or
28 occasional participation, unless the opportunities for participation
29 are themselves infrequent or occasional.

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