
SENATE BILL 6314

State of Washington

61st Legislature

2010 Regular Session

By Senators Carrell and Stevens

Read first time 01/12/10. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to special detention facilities; amending RCW
2 70.48.020; adding a new section to chapter 70.48 RCW; adding a new
3 section to chapter 82.08 RCW; adding a new section to chapter 82.12
4 RCW; and providing an effective date.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.48 RCW
7 to read as follows:

8 (1) A city or county must establish an objective classification
9 system to determine those persons eligible for a special detention
10 facility. The city or county and its employees are immune from civil
11 liability for damages caused by individual eligibility decisions,
12 unless the city, county, or its employees acted with gross negligence
13 or in bad faith.

14 (2) A city or county may establish and maintain alternative
15 supervision or rehabilitation programs, other than those authorized in
16 RCW 70.48.090, within the special detention facility.

17 **Sec. 2.** RCW 70.48.020 and 2009 c 411 s 3 are each amended to read
18 as follows:

1 (~~As used in this chapter the words and phrases in this section~~
2 ~~shall have the meanings indicated~~) The definitions in this section
3 apply throughout this chapter unless the context clearly requires
4 otherwise.

5 (1) "Administration" means the direct application of a drug whether
6 by ingestion or inhalation, to the body of an inmate by a practitioner
7 or nonpractitioner jail personnel.

8 (2) "Correctional facility" means a facility operated by a
9 governing unit primarily designed, staffed, and used for the housing of
10 adult persons serving terms not exceeding one year for the purposes of
11 punishment, correction, and rehabilitation following conviction of a
12 criminal offense.

13 (3) "Deliver" or "delivery" means the actual, constructive, or
14 attempted transfer from one person to another of medication whether or
15 not there is an agency relationship.

16 (4) "Detention facility" means a facility operated by a governing
17 unit primarily designed, staffed, and used for the temporary housing of
18 adult persons charged with a criminal offense prior to trial or
19 sentencing and for the housing of adult persons for purposes of
20 punishment and correction after sentencing or persons serving terms not
21 to exceed ninety days.

22 (5) "Drug" and "legend drug" have the same meanings as provided in
23 RCW 69.41.010.

24 (6) "Governing unit" means the city and/or county or any
25 combinations of cities and/or counties responsible for the operation,
26 supervision, and maintenance of a jail.

27 (7) "Health care" means preventive, diagnostic, and rehabilitative
28 services provided by licensed health care professionals and/or
29 facilities; such care to include providing prescription drugs where
30 indicated.

31 (8) "Holding facility" means a facility operated by a governing
32 unit primarily designed, staffed, and used for the temporary housing of
33 adult persons charged with a criminal offense prior to trial or
34 sentencing and for the temporary housing of such persons during or
35 after trial and/or sentencing, but in no instance shall the housing
36 exceed thirty days.

37 (9) "Jail" means any holding, detention, special detention, or
38 correctional facility as defined in this section.

1 (10) "Major urban" means a county or combination of counties which
2 has a city having a population greater than twenty-six thousand based
3 on the 1978 projections of the office of financial management.

4 (11) "Medication" means a drug, legend drug, or controlled
5 substance requiring a prescription or an over-the-counter or
6 nonprescription drug.

7 (12) "Medication assistance" means assistance rendered by
8 nonpractitioner jail personnel to an inmate residing in a jail to
9 facilitate the individual's self-administration of a legend drug or
10 controlled substance or nonprescription medication. "Medication
11 assistance" includes reminding or coaching the individual, handing the
12 medication container to the individual, opening the individual's
13 medication container, using an enabler, or placing the medication in
14 the individual's hand.

15 (13) "Medium urban" means a county or combination of counties which
16 has a city having a population equal to or greater than ten thousand
17 but less than twenty-six thousand based on the 1978 projections of the
18 office of financial management.

19 (14) "Nonpractitioner jail personnel" means appropriately trained
20 staff who are authorized to manage, deliver, or administer prescription
21 and nonprescription medication under RCW 70.48.490.

22 (15) "Office" means the office of financial management.

23 (16) "Practitioner" has the same meaning as provided in RCW
24 69.41.010.

25 (17) "Rural" means a county or combination of counties which has a
26 city having a population less than ten thousand based on the 1978
27 projections of the office of financial management.

28 (18) "Special detention facility" means a minimum security facility
29 operated by a governing unit primarily designed, staffed, and used for
30 the housing of special populations of adult persons charged with a
31 criminal offense prior to trial or sentencing or for punishment and
32 correction after sentencing when those sentenced persons (~~who~~) do not
33 require the level of security normally provided in detention and
34 correctional facilities including, but not necessarily limited to,
35 persons convicted of offenses under RCW 46.61.502 or 46.61.504.

36 NEW SECTION. **Sec. 3.** A new section is added to chapter 82.08 RCW
37 to read as follows:

1 (1) The tax levied by RCW 82.08.020 does not apply to sales of:
2 (a) Items that become components of a special detention facility as
3 defined in RCW 70.48.020; or
4 (b) Labor and services rendered for constructing, repairing,
5 decorating, or improving a special detention facility as defined in RCW
6 70.48.020.
7 (2) A person taking an exemption under this section must keep
8 records necessary for the department to verify eligibility under this
9 section. The exemption is available only when the buyer provides the
10 seller with an exemption certificate in a form and manner prescribed by
11 the department. The seller shall retain a copy of the certificate for
12 the seller's files.

13 NEW SECTION. **Sec. 4.** A new section is added to chapter 82.12 RCW
14 to read as follows:

15 The provisions of this chapter do not apply in respect to the use
16 of items that become components of a special detention facility as
17 defined in RCW 70.48.020. A person taking an exemption under this
18 section must keep records necessary for the department to verify
19 eligibility under this section.

20 NEW SECTION. **Sec. 5.** Sections 3 and 4 of this act take effect
21 August 1, 2010.

--- END ---