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**SUBSTITUTE SENATE BILL 6270**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** Senate Human Services, Reentry & Rehabilitation (originally sponsored by Senators Darneille, Hasegawa, Kuderer, Wilson, C., Das, and Nguyen)

READ FIRST TIME 02/06/20.

1 AN ACT Relating to resolution of warrants by persons serving a  
2 term of confinement in prison or juvenile rehabilitation; and  
3 amending RCW 9.98.010.

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

5 **Sec. 1.** RCW 9.98.010 and 2011 c 336 s 345 are each amended to  
6 read as follows:

7 (1) Whenever a person has entered upon a term of imprisonment in  
8 a penal ~~((or))~~, correctional, or juvenile rehabilitation institution  
9 of this state, and whenever during the continuance of the term of  
10 imprisonment there is pending in this state any untried indictment,  
11 information, or complaint against the ~~((prisoner))~~ person, he or she  
12 shall be brought to trial within one hundred twenty days after he or  
13 she shall have caused to be delivered to the prosecuting attorney and  
14 the ~~((superior))~~ court ~~((of the county))~~ in which the indictment,  
15 information, or complaint is pending written notice of the place of  
16 his or her imprisonment and his or her request for a final  
17 disposition to be made of the indictment, information, or  
18 complaint ~~((: PROVIDED, That for))~~. The following time periods shall  
19 be excluded from the one hundred twenty-day calculation:

1 (a) Arraignment, pretrial proceedings, trial, and sentencing on  
2 an unrelated charge in a different country than the court where the  
3 charge is pending;

4 (b) Proceedings related to competency to stand trial on the  
5 pending charge, from the entry of an evaluation order to the entry of  
6 a court order finding the person competent to proceed; and

7 (c) Time during which the person is detained in a federal jail or  
8 prison and subject to conditions of release not imposed by the state  
9 of Washington.

10 (2) The superintendent who provides the certificate under  
11 subsection (4) of this section shall inform any prosecuting attorney  
12 or court requesting transportation of the person to resolve an  
13 untried indictment, information, or complaint of the person's current  
14 location and availability for trial. If the person is unavailable for  
15 transportation due to court proceedings in another county, the  
16 department shall inform the prosecuting attorney or court when the  
17 person becomes available for transportation and provide a new  
18 certificate containing the information under subsection (4) of this  
19 section.

20 (3) For good cause shown in open court, with the ((prisoner))  
21 person or his or her counsel ((shall have)) having the right to be  
22 present, the court having jurisdiction of the matter may grant any  
23 necessary or reasonable continuance.

24 (4) The request of the ((prisoner)) person shall be accompanied  
25 by a certificate of the superintendent having custody of the  
26 ((prisoner)) person, stating the term of commitment under which the  
27 ((prisoner)) person is being held, the time already served, the time  
28 remaining to be served on the sentence, the amount of good time  
29 earned, the ((time of parole eligibility)) earned release date of the  
30 ((prisoner)) person, and any decisions of the indeterminate sentence  
31 review board relating to the ((prisoner)) person.

32 ((+2)) (5) The written notice and request for final disposition  
33 referred to in subsection (1) of this section shall be given or sent  
34 by the ((prisoner)) person to the superintendent having custody of  
35 him or her, who shall promptly forward it together with the  
36 certificate to the appropriate prosecuting attorney and superior,  
37 district, municipal, or juvenile court by certified mail, return  
38 receipt requested.

39 ((+3)) (6) The superintendent having custody of the ((prisoner))  
40 person shall promptly inform him or her in writing of the source and

1 contents of any untried indictment, information, or complaint against  
2 him or her concerning which the superintendent has knowledge and of  
3 his or her right to make a request for final disposition thereof.

4 ~~((4))~~ (7) Escape from custody by the ~~((prisoner))~~ person  
5 subsequent to his or her execution of the request for final  
6 disposition referred to in subsection (1) of this section shall void  
7 the request.

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