

CHAPTER 171.

[S. B. 10.]

PRISONERS—LABOR—JAILS—WORK CAMPS.

AN ACT relating to criminal procedure and punishment; providing for the establishment and administration of state, county and city industrial and agricultural farms and forestry and recreational improvement camps; authorizing joint operation of jails; authorizing state operated regional jails; providing for the inspection of all jails; providing for the commitment, discipline and discharge of persons committed to jails; and providing for the employment of persons committed to jails, jail farms or jail camps; amending section 72.64.050, chapter 28, Laws of 1959 and RCW 72.64.050; amending section 72.64.060, chapter 28, Laws of 1959 and RCW 72.64.060; amending section 72.64.030, chapter 28, Laws of 1959 and RCW 72.64.030; amending section 3, chapter 103, Laws of 1917 and RCW 36.63.150; amending section 4, chapter 103, Laws of 1917 and RCW 36.63.160; and adding two new sections to chapter 72.64 RCW.

Be it enacted by the Legislature of the State of Washington:

RCW 72.64.030 amended.

SECTION 1. Section 72.64.030, chapter 28, Laws of 1959 and RCW 72.64.030 are each amended to read as follows:

Prisoners required to work.

Every prisoner in the Washington state penitentiary or reformatory or other state penal or correctional institution shall be required to work in such manner as may be prescribed by the director, other than for the private financial benefit of any enforcement officer.

RCW 72.64.050 amended.

SEC. 2. Section 72.64.050, chapter 28, Laws of 1959 and RCW 72.64.050 are each amended to read as follows:

Branch institutions, honor camps for certain purposes.

The director shall also have the power to establish temporary branch institutions for the state penitentiary, state reformatory and other penal and correctional institutions of the state in the form of honor camps for the employment of prisoners therein in farming, reforestation, wood-cutting, land clearing, processing of foods in state canneries, forest fire

fighting, forest fire suppression and prevention, stream clearance, watershed improvement, development of parks and recreational areas and other work to conserve the natural resources and protect and improve the public domain and construction of water supply facilities to state institutions.

SEC. 3. Section 72.64.060, chapter 28, Laws of 1959 and RCW 72.64.060 are each amended to read as follows:

RCW 72.64.060 amended.

Any department, division, bureau, commission, or other agency of the state of Washington or any agency of any political subdivision thereof or the federal government may use, or cause to be used, prisoners confined in state penal or correctional institutions to perform work necessary and proper, to be done by them at camps to be established pursuant to the authority granted by RCW 72.64.060 through 72.64.090: *Provided*, That such prisoners shall not be authorized to perform work on any public road, other than access roads to forestry lands. The director may enter into contracts for the purposes of RCW 72.64.060 through 72.64.090.

Labor camps authorized—
Type of work permitted.

SEC. 4. There is added to chapter 72.64 RCW a new section to read as follows:

New section.

The director is authorized to establish and operate regional jail camps for the confinement, treatment, and care of persons sentenced to jail terms in excess of thirty days, including persons so imprisoned as a condition of probation. The director shall make rules and regulations governing the eligibility for commitment or transfer to such camps and rules and regulations for the government of such camps. Subject to the rules and regulations of the director, and if there is in effect a contract entered into pursuant to section 6, renumbered section 5, of this act, a county prisoner may be committed to a regional jail camp in lieu of commitment to a county jail or other county detention facility.

Regional jail camps authorized for county prisoners.

New section.

SEC. 5. There is added to chapter 72.64 RCW a new section to read as follows:

Contracts, procedure, for housing county prisoners in state regional jail camps.

(1) The director may enter into a contract, with the approval of the director of budget, with any county of the state, upon the request of the sheriff thereof, wherein the director agrees to furnish confinement, care, treatment, and employment of county prisoners. The county shall reimburse the state for the cost of such services, such cost to be determined by the director of budget. Each county shall pay to the state treasurer the amounts found to be due.

(2) The director shall accept such county prisoner if he believes that the prisoner can be materially benefited by such confinement, care, treatment and employment, and if adequate facilities to provide such care are available. No such person shall be transported to any facility under the jurisdiction of the director until the director has notified the referring court of the place to which said person is to be transmitted and the time at which he can be received.

(3) The sheriff of the county in which such an order is made placing a misdemeanor in a jail camp pursuant to this chapter, or any other peace officer designated by the court, shall execute an order placing such county prisoner in the jail camp or returning him therefrom to the court.

(4) The director may return to the committing authority, or to confinement according to his sentence, any person committed or transferred to a regional jail camp pursuant to this chapter when there is no suitable employment or when such person is guilty of any violation of rules and regulations of the regional jail camp.

Farms or camps maintained by county, authorized.

SEC. 6. Each county of the state is authorized to establish and maintain, either within or without its territorial limits, farms or camps for confinement, care, treatment and employment of persons sen-

tenced to the county jail as misdemeanants. The sheriff shall adopt reasonable rules and regulations for the transfer of such prisoners from the county jail to a farm or camp and shall also adopt reasonable rules and regulations for the management of such farms and camps.

SEC. 7. Each person convicted of a criminal offense and by reason thereof committed to the county jail, or confined as such at a farm or camp, either as a punishment for such offense, or in satisfaction of any fine unpaid, or upon an order of probation, shall be deemed to have been sentenced or committed to labor. Such labor of not more than forty hours in any week may be performed by such persons upon the public streets, parks, or other public places of the county, or upon or in any farm or camp established under the provisions of this act except in case of emergency, any provision of the laws of the state of Washington to the contrary notwithstanding.

Prisoners
deemed sen-
tenced to
labor—
Limitations.

SEC. 8. Except as otherwise provided in this amendatory act, whenever it appears to the sheriff of the county that the best interest of a person sentenced to the county jail will be best served by causing his period of confinement to be served at a farm or camp established hereunder, the sheriff shall order that said prisoner be transferred from the county jail to such farm or camp, and the confinement of such person on a farm or camp shall be a proper method of executing any order of the court directing that the person named in the commitment be confined in the county jail of such county: *Provided*, That the sheriff shall at no time cause to be transferred thereto a greater number of persons than can be reasonably accommodated thereon and furnished with constructive employment at such place of confinement.

Committing
prisoners to
farm or camp
deemed
confinement.

SEC. 9. All persons judged guilty of an offense punishable by imprisonment in the county jail, may

Confinement in any county jail authorized.

be confined in such jail located in another county to the same extent as if it were located in the county having jurisdiction of the offense.

Confinement of county prisoners in state facilities authorized.

SEC. 10. Notwithstanding any other provisions of law, the sheriff of any county may, with the director of institutions approval, transfer prisoners committed to any jail of the county to any regional jail, industrial or agricultural farm, or any forestry camp maintained by the state.

Prisoner employment in regular job—Authorized.

SEC. 11. (1) The provisions of this section shall be operative in any county in which the board of county commissioners finds by resolution, on the basis of employment conditions, the state of the county jail facilities, and other pertinent circumstances, that the operation of this section in that county is feasible.

(2) When a person is convicted of a misdemeanor and sentenced to the county jail, or is imprisoned therein for nonpayment of a fine, for contempt, or as a condition of probation for any criminal offense, the court may direct that such person be permitted, subject to good conduct, to continue in his regular employment if such person has been regularly employed, or may authorize the sheriff or other appropriate officer to make every effort to secure some suitable employment or may authorize the person to secure employment for himself in the county.

(3) If the court so directs the prisoner be permitted to continue in his regular employment, the sheriff shall arrange for a continuation of such employment insofar as possible. In no event may any such employment be permitted where there is a labor dispute in the establishment in which the prisoner is, or is to be, employed.

(4) Whenever the prisoner is not employed and between the hours or periods of employment, he shall be confined in the jail unless the court directs otherwise.

(5) The earnings of the prisoner shall be collected by the sheriff, or other appropriate officer. From such earnings the sheriff, or other appropriate officer, shall pay the prisoner's board and personal expenses, both inside and outside the jail, and shall deduct so much of the costs of administration of this section as is allocable to the prisoner, and, to the extent directed by the court, shall pay the support of the prisoner's dependents, if any. If sufficient funds are available after making the foregoing payments, the sheriff may, with the consent of the prisoner, pay, in whole or in part, the preexisting debts of the prisoner. Any balance shall be retained until the prisoner's discharge and thereupon shall be paid to him.

Disposition of earnings.

(6) If approved by the court, the prisoner shall obtain a diminution of one-fourth of his term if his conduct, diligence and general attitude merits such diminution.

Diminution of sentence.

(7) In case of the violation of the conditions laid down for his conduct, custody and employment, he shall be returned to the court, and it may then require that the balance of his sentence be spent in actual confinement and may cancel any earned diminution of his term.

SEC. 12. When there are not adequate jail facilities in a county, the judge of the superior court may, by written order filed with the county clerk, designate the jail of a contiguous county for the confinement of prisoners of his county, or any of them, and may at any time modify or vacate such order.

Court designation of contiguous county jail for confinement.

SEC. 13. Any two or more counties may form a district for the purpose of establishing and operating a joint county jail, including jail farms and camps, to serve such counties.

Joint county jail districts. Authorized.

SEC. 14. Any district organized under sections 14 to 32, renumbered sections 13 to 31, of this act shall have and exercise the powers expressly granted

Powers.

in such sections of this act, together with such other powers as are reasonably implied therefrom and necessary and proper to carry out the objects and purposes of this act.

Initiation of
district by
resolution—
Contents.

SEC. 15. The board of commissioners of any county may initiate proceedings proposing the creation of a joint district for the purpose of maintaining a joint county jail under the provisions of this act to be composed of two or more counties by the adoption of a resolution reciting the following:

(1) That it will be beneficial to the public interest to create a joint district for the establishment or operation, or both, of a joint county jail to which persons from any of the counties proposed to be included in the proposed district may be committed.

(2) The names of the counties proposed to be included in the proposed district which will be benefited by the formation thereof.

(3) That it is proposed to create a joint district for the establishment or operation, or both, of a joint county jail under the provisions of this act for the counties so named.

Transmittal of
initiating reso-
lution—Board
representation.

SEC. 16. When adopted, certified copies of the resolution provided for in section 16, renumbered section 15, of this amendatory act, shall be transmitted to the several clerks of the boards of commissioners in each of the counties named in the resolution other than that in which the proceedings are initiated.

Upon the adoption of the resolution provided for in section 16, renumbered section 15, of this amendatory act, the board of commissioners of the county adopting the same shall name and appoint two members of the board to represent the county upon the board of directors of the joint district proposed to be organized.

SEC. 17. Upon receipt of the resolution adopted under section 16, renumbered section 15, of this

amendatory act, the boards of commissioners of the counties affected and to whom the same may be directed shall consider the advisability of creating and organizing a joint district as proposed in said resolution and, upon determining the facts involved therein, shall severally adopt resolutions either rejecting or approving the proposal to create such joint district. Each resolution of approval shall, in addition to the matters otherwise required therein, also name and appoint the members of the board of commissioners of the county adopting the resolution qualified to represent such county upon the board of directors of the proposed joint district. A certified copy of the resolution of approval shall be forthwith transmitted to the clerk of the board of commissioners initiating the proceedings.

Action by other boards—Resolutions of approval—Board representation.

SEC. 18. The board of commissioners of any county initiating proceedings for the creation of a joint district under this amendatory act shall, after the receipt of a copy of the resolution approving the proposal to form such district as provided in section 18, renumbered section 17, of this amendatory act from the board of commissioners of each county proposed to be included within any such joint district, adopt a resolution declaring the creation and organization of said joint district and setting forth the names of the counties composing said district. A certified copy of the resolution shall be transmitted to and filed with the secretary of state, whereupon the joint district shall be deemed created and organized and shall exercise all the powers granted in this amendatory act and shall bear the name and designation of "Joint County Jail District No. of the State of Washington."

Resolution of creation—Filed.

SEC. 19. All districts organized under this amendatory act shall be numbered in the order of their creation, the number to be assigned to said district forthwith upon the organization thereof by the sec-

Districts numbered—Registration list.

retary of state, and the secretary of state shall keep and maintain in his office a list and register showing the joint county jail districts organized under this amendatory act.

Certificate of organization—Copies—Initial board meeting.

SEC. 20. The secretary of state shall furnish and transmit to the clerk of the board of commissioners of the county adopting the initial resolution for the organization of any district under this amendatory act a certificate of the organization of the same. Upon receipt of the certificate the clerk shall within ten days send a certified copy of the certificate to each of the clerks of the several boards of commissioners of the counties constituting the district, and shall also within the time specified in this section notify each supervisor appointed as a member of the board of directors of the district of such fact and of the time and place of the first meeting of the board of directors of the district. The time and place of the meeting shall be fixed and determined by the clerk of the board adopting the initial resolution, but said time of meeting shall be within thirty days after the date of mailing notices thereof. The necessary expense incurred by commissioners in attending and in going to and coming from any meeting of the board of directors of the district shall constitute a county charge of their respective counties.

Board of directors. Designated.

SEC. 21. The body formed under section 21, renumbered section 20, of this amendatory act shall be called the board of directors of such district.

Board powers.

SEC. 22. The members of the board of directors may enter into an agreement for and on behalf of the counties appointing them binding said counties to the joint enterprise provided for in this amendatory act and apportioning the cost of establishing and maintaining a joint county jail.

Collecting costs incurred under act.

SEC. 23. All sums found due from any county according to the provisions of this amendatory act

are a charge against said county, and may be collected in the manner provided by law by the board of directors of a district formed under this amendatory act, or, in its behalf by the board of commissioners of any county in the district by an action instituted and tried in any county in the district in which the same may be filed.

SEC. 24. The board of directors may establish the joint county jail provided for in this amendatory act and shall provide for the feeding, care, and treatment of prisoners therein, and must conform to such standards for construction, feeding, clothing, bedding and programming as are imposed pursuant to law on county jails.

Establishing joint county jail as board power.

SEC. 25. Each county in a district formed under this amendatory act shall pay from its general fund its proportionate share to the board of directors of such amount as the board may designate to constitute a cash revolving fund to carry on the work and expense of maintaining such joint county jail. Each month a statement of the expense of the joint county jail shall be sent to the board of commissioners of each county in the district, together with a claim for its proportionate share of expenses. Amounts when received shall be paid into the cash revolving fund.

Revolving fund—State-ments of expense.

SEC. 26. Convicted persons may be committed to a joint county jail from a county comprising the district the same as if the commitment were to a jail maintained by that county alone.

Commitment to joint county jail.

SEC. 27. The provisions of this amendatory act shall, so far as appropriate, be applicable to a joint county jail established pursuant to this act, and the person appointed by the board of directors to superintend a joint county jail has such powers and duties as has a sheriff, with respect to county jails, under this amendatory act.

Superintendent has powers, duties, as has sheriff.

Jail rules and regulations.

SEC. 28. The board of directors may make rules and regulations for the government of a joint county jail not inconsistent with law.

RCW 36.63.150 amended.

SEC. 29. Section 3, chapter 103, Laws of 1917 and RCW 36.63.150 are each amended to read as follows:

Joint county or joint county jail district and city jails.

Any county or any two or more counties acting jointly or under the provisions of a joint county jail district provision and any city within such county or counties may contract with each other for the joint acquisition, erection, ownership, control, and maintenance of any place of detention of prisoners within the limits of the county or counties and for the custody and the employment upon public works, or as otherwise provided by law, of prisoners convicted of offenses against any statute or any ordinance of the contracting city punishable by a jail sentence.

RCW 36.63.160 amended.

SEC. 30. Section 4, chapter 103, Laws of 1917 and RCW 36.63.160 are each amended to read as follows:

Joint authority and powers.

When such contract has been entered into by any city and county or counties or joint county jail district for the joint acquisition, ownership, control, and maintenance of any jail, or for the custody, and employment of any such persons in a place of detention, the legislative authority of the city and the board of county commissioners of the county, acting under and by virtue of the sentence imposed by the court upon any person so convicted, may provide for the care, keep, and custody of such person in such place of detention, and provide for the employment of such person at or upon such public work, or as otherwise provided by law, as may be designated from time to time.

Joint county jail district dissolution—Procedure.

SEC. 31. A joint county jail district formed under this amendatory act may be dissolved in the following manner:

(1) The board or boards of commissioners of a county or counties containing more than fifty per-

cent of the population of the entire district shall by a unanimous vote adopt a resolution stating that the existence of a joint county jail is no longer desirable for the public welfare and announcing the intention to withdraw therefrom and to dissolve said district.

(2) The resolution or resolutions so adopted shall be communicated to the clerks of the board of commissioners of all the counties comprising the district and also to the secretary of state.

(3) If it appears that the resolution was unanimously adopted by the board or boards of commissioners in the counties desiring to withdraw, and that such county or counties contain more than two-thirds of the entire population in the district, the secretary of state shall thereupon certify to the clerks of the boards of commissioners of the counties composing the district that the district is dissolved.

(4) Thereupon the board of directors of the district shall within ninety days:

- (a) Abolish the joint county jail;
- (b) Return all prisoners therein to the custody of the sheriffs of their respective counties;
- (c) Dispose of all equipment belonging to said joint county jail and the district;
- (d) Render an accounting to the clerks of the boards of commissioners of the counties composing such district of all sums of money received and paid out since their last previous accounting, including the balance of revolving fund on hand at said last previous accounting;
- (e) Apportion and repay to said counties all sums of money then remaining in their hands, and they shall thereupon be relieved of further responsibility in said matter.

SEC. 32. The director of institutions shall make or cause to be made at least yearly an inspection of

Director of institutions, duties relating to detention facilities.

all jails and detention facilities, and shall in addition have the following powers and duties:

(1) To establish recommended procedures concerned with the safekeeping, health, and welfare of all prisoners committed to such jails and other local detention facilities;

(2) To prescribe minimum standards for the operation of jails and other local detention facilities, including the training of personnel;

(3) To have authority to recommend the rules and regulations for the control and discipline of the prisoners;

(4) To make such recommendations to the local sheriff and other officials for the improvement of the jail conditions in such area;

(5) To maintain adequate records of such jails and make annual reports to the legislature.

Passed the Senate February 27, 1961.

Passed the House March 6, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 172.

[S. B. 22.]

COUNTY CUMULATIVE RESERVE FUNDS.

AN ACT relating to county cumulative reserve funds; and amending sections 1 and 2, chapter 51, Laws of 1945 and RCW 36.33.020 and 36.33.030.

Be it enacted by the Legislature of the State of Washington:

RCW 36.33.020 amended.

SECTION 1. Section 1, chapter 51, Laws of 1945 and RCW 36.33.020 are each amended to read as follows:

County funds. Cumulative reserve fund —Purpose.

Any board of county commissioners may establish by resolution a cumulative reserve fund in general terms for several different county purposes as well as for a very specific county purpose, includ-