

CHAPTER 58
[Senate Bill No. 125]
PRISONERS--
WORK RELEASE PROGRAMS--
FURLOUGHS

AN ACT Relating to work release programs and furloughs; and amending section 13, chapter 17, Laws of 1967 and RCW 72.65.130; creating new sections; and declaring an effective date.

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

Section 1. Section 13, chapter 17, Laws of 1967 and RCW 72.65.130 are each amended to read as follows:

This chapter shall not be construed as affecting the authority of the board of prison terms and paroles pursuant to the provisions of chapter 9.95 RCW over any person who has been approved for participation in the work release program. (~~Before any person is approved by the director or his designee for participation in the program, such participation must first be approved by at least two members of the board of prison terms and paroles.~~)

NEW SECTION. Sec. 2. As used in this act the following terms shall have the following meanings:

"Department" means the department of social and health services.

"Secretary" means the secretary of the department of social and health services, or his designee.

NEW SECTION. Sec. 3. The secretary is authorized to grant furloughs to persons convicted of a felony and serving a sentence for a term of confinement in a state correctional institution, except those persons who are serving mandatory minimum terms of confinement as now or hereafter provided by law. Any furlough granted by the secretary shall authorize the release of the convicted person from confinement by the superintendent of a state correctional institution and may require the supervision of the prisoner by a state probation and parole officer at a place designated in the order of furlough within this state for a period not to exceed thirty days under such terms and conditions as the secretary may deem appropriate: PROVIDED, That no more than sixty days of furlough shall be granted in any one year.

NEW SECTION. Sec. 4. Any prisoner eligible to be granted a furlough by the secretary may make application to the superintendent of the state correctional institution of confinement upon forms supplied by the department. The application shall set forth the place of proposed residence of the applicant and the names of the persons with whom the applicant will be residing and the relationship to the applicant; a proposed plan or program to be followed during

the period of furlough and the reasons why the applicant believes such plan or program will be of aid in his rehabilitation and enhance his prospects for a successful parole if granted by the board of prison terms and paroles. The application shall also include a statement to be executed by such prisoner that if his application be approved and he is granted a furlough, he agrees to abide by all terms and conditions of the furlough plan adopted for him. The application shall also contain such other information as the secretary may require. The superintendent of the state correctional institution to whom application has been made by a prisoner for a furlough shall review the prisoner's conduct, attitude and behavior within all of the institutions under the jurisdiction of the department, his criminal history and all other pertinent case history material and shall determine whether or not there is reasonable cause to believe that the prisoner will honor his trust if granted a furlough by the secretary. After having made such determination, the superintendent, in his discretion, may, subject to the concurrence of the secretary, deny the prisoner's application for a furlough or recommend to the secretary that the prisoner be granted a furlough.

NEW SECTION. Sec. 5. The secretary, after such investigation as he may deem necessary, may approve, reject, modify, or defer action on a recommendation for furlough. In the event of approval, the secretary shall adopt a furlough plan for the prisoner, and the terms and conditions of such furlough plan shall be set forth in the order of furlough with such other terms and conditions as may be deemed necessary and proper under the circumstances. The order of furlough may grant more than one furlough at such intervals and with such conditions as may be deemed appropriate and such furloughs may be granted on the basis of a single application. The order of furlough shall be signed by the prisoner under oath that he will faithfully abide by all terms and conditions of the order of furlough.

NEW SECTION. Sec. 6. At any time after approval has been granted for a furlough to any prisoner, such approval or order of furlough may be revoked, and if the prisoner has been released on an order of furlough, he may be returned to a state correctional institution, or the plan may be modified, in the discretion of the secretary. Any prisoner whose furlough application is rejected may reapply for a furlough after such period of time has elapsed as shall be determined at the time of rejection by the superintendent or secretary, whichever person initially rejected the application for furlough, such time period being subject to modification.

NEW SECTION. Sec. 7. Any furloughed prisoner who wilfully fails to return to the designated place of confinement at the time specified in the order of furlough shall be deemed an escapee and

fugitive from justice, and upon conviction shall be guilty of a felony and sentenced to a term of confinement of not more than ten years. The provisions of this section shall be incorporated in every order of furlough granted by the department.

NEW SECTION. Sec. 8. The department may provide or arrange for transportation for furloughed prisoners to the designated place of residence within the state and may, in addition, supply funds not to exceed forty dollars and suitable clothing, such clothing to be returned to the institution on the expiration of furlough.

NEW SECTION. Sec. 9. The secretary may enter into agreements with any agency of the state, a county, a municipal corporation or any person, corporation or association for the purpose of implementing furlough plans, and, in addition, may make such rules and regulations in furtherance of this act as he may deem necessary.

NEW SECTION. Sec. 10. The secretary may issue warrants for the arrest of any prisoner granted a furlough, at the time of the revocation of such furlough, or upon the failure of the prisoner to report as designated in the order of furlough. Such arrest warrants shall authorize any law enforcement, probation and parole or peace officer of this state, or any other state where such prisoner may be located, to arrest such prisoner and to place him in physical custody pending his return to confinement in a state correctional institution. Any state probation and parole officer, if he has reasonable cause to believe that a person granted a furlough has violated a condition of his furlough, may suspend such person's furlough and arrest or cause the arrest and detention in physical custody of the furloughed prisoner, pending the determination of the secretary whether the furlough should be revoked. The probation and parole officer shall report to the secretary all facts and circumstances and the reasons for the action of suspending such furlough. Upon the basis of the report and such other information as the secretary may obtain, he may revoke, reinstate or modify the conditions of furlough, which shall be by written order of the secretary. If the furlough is revoked, the secretary shall issue a warrant for the arrest of the furloughed prisoner and his return to a state correctional institution.

NEW SECTION. Sec. 11. This act shall become effective on July 1, 1971.

Passed the Senate April 29, 1971.

Passed the House April 16, 1971.

Approved by the Governor May 6, 1971.

Filed in Office of Secretary of State May 7, 1971.