

one for a term of two years, two for a term of four years, and two for a term of six years.

Passed the Senate January 30, 1973.

Passed the House February 23, 1973.

Approved by the Governor March 6, 1973.

Filed in Office of Secretary of State March 7, 1973.

CHAPTER 20

[Senate Bill No. 2125]

PRISONER FURLOUGH-STANDARDS

AN ACT Relating to furloughs for prisoners; amending section 10, chapter 152, Laws of 1972 ex. sess. and RCW 43.43.745; amending section 2, chapter 58, Laws of 1971 ex. sess. and RCW 72.66.010; adding new sections to chapter 58, Laws of 1971 ex. sess. and to chapter 72.66 RCW; repealing section 3, chapter 58, Laws of 1971 ex. sess. and RCW 72.66.020; repealing section 4, chapter 58, Laws of 1971 ex. sess. and RCW 72.66.030; and repealing section 5, chapter 58, Laws of 1971 ex. sess. and RCW 72.66.040.

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

Section 1. Section 10, chapter 152, Laws of 1972 ex. sess. and RCW 43.43.745 are each amended to read as follows:

(1) It shall be the duty of the sheriff or director of public safety of every county, of the chief of police of each city or town, or of every chief officer of other law enforcement agencies operating within this state, to record the fingerprints of all persons held in or remanded to their custody when convicted of any crime as provided for in RCW 43.43.735 for which the penalty of imprisonment might be imposed and to disseminate and file such fingerprints in the same manner as those recorded upon arrest pursuant to RCW 43.43.735 and 43.43.740.

(2) Every time the secretary authorizes a furlough as provided for in ((REW 72.66.020)) section 3 of this 1973 amendatory act the department of social and health services shall notify, forty-eight hours prior to the beginning of such furlough, the section that the named prisoner has been granted a furlough, the place to which furloughed, and the dates and times during which the prisoner will be on furlough status. In the case of an emergency furlough the forty-eight hour time period shall not be required but notification shall be made as promptly as possible and before the prisoner is released on furlough. Upon receipt of furlough information pursuant to the provisions of this subsection the section shall notify the

sheriff or director of public safety of the county to which the prisoner is being furloughed, the nearest attachment of the Washington state patrol in the county wherein the furloughed prisoner shall be residing and such other criminal justice agencies as the section may determine should be so notified.

(3) Disposition of the charge for which the arrest was made shall be reported to the section at whatever stage in the proceedings a final disposition occurs by the arresting law enforcement agency, county prosecutor, city attorney, or court having jurisdiction over the offense: PROVIDED, That the chief shall promulgate rules pursuant to chapter 34.04 RCW to carry out the provisions of this subsection.

(4) Whenever a person serving a sentence for a term of confinement in a state correctional facility for convicted felons, pursuant to court commitment, is released on an order of the state board of prison terms and paroles, or is discharged from custody on expiration of sentence, the department of social and health services shall promptly notify the section that the named person has been released or discharged, the place to which such person has been released or discharged, and the conditions of his release or discharge, and shall additionally notify the section of change in residence or conditions of release or discharge of persons on active parole supervision, and shall notify the section when persons are discharged from active parole supervision.

No city, town, county, or local law enforcement authority or other agency thereof may require that a convicted felon entering, sojourning, visiting, in transit, or residing in such city, town, county, or local area report or make himself known as a convicted felon or make application for and/or carry on his person a felon identification card or other registration document. Nothing herein shall, however, be construed to prevent any local law enforcement authority from recording the residency and other information concerning any convicted felon or other person convicted of a criminal offense when such information is obtained from a source other than from such requirement which source may include any officer or other agency or subdivision of the state.

Sec. 2. Section 2, chapter 58, Laws of 1971 ex. sess. and RCW 72.66.010 are each amended to read as follows:

As used in this chapter the following ((terms)) words shall have the following meanings:

(1) "Department" means the department of social and health services.

(2) "Furlough" means an authorized leave of absence for an eligible resident, without any requirement that the resident be accompanied by, or be in the custody of, any law enforcement or

corrections official while on such leave.

(3) "Emergency furlough" means a specially expedited furlough granted to a resident to enable him to meet an emergency situation, such as the death or critical illness of a member of his family.

(4) "Resident" means a person convicted of a felony and serving a sentence for a term of confinement in a state correctional institution or facility, or a state approved work or training release facility.

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

NEW SECTION. Sec. 3. The secretary may grant a furlough but only if not precluded from doing so under sections 4, 5, 6, 8, 12, or 13 of this 1973 amendatory act.

NEW SECTION. Sec. 4. A resident may apply for a furlough if he is not precluded from doing so under this section. A resident shall be ineligible to apply for a furlough if:

(1) He is not classified by the secretary as eligible for or on minimum security status; or

(2) His minimum term of imprisonment has not been set; or

(3) He has a valid detainer pending and the agency holding the detainer has not provided written approval for him to be placed on a furlough-eligible status. Such written approval may include either specific approval for a particular resident or general approval for a class or group of residents.

NEW SECTION. Sec. 5. A furlough shall not be granted to a resident if the furlough would commence prior to the time the resident has served the minimum amounts of time provided under this section:

(1) If his minimum term of imprisonment is longer than twelve months, he shall have served at least six months of the term;

(2) If his minimum term of imprisonment is less than twelve months, he shall have served at least ninety days and shall have no longer than six months left to serve on his minimum term;

(3) If he is serving a mandatory minimum term of confinement, he shall have served all but the last six months of such term.

NEW SECTION. Sec. 6. A furlough may only be granted to enable the resident:

(1) To meet an emergency situation, such as death or critical illness of a member of his family;

(2) To obtain medical care not available in a facility maintained by the department;

(3) To seek employment or training opportunities, but only when:

(a) There are scheduled specific work interviews to take place during the furlough;

(b) The resident has been approved for work or training release but his work or training placement has not occurred or been concluded; or

(c) When necessary for the resident to prepare a parole plan for a parole meeting scheduled to take place within one hundred and twenty days of the commencement of the furlough;

(4) To make residential plans for parole which require his personal appearance in the community;

(5) To care for business affairs in person when the inability to do so could deplete the assets or resources of the resident so seriously as to affect his family or his future economic security;

(6) To visit his family for the purpose of strengthening or preserving relationships, exercising parental responsibilities, or preventing family division or disintegration; or

(7) For any other purpose deemed to be consistent with plans for rehabilitation of the resident.

NEW SECTION. Sec. 7. Each resident applying for a furlough shall include in his application for the furlough:

(1) A furlough plan which shall specify in detail the purpose of the furlough and how it is to be achieved, the address at which the applicant would reside, the names of all persons residing at such address and their relationships to the applicant;

(2) A statement from the applicant's proposed sponsor that he agrees to undertake the responsibilities provided in section 8 of this 1973 amendatory act; and

(3) Such other information as the secretary shall require in order to protect the public or further the rehabilitation of the applicant.

NEW SECTION. Sec. 8. No furlough shall be granted unless the applicant for the furlough has procured a person to act as his sponsor. No person shall qualify as a sponsor unless he satisfies the secretary that he knows the applicant's furlough plan, is familiar with the furlough conditions prescribed pursuant to section 9 of this 1973 amendatory act, and submits a statement that he agrees to:

(1) See to it that the furloughed person is provided with appropriate living quarters for the duration of the furlough;

(2) Notify the secretary immediately if the furloughed person does not appear as scheduled, departs from the furlough plan at any time, becomes involved in serious difficulty during the furlough, or experiences problems that affect his ability to function appropriately;

(3) Assist the furloughed person in other appropriate ways, such as discussing problems and providing transportation to job interviews; and

(4) Take reasonable measures to assist the resident to return from furlough.

NEW SECTION. Sec. 9. The terms and conditions prescribed under this section shall apply to each furlough, and each resident granted a furlough shall agree to abide by them.

(1) The furloughed person shall abide by the terms of his furlough plan.

(2) Upon arrival at the destination indicated in his furlough plan, the furloughed person shall, when so required, report to a state probation and parole officer in accordance with instructions given by the secretary prior to release on furlough. He shall report as frequently as may be required by the state probation and parole officer.

(3) The furloughed person shall abide by all local, state and federal laws.

(4) With approval of the state probation and parole officer designated by the secretary, the furloughed person may accept temporary employment during a period of furlough.

(5) The furloughed person shall not leave the state at any time while on furlough.

(6) Other limitations on movement within the state may be imposed as a condition of furlough.

(7) The furloughed person shall not, in any public place, drink intoxicating beverages or be in an intoxicated condition. A furloughed person shall not enter any tavern, bar, or cocktail lounge.

(8) A furloughed person who drives a motor vehicle shall:

(a) have a valid Washington driver's license in his possession,

(b) have the owner's written permission to drive any vehicle not his own or his spouse's,

(c) have at least minimum personal injury and property damage liability coverage on the vehicle he is driving, and

(d) observe all traffic laws.

(9) Each furloughed person shall carry with him at all times while on furlough a copy of his furlough order prescribed pursuant to section 10 of this 1973 amendatory act and a copy of the identification card issued to him pursuant to section 11 of this 1973 amendatory act.

(10) The furloughed person shall comply with any other terms or conditions which the secretary may prescribe.

NEW SECTION. Sec. 10. Whenever the secretary grants a furlough, he shall do so by a special order which order shall contain each condition and term of furlough prescribed pursuant to section 9 of this 1973 amendatory act and each additional condition and term

which the secretary may prescribe as being appropriate for the particular person to be furloughed.

NEW SECTION. Sec. 11. The secretary shall issue a furlough identification card to each resident granted a furlough. The card shall contain the name of the resident and shall disclose the fact that he has been granted a furlough and the time period covered by the furlough.

NEW SECTION. Sec. 12. Prior to the granting of any furlough, the secretary shall examine the applicant's personality and past conduct and determine whether or not he represents a satisfactory risk for furlough. The secretary shall not grant a furlough to any person whom he believes represents an unsatisfactory risk.

NEW SECTION. Sec. 13. (1) The furlough or furloughs granted to any one resident may not exceed thirty consecutive days or a total of sixty days during any twelve-month period.

(2) Absent unusual circumstances, each first furlough and each second furlough granted to a resident shall not exceed a period of five days and each emergency furlough shall not exceed forty-eight hours plus travel time.

(3) A furlough may be extended within the maximum time periods prescribed under this section.

NEW SECTION. Sec. 14. Any employee of the department having knowledge of a furlough infraction shall report the facts to the secretary. Upon verification, the secretary shall cause the custody of the furloughed person to be regained, and for this purpose may cause a warrant to be issued.

NEW SECTION. Sec. 15. In the event of an emergency furlough, the secretary may waive all or any portion of sections 4(2), 5, 7, 8, and 9 of this 1973 amendatory act.

NEW SECTION. Sec. 16. Any proceeding involving an application for a furlough shall not be deemed a "contested case" under the provisions of chapter 34.04 RCW, the Administrative Procedure Act.

NEW SECTION. Sec. 17. The provisions of this 1973 amendatory act shall not affect the validity of any rule or regulation adopted prior to the effective date of this 1973 amendatory act, if such rule or regulation is not in conflict with any provision of this 1973 amendatory act.

NEW SECTION. Sec. 18. Sections 3 through 16 of this 1973 amendatory act shall be added to chapter 58, Laws of 1971 ex. sess. and to chapter 72.66 RCW.

NEW SECTION. Sec. 19. The following acts or parts of acts are each hereby repealed:

(1) Section 3, chapter 58, Laws of 1971 ex. sess. and RCW 72.66.020;

(2) Section 4, chapter 58, Laws of 1971 ex. sess. and RCW 72.66.030; and

(3) Section 5, chapter 58, Laws of 1971 ex. sess. and RCW 72.66.040.

Passed the Senate February 13, 1973.

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Approved by the Governor March 6, 1973.

Filed in Office of Secretary of State March 7, 1973.

CHAPTER 21

[Engrossed Senate Bill No. 2240]

INTERSTATE PAROLE AND PROBATION HEARING PROCEDURES

AN ACT Relating to interstate parole and probation hearing procedures; adding a new chapter to Title 9 RCW; and declaring an effective date.

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

NEW SECTION. Section 1. There is added to Title 9 RCW a new chapter to read as set forth in sections 2 through 6 of this act.

NEW SECTION. Sec. 2. Where supervision of a parolee or probationer is being administered by this state pursuant to RCW 9.95.270, the interstate compact for the out-of-state supervision of parolees and probationers, the appropriate interstate compact administrative authorities in this state shall notify the compact administrator of the sending state whenever, in their view, consideration should be given to retaking or reincarceration for a parole or probation violation. Prior to the giving of any such notification, a hearing at or near the site of the alleged violation shall be held in accordance with this act within a reasonable time, unless such hearing is waived by the parolee or probationer. The purpose of such hearing shall be to determine whether there is probable cause to believe that the parolee or probationer has committed a violation of a condition of parole or probation, and if so, whether or not there is reason to believe that the violation or violations are of such a nature that revocation of parole or probation should be considered. The appropriate officer or officers of this state shall, as soon as practicable following termination of any such hearing, report, through the interstate compact administrator's office, to the sending state, furnish a copy of the summary and digest of the hearing, and may, in addition, make recommendations, with reasons, regarding the disposition to be made of the parolee or probationer by the sending state. Pending any proceeding pursuant to this section, the appropriate officers of this