

government and its existing public institutions, and shall take effect immediately.

Passed the House April 22, 1987.

Passed the Senate April 15, 1987.

Approved by the Governor May 18, 1987.

Filed in Office of Secretary of State May 18, 1987.

CHAPTER 462

[Substitute House Bill No. 738]

CORRECTIONS STANDARDS BOARD—TRANSFER OF POWERS, DUTIES, AND FUNCTIONS

AN ACT Relating to the transfer of corrections standards board to other state agencies; amending RCW 13.04.116, 10.98.110, 10.98.130, 10.98.140, 10.98.160, 70.48.020, 70.48.090, 70.48.120, 70.48.160, 70.48.280, 70.48.400, 19.27.060, 70.48A.020, 70.48A.040, and 72.09.180; adding a new section to chapter 72.09 RCW; adding new sections to chapter 70.48 RCW; creating new sections; repealing RCW 72.09.140, 72.09.150, 72.09.160, 72.09.170, 10.98.120, 70.48.035, 70.48.080, 70.48.082, 70.48.250, 70.48.260, 70.48.290, 70.48.300, 70.48.330, 70.48.370, 70.48.010, 70.48.050, 70.48.060, 70.48.070, 70.48.110, and 70.48.200; providing an effective date; and declaring an emergency.

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

Sec. 1. Section 1, chapter 50, Laws of 1985 and RCW 13.04.116 are each amended to read as follows:

(1) A juvenile shall not be confined in a jail or holding facility for adults, except:

(a) For a period not exceeding twenty-four hours excluding weekends and holidays and only for the purpose of an initial court appearance in a county where no juvenile detention facility is available, a juvenile may be held in an adult facility provided that the confinement is separate from the sight and sound of adult inmates; or

(b) For not more than six hours and pursuant to a lawful detention in the course of an investigation, a juvenile may be held in an adult facility provided that the confinement is separate from the sight and sound of adult inmates.

(2) For purposes of this section a juvenile is an individual under the chronological age of eighteen years who has not been transferred previously to adult courts.

(3) The ~~((corrections standards board, in exercise of the powers of the state jail commission;))~~ department of social and health services shall monitor and enforce compliance with this section.

(4) This section shall not be construed to expand or limit the authority to lawfully detain juveniles.

Sec. 2. Section 11, chapter 17, Laws of 1984 and RCW 10.98.110 are each amended to read as follows:

(1) The department shall maintain records to track felony cases following convictions in Washington state and felony cases under the jurisdiction of Washington state pursuant to interstate compact agreements.

(2) Tracking shall begin at the time the department receives a disposition form from a prosecuting attorney and shall include the collection and updating of felons' criminal records from conviction through completion of sentence.

(3) The department of corrections shall collect information for tracking felons from its offices and from information provided by county clerks, the Washington state patrol identification and criminal history section, the (~~corrections standards board~~) office of financial management, and any other public or private agency that provides services to help individuals complete their felony sentences.

Sec. 3. Section 13, chapter 17, Laws of 1984 and RCW 10.98.130 are each amended to read as follows:

Local jails shall report to the (~~corrections standards board~~) office of financial management and (~~the corrections standards board~~) that office shall transmit to the department the information on all persons convicted of felonies or incarcerated for noncompliance with a felony sentence who are admitted or released from the jails and shall promptly respond to requests of the department for such data. Information transmitted shall include but not be limited to the state identification number, whether the reason for admission to jail was a felony conviction or noncompliance with a felony sentence, and the dates of the admission and release.

Sec. 4. Section 14, chapter 17, Laws of 1984 as amended by section 6, chapter 201, Laws of 1985 and RCW 10.98.140 are each amended to read as follows:

(1) The section, the department, and the (~~corrections standards board~~) office of financial management shall be the primary sources of information for criminal justice forecasting. The information maintained by these agencies shall be complete, accurate, and sufficiently timely to support state criminal justice forecasting.

(2) The office of financial management shall be the official state agency for the sentenced felon jail forecast. This forecast shall provide at least a six-year projection and shall be published by December 1 of every even-numbered year beginning with 1986. The office of financial management shall seek advice regarding the assumptions in the forecast from criminal justice agencies and associations.

(3) The sentencing guidelines commission shall keep records on all sentencings above or below the standard range defined by chapter 9.94A RCW. As a minimum, the records shall include the name of the offender, the crimes for which the offender was sentenced, the name and county of the sentencing judge, and the deviation from the standard range. Such records shall be made available to public officials upon request.

Sec. 5. Section 16, chapter 17, Laws of 1984 and RCW 10.98.160 are each amended to read as follows:

In the development and modification of the procedures, definitions, and reporting capabilities of the section, the department, ~~((and)) the ((corrections standards board))~~ office of financial management, and the responsible agencies and persons shall consider the needs of other criminal justice agencies such as the administrator for the courts, local law enforcement agencies, jailers, the sentencing guidelines commission, the board of prison terms and paroles, the clemency board, prosecuting attorneys, and affected state agencies such as the office of financial management and legislative committees dealing with criminal justice issues. An executive committee appointed by the heads of the department, the Washington state patrol, ~~((the corrections standards board;))~~ and the office of financial management shall review and provide recommendations for development and modification of the section, the department, and the ~~((corrections standards board's))~~ office of financial management's felony criminal information systems.

Sec. 6. Section 2, chapter 316, Laws of 1977 ex. sess. as last amended by section 1, chapter 118, Laws of 1986 and RCW 70.48.020 are each amended to read as follows:

As used in this chapter the words and phrases in this section shall have the meanings indicated unless the context clearly requires otherwise.

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

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

(3) "Special detention facility" means a minimum security facility operated by a governing unit primarily designed, staffed, and used for the housing of special populations of sentenced persons who do not require the level of security normally provided in detention and correctional facilities including, but not necessarily limited to, persons convicted of offenses under RCW 46.61.502 or 46.61.504.

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

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

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

(7) (~~"Board"~~ means the state corrections standards board:

~~(8) "Substantially remodeled" means significant alterations made to the physical plant of a jail to conform with the physical plant standards:~~

~~(9)) "Governing unit" means the city and/or county or any combinations of cities and/or counties responsible for the operation, supervision, and maintenance of a jail.~~

~~((10) "Mandatory custodial care standards" means those minimum standards, rules, or regulations that are adopted pursuant to RCW 70.48.050(1)(a) and 70.48.070(1) for jails to meet federal and state constitutional requirements relating to the health, safety, security, and welfare of inmates:~~

~~(11) "Advisory custodial care standards" means custodial care standards recommended by the board which are not mandatory:~~

~~(12) "Physical plant standards" and "physical plant requirements" mean those minimum standards, rules, or regulations that are prescribed by the board that relate to structural specifications of the physical plant, including but not limited to size of cells and rooms within a jail, design of facilities, and specifications for fixtures and other equipment:~~

~~(13) "Jail inspector" means a person with at least five years in a supervisory position as a law enforcement or custodial corrections officer:~~

~~(14)) (8) "Major urban" means a county or combination of counties which has a city having a population greater than twenty-six thousand based on the 1978 projections of the office of financial management.~~

~~((15)) (9) "Medium urban" means a county or combination of counties which has a city having a population equal to or greater than ten thousand but less than twenty-six thousand based on the 1978 projections of the office of financial management.~~

~~((16)) (10) "Rural" means a county or combination of counties which has a city having a population less than ten thousand based on the 1978 projections of the office of financial management.~~

(11) "Office" means the office of financial management.

Sec. 7. Section 9, chapter 316, Laws of 1977 ex. sess. as last amended by section 6, chapter 118, Laws of 1986 and RCW 70.48.090 are each amended to read as follows:

(1) Contracts for jail services may be made between a county and city located within the boundaries of a county, and among counties. The contracts shall: Be in writing, give one governing unit the responsibility for the operation of the jails, specify the responsibilities of each governing unit involved, and include the applicable charges for custody of the prisoners as well as the basis for adjustments in the charges. The contracts may be terminated only by ninety days written notice to the governing units involved

and to the ((board)) office. The notice shall state the grounds for termination and the specific plans for accommodating the affected jail population.

(2) The contract authorized in subsection (1) of this section shall be for a minimum term of ten years when state funds are provided to construct or remodel a jail in one governing unit that will be used to house prisoners of other governing units. The contract may not be terminated prior to the end of the term without the ((board's)) office's approval. If the contract is terminated, or upon the expiration and nonrenewal of the contract, the governing unit whose jail facility was built or remodeled to hold the prisoners of other governing units shall pay to the state treasurer the amount set by the corrections standards board or office when it authorized disbursement of state funds for the remodeling or construction under RCW 70.48.120. This amount shall be deposited in the local jail improvement and construction account and shall fairly represent the construction costs incurred in order to house prisoners from other governing units. The ((board)) office may pay the funds to the governing units which had previously contracted for jail services under rules which the ((board)) office may adopt. The acceptance of state funds for constructing or remodeling consolidated jail facilities constitutes agreement to the proportionate amounts set by the ((board)) office. Notice of the proportionate amounts shall be given to all governing units involved.

(3) A city or county primarily responsible for the operation of a jail or jails may create a department of corrections to be in charge of such jail and of all persons confined therein by law, subject to the authority of the governing unit. If such department is created, it shall have charge of jails and persons confined therein. If no such department of corrections is created, the chief law enforcement officer of the city or county primarily responsible for the operation of said jail shall have charge of the jail and of all persons confined therein. ~~((A department of corrections or the chief law enforcement officer shall operate a jail in conformance with the rules and regulations adopted by the board and any rules, regulations, or ordinances adopted by the governing unit.))~~

Sec. 8. Section 12, chapter 316, Laws of 1977 ex. sess. as last amended by section 8, chapter 118, Laws of 1986 and RCW 70.48.120 are each amended to read as follows:

There is hereby established in the state treasury a fund to be known as the local jail improvement and construction account in which shall be deposited such sums as are appropriated by law for the purpose of providing funds to units of local government for new construction and the substantial remodeling of detention and correctional facilities so as to obtain compliance with the physical plant standards for such facilities. Funds in the local jail improvement and construction account shall be invested in the same manner as other funds in other accounts within the state treasury, and such

earnings shall accrue to the local jail improvement and construction account. Funds shall be remitted to the governing units in a reasonably timely fashion to meet their contractual obligations. Funds in this account shall be disbursed by the state treasurer to units of local government, subject to biennial legislative appropriation, at the direction of the ((board)) office.

Sec. 9. Section 16, chapter 316, Laws of 1977 ex. sess. as last amended by section 10, chapter 118, Laws of 1986 and RCW 70.48.160 are each amended to read as follows:

Having received approval pursuant to RCW 70.48.060, a governing unit shall not be eligible for further funding for physical plant standards for a period of ten years from the date of the completion of the approved project. A jail shall not be closed for noncompliance to physical plant standards within this same ten year period. This section does not apply if:

(1) The ((board or its successor)) state elects to fund phased components of a jail project for which a governing unit has applied. In that instance, initially funded components do not constitute full funding within the meaning of RCW 70.48.060(1) and 70.48.070(2) and the ((board)) state may fund subsequent phases of the jail project;

(2) There is destruction of the facility because of an act of God or the result of a negligent and/or criminal act.

Sec. 10. Section 4, chapter 232, Laws of 1979 ex. sess. as amended by section 13, chapter 118, Laws of 1986 and RCW 70.48.280 are each amended to read as follows:

The proceeds from the sale of the bonds deposited in the local jail improvement and construction account of the general fund under the terms of this chapter shall be administered by the ((board)) office subject to legislative appropriation.

Sec. 11. Section 1, chapter 235, Laws of 1984 and RCW 70.48.400 are each amended to read as follows:

Persons sentenced to felony terms or a combination of terms of more than three hundred sixty-five days of incarceration shall be committed to state institutions under the authority of the department of corrections. Persons serving sentences of three hundred sixty-five consecutive days or less may be sentenced to a jail as defined in RCW ((70.48.010)) 70.48.020. All persons convicted of felonies or misdemeanors and sentenced to jail shall be the financial responsibility of the city or county.

Sec. 12. Section 6, chapter 96, Laws of 1974 ex. sess. as last amended by section 15, chapter 118, Laws of 1986 and RCW 19.27.060 are each amended to read as follows:

(1) The governing bodies of counties and cities may amend the codes enumerated in RCW 19.27.031 as they apply within their respective jurisdictions, but the amendments shall not result in a code that is less than the minimum performance standards and objectives contained in the state

building code. No amendment to a code enumerated in RCW 19.27.031 that affects single family or multifamily residential buildings shall be effective unless the amendment is approved by the building code council under RCW 19.27.074(1)(b). Any county or city amendment to a code enumerated in RCW 19.27.031 which is approved under RCW 19.27.074(1)(b) shall continue to be effective after any action is taken under RCW 19.27.074(1)(a) without necessity of reapproval under RCW 19.27.074(1)(b) unless the amendment is declared null and void by the council at the time any action is taken under RCW 19.27.074(1)(a) because such action in any way altered the impact of the amendment.

(2) Except as permitted or provided otherwise under this section, the state building code shall be applicable to all buildings and structures including those owned by the state or by any governmental subdivision or unit of local government.

(3) The governing body of each county or city may limit the application of any portion of the state building code to exclude specified classes or types of buildings or structures according to use other than single family or multifamily residential buildings: PROVIDED, That in no event shall fruits or vegetables of the tree or vine stored in buildings or warehouses constitute combustible stock for the purposes of application of the uniform fire code.

(4) The provisions of this chapter shall not apply to any building four or more stories high with a B occupancy as defined by the uniform building code, 1982 edition, and with a city fire insurance rating of 1, 2, or 3 as defined by a recognized fire rating bureau or organization.

(5) No provision of the uniform fire code concerning roadways shall be part of the state building code: PROVIDED, That this subsection shall not limit the authority of a county or city to adopt street, road, or access standards.

(6) The provisions of the state building code ~~((are))~~ may be preempted by any ~~((physical standards adopted by the corrections standards board under RCW 70.48.050 when))~~ city or county to the extent that the code provisions relating to the installation or use of sprinklers in ~~((the))~~ jail cells conflict with ~~((the standards and))~~ the secure and humane operation of jails.

Sec. 13. Section 2, chapter 131, Laws of 1981 as last amended by section 16, chapter 118, Laws of 1986 and RCW 70.48A.020 are each amended to read as follows:

For the purpose of providing funds for the planning, acquisition, construction, and improvement of jail buildings and necessary supporting facilities within the state, and the ~~((corrections standards board's))~~ office of financial management's operational costs related to the review of physical plant funding applications, award of grants, and construction monitoring, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one hundred forty-four million three hundred thousand dollars, or so much thereof as may be required, to

finance the improvements defined in RCW 70.48A.010 through 70.48A.080 and all costs incidental thereto, including administration, but not including acquisition or preparation of sites. Appropriations for administration shall be determined by the legislature. No bonds authorized by this section may be offered for sale without prior legislative appropriation of the proceeds of the bonds to be sold: PROVIDED, That the reappropriation of previously authorized bond moneys and this new appropriation shall constitute full funding of each approved project within the meaning of RCW 70.48.070 and 70.48.110.

Sec. 14. Section 4, chapter 131, Laws of 1981 as amended by section 17, chapter 118, Laws of 1986 and RCW 70.48A.040 are each amended to read as follows:

The proceeds from the sale of the bonds deposited in the local jail improvement and construction account in the general fund under the terms of RCW 70.48A.010 through 70.48A.080 shall be administered by the (~~corrections standards board~~) office of financial management subject to legislative appropriation.

NEW SECTION. Sec. 15. A new section is added to chapter 72.09 RCW to read as follows:

The department of corrections shall, no later than July 1, 1987, adopt standards for the operation of state adult correctional facilities. These standards shall be the minimums necessary to meet federal and state constitutional requirements relating to health, safety, and welfare of inmates and staff, and specific state and federal statutory requirements, and to provide for the public's health, safety, and welfare. The need for each standard shall be documented.

NEW SECTION. Sec. 16. a new section is added to chapter 70.48 RCW to read as follows:

The office of financial management shall complete the jail construction and remodeling funding program previously administered by the corrections standards board. The office shall use and may modify the physical plant standards adopted by the board. This section shall expire on July 1, 1990.

NEW SECTION. Sec. 17. A new section is added to chapter 70.48 RCW to read as follows:

All units of local government that own or operate adult correctional facilities shall, individually or collectively, adopt standards for the operation of those facilities no later than January 1, 1988. Cities and towns shall adopt the standards after considering guidelines established collectively by the cities and towns of the state; counties shall adopt the standards after considering guidelines established collectively by the counties of the state. These standards shall be the minimums necessary to meet federal and state constitutional requirements relating to health, safety, and welfare of inmates and staff, and specific state and federal statutory requirements, and

to provide for the public's health, safety, and welfare. Local correctional facilities shall be operated in accordance with these standards.

NEW SECTION. Sec. 18. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the corrections standards board pertaining to the juvenile confinement compliance function specified in RCW 13.04.116, shall be delivered to the custody of the department of social and health services. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the corrections standards board in carrying out the juvenile confinement compliance function shall be made available to the department of social and health services. All funds, credits, or other assets held in connection with the juvenile confinement compliance function shall be assigned to the department of social and health services.

All reports, documents, surveys, books, records, files, papers, or written material in the possession of the corrections standards board pertaining to the jail construction and remodeling funding program and the jail population data gathering program shall be delivered to the custody of the office of financial management. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the corrections standards board in carrying out these programs shall be made available to the office of financial management. All funds, credits, or other assets held in connection with these programs shall be assigned to the office of financial management.

All other reports, documents, surveys, books, records, files, papers, or written material shall be delivered to the custody of the department of corrections. All other cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the corrections standards board in carrying out its duties shall be made available to the department of corrections. All other funds, credits, or other assets held by the corrections standards board shall be assigned to the department of corrections.

Any appropriations made to the corrections standards board for carrying out the powers, functions, and duties relating to the jail construction and remodeling funding program shall, on the effective date of this section, be transferred and credited to the office of financial management.

Whenever any question arises as to the transfer of any funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 19. All rules and all pending business before the corrections standards board pertaining to the funding of jail construction and remodeling shall be continued and acted upon by the office of financial management. All existing contracts and obligations pertaining to

the funding of jail construction and remodeling shall remain in full force and shall be performed by the office of financial management.

All rules and all pending business before the corrections standards board pertaining to jail population data gathering shall be continued and acted upon by the office of financial management. All existing contracts and obligations pertaining to jail population data gathering shall remain in full force and shall be performed by the office of financial management.

NEW SECTION. Sec. 20. The transfer of the powers, duties, and functions of the corrections standards board shall not affect the validity of any act performed before the effective date of this section.

Sec. 21. Section 22, chapter 136, Laws of 1981 and RCW 72.09.180 are each amended to read as follows:

The corrections standards board shall cease to exist (~~six years after July 1, 1981, unless extended by law. The legislative budget committee shall review the board and recommend to the legislature by January of 1987 whether or not the board should be extended~~) on January 1, 1988.

NEW SECTION. Sec. 22. The following acts or parts of acts are each repealed:

- (1) Section 18, chapter 136, Laws of 1981 and RCW 72.09.140;
- (2) Section 21, chapter 136, Laws of 1981, section 107, chapter 287, Laws of 1984 and RCW 72.09.150;
- (3) Section 19, chapter 136, Laws of 1981 and RCW 72.09.160;
- (4) Section 20, chapter 136, Laws of 1981 and RCW 72.09.170;
- (5) Section 12, chapter 17, Laws of 1984 and RCW 10.98.120;
- (6) Section 24, chapter 136, Laws of 1981 and RCW 70.48.035;
- (7) Section 8, chapter 316, Laws of 1977 ex. sess., section 5, chapter 118, Laws of 1986 and RCW 70.48.080;
- (8) Section 4, chapter 276, Laws of 1981 and RCW 70.48.082;
- (9) Section 1, chapter 232, Laws of 1979 ex. sess. and RCW 70.48-.250;
- (10) Section 2, chapter 232, Laws of 1979 ex. sess., section 1, chapter 143, Laws of 1980, section 12, chapter 118, Laws of 1986 and RCW 70.48.260;
- (11) Section 5, chapter 232, Laws of 1979 ex. sess. and RCW 70.48-.290;
- (12) Section 6, chapter 232, Laws of 1979 ex. sess. and RCW 70.48-.300;
- (13) Section 5, chapter 276, Laws of 1981, section 14, chapter 118, Laws of 1986 and RCW 70.48.330; and
- (14) Section 35, chapter 165, Laws of 1983 and RCW 70.48.370.

NEW SECTION. Sec. 23. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 316, Laws of 1977 ex. sess. and RCW 70.48-.010;

(2) Section 5, chapter 316, Laws of 1977 ex. sess., section 13, chapter 232, Laws of 1979 ex. sess., section 1, chapter 276, Laws of 1981, section 4, chapter 12, Laws of 1981 2nd ex. sess., section 2, chapter 118, Laws of 1986 and RCW 70.48.050;

(3) Section 6, chapter 316, Laws of 1977 ex. sess., section 170, chapter 151, Laws of 1979, section 9, chapter 232, Laws of 1979 ex. sess., section 1, chapter 87, Laws of 1982, section 3, chapter 118, Laws of 1986 and RCW 70.48.060;

(4) Section 7, chapter 316, Laws of 1977 ex. sess., section 2, chapter 147, Laws of 1979, section 14, chapter 232, laws of 1979 ex. sess., section 4, chapter 118, Laws of 1986 and RCW 70.48.070;

(5) Section 11, chapter 316, Laws of 1977 ex. sess., section 7, chapter 118, Laws of 1986 and RCW 70.48.110; and

(6) Section 10, chapter 232, Laws of 1979 ex. sess., section 11, chapter 118, Laws of 1986 and RCW 70.48.200.

NEW SECTION. Sec. 24. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions. Sections 15 and 21 of this act shall take effect immediately. Sections 1 through 11 and sections 16, 17, 22 and 23 of this act shall take effect January 1, 1988.

Passed the House April 26, 1987.

Passed the Senate April 25, 1987.

Approved by the Governor May 18, 1987.

Filed in Office of Secretary of State May 18, 1987.

CHAPTER 463

[Engrossed Substitute House Bill No. 83]

MOTOR VEHICLE ACCIDENTS—FINANCIAL SECURITY DEPOSITS—REPORTS— DRIVER'S LICENSES OF PERSONS UNDER TWENTY-ONE

AN ACT Relating to motor vehicle accident reports; amending RCW 46.29.060 and 46-.52.030; adding a new section to chapter 46.20 RCW; and repealing RCW 46.20.011, 46.20-.102, and 46.20.104.

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

Sec. 1. Section 6, chapter 169, Laws of 1963 as last amended by section 1, chapter 369, Laws of 1977 ex. sess. and RCW 46.29.060 are each amended to read as follows:

The provisions of this chapter, requiring deposit of security and suspensions for failure to deposit security, subject to certain exemptions, shall apply to the driver and owner of any vehicle of a type subject to registration under the motor vehicle laws of this state which is in any manner involved in an accident within this state, which accident has resulted in bodily injury