

**Chapter 72.01 RCW
ADMINISTRATION**

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RCW 72.01.010 Powers and duties apply to department of social and health services, department of children, youth, and families, and department of corrections—Joint exercise authorized. As used in this chapter:

"Department" means the departments of social and health services, children, youth, and families, and corrections; and

"Secretary" means the secretaries of social and health services, children, youth, and families, and corrections.

The powers and duties granted and imposed in this chapter, when applicable, apply to the departments of social and health services, children, youth, and families, and corrections and the secretaries of social and health services, children, youth, and families and corrections, for institutions under their control. A power or duty may be exercised or fulfilled jointly if joint action is more efficient,

as determined by the secretaries. [2017 3rd sp.s. c 6 s 726; 1981 c 136 s 66; 1979 c 141 s 142; 1970 ex.s. c 18 s 56; 1959 c 28 s 72.01.010. Prior: 1907 c 166 s 10; RRS s 10919. Formerly RCW 72.04.010.]

Effective date—2017 3rd sp.s. c 6 ss 601-631, 701-728, and 804: See note following RCW 13.04.011.

Conflict with federal requirements—2017 3rd sp.s. c 6: See RCW 43.216.908.

Effective date—1981 c 136: See RCW 72.09.900.

Effective date—Severability—1970 ex.s. c 18: See notes following RCW 43.20A.010.

RCW 72.01.042 Hours of labor for full time employees—Compensatory time—Premium pay. The hours of labor for each full time employee shall be a maximum of eight hours in any workday and forty hours in any workweek.

Employees required to work in excess of the eight-hour maximum per day or the forty-hour maximum per week shall be compensated by not less than equal hours of compensatory time off or, in lieu thereof, a premium rate of pay per hour equal to not less than one-one hundred and seventy-sixth of the employee's gross monthly salary: PROVIDED, That in the event that an employee is granted compensatory time off, such time off should be given within the calendar year and in the event that such an arrangement is not possible the employee shall be given a premium rate of pay: PROVIDED FURTHER, That compensatory time and/or payment thereof shall be allowed only for overtime as is duly authorized and accounted for under rules and regulations established by the secretary. [1981 c 136 s 67; 1979 c 141 s 143; 1970 ex.s. c 18 s 60; 1953 c 169 s 1. Formerly RCW 43.19.255.]

Effective date—1981 c 136: See RCW 72.09.900.

Effective date—Severability—1970 ex.s. c 18: See notes following RCW 43.20A.010.

RCW 72.01.043 Hours of labor for full time employees—Certain personnel excepted. RCW 72.01.042 shall not be applicable to the following designated personnel: Administrative officers of the department; institutional superintendents, medical staff other than nurses, and business managers; and such professional, administrative and supervisory personnel as designated prior to July 1, 1970 by the department of social and health services with the concurrence of the merit system board having jurisdiction. [1979 c 141 s 144; 1970 ex.s. c 18 s 61; 1953 c 169 s 2. Formerly RCW 43.19.256.]

Effective date—Severability—1970 ex.s. c 18: See notes following RCW 43.20A.010.

RCW 72.01.045 Assaults to employees—Reimbursement for costs.

(1) For purposes of this section only, "assault" means an unauthorized touching of an employee by a resident, patient, or juvenile offender resulting in physical injury to the employee.

(2) In recognition of the hazardous nature of employment in state institutions, the legislature hereby provides a supplementary program to reimburse employees of the department of social and health services, the department of natural resources, the department of children, youth, and families, and the department of veterans affairs for some of their costs attributable to their being the victims of assault by residents, patients, or juvenile offenders. This program shall be limited to the reimbursement provided in this section.

(3) An employee is only entitled to receive the reimbursement provided in this section if the secretary of social and health services, the commissioner of public lands, the secretary of the department of children, youth, and families, or the director of the department of veterans affairs, or the secretary's, commissioner's, or director's designee, finds that each of the following has occurred:

(a) A resident or patient has assaulted the employee and as a result thereof the employee has sustained demonstrated physical injuries which have required the employee to miss days of work;

(b) The assault cannot be attributable to any extent to the employee's negligence, misconduct, or failure to comply with any rules or conditions of employment; and

(c) The department of labor and industries has approved the employee's workers' compensation application pursuant to chapter 51.32 RCW.

(4) The reimbursement authorized under this section shall be as follows:

(a) The employee's accumulated sick leave days shall not be reduced for the workdays missed;

(b) For each workday missed for which the employee is not eligible to receive compensation under chapter 51.32 RCW, the employee shall receive full pay; and

(c) In respect to workdays missed for which the employee will receive or has received compensation under chapter 51.32 RCW, the employee shall be reimbursed in an amount which, when added to that compensation, will result in the employee receiving full pay for the workdays missed.

(5) Reimbursement under this section may not last longer than three hundred sixty-five consecutive days after the date of the injury.

(6) The employee shall not be entitled to the reimbursement provided in subsection (4) of this section for any workday for which the secretary, commissioner, director, or applicable designee, finds that the employee has not diligently pursued his or her compensation remedies under chapter 51.32 RCW.

(7) The reimbursement shall only be made for absences which the secretary, commissioner, director, or applicable designee believes are justified.

(8) While the employee is receiving reimbursement under this section, he or she shall continue to be classified as a state employee and the reimbursement amount shall be considered as salary or wages.

(9) All reimbursement payments required to be made to employees under this section shall be made by the employing department. The payments shall be considered as a salary or wage expense and shall be

paid by the department in the same manner and from the same appropriations as other salary and wage expenses of the department.

(10) Should the legislature revoke the reimbursement authorized under this section or repeal this section, no affected employee is entitled thereafter to receive the reimbursement as a matter of contractual right. [2017 3rd sp.s. c 6 s 627; 2002 c 77 s 1; 1990 c 153 s 1; 1987 c 102 s 1; 1986 c 269 s 4.]

Effective date—2017 3rd sp.s. c 6 ss 601-631, 701-728, and 804: See note following RCW 13.04.011.

Conflict with federal requirements—2017 3rd sp.s. c 6: See RCW 43.216.908.

RCW 72.01.050 Secretary's powers and duties—Management of public institutions and correctional facilities. (1) The secretary of social and health services shall have full power to manage and govern the following public institutions: The western state hospital, the eastern state hospital, the northern state hospital, Lakeland Village, the Rainier school, and such other institutions as authorized by law, subject only to the limitations contained in laws relating to the management of such institutions.

(2) The secretary of corrections shall have full power to manage, govern, and name all state correctional facilities, subject only to the limitations contained in laws relating to the management of such institutions.

(3) If any state correctional facility is fully or partially destroyed by natural causes or otherwise, the secretary of corrections may, with the approval of the governor, provide for the establishment and operation of additional residential correctional facilities to place those inmates displaced by such destruction. However, such additional facilities may not be established if there are existing residential correctional facilities to which all of the displaced inmates can be appropriately placed. The establishment and operation of any additional facility shall be on a temporary basis, and the facility may not be operated beyond July 1 of the year following the year in which it was partially or fully destroyed.

(4) The secretary of the department of children, youth, and families shall have full power to manage and govern Echo Glen, the Green Hill school, and such other institutions as authorized by law, subject only to the limitations contained in laws relating to the management of such institutions. [2017 3rd sp.s. c 6 s 628; 1992 c 7 s 51; 1988 c 143 s 1. Prior: 1985 c 378 s 8; 1985 c 350 s 1; 1981 c 136 s 68; 1979 c 141 s 145; 1977 c 31 s 1; 1959 c 28 s 72.01.050; prior: 1955 c 195 s 4(1); 1915 c 107 s 1, part; 1907 c 166 s 2, part; 1901 c 119 s 3, part; RRS s 10899, part. Formerly RCW 43.28.020, part.]

Effective date—2017 3rd sp.s. c 6 ss 601-631, 701-728, and 804: See note following RCW 13.04.011.

Conflict with federal requirements—2017 3rd sp.s. c 6: See RCW 43.216.908.

Severability—1985 c 378: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1985 c 378 s 36.]

Effective date—1985 c 378: "This act shall take effect July 1, 1986. The secretary of social and health services and the governor may immediately take such steps as are necessary to ensure that this act is implemented on its effective date." [1985 c 378 s 37.]

Effective date—1981 c 136: See RCW 72.09.900.

RCW 72.01.060 Chief executive officers—Appointment—Salaries—Assistants. The secretary shall appoint the chief executive officers necessary to manage one or more of the public facilities operated by the department. This section, however, shall not apply to RCW 72.40.020.

Except as otherwise provided in this title, the chief executive officer of each institution may appoint all assistants and employees required for the management of the institution placed in his or her charge, the number of such assistants and employees to be determined and fixed by the secretary. The chief executive officer of any institution may, at his or her pleasure, discharge any person therein employed. The secretary shall investigate all complaints made against the chief executive officer of any institution and also any complaint against any other officer or employee thereof, if it has not been investigated and reported upon by the chief executive officer.

The secretary may, after investigation, for good and sufficient reasons, order the discharge of any subordinate officer or employee of an institution.

Each chief executive officer shall receive such salary as is fixed by the secretary, who shall also fix the compensation of other officers and the employees of each institution. Such latter compensation shall be fixed on or before the first day of April of each year and no change shall be made in the compensation, so fixed, during the twelve-month period commencing April 1st. [2012 c 117 s 443; 1983 1st ex.s. c 41 s 26; 1979 c 141 s 146; 1959 c 28 s 72.01.060. Prior: 1907 c 166 s 5; 1901 c 119 s 6; RRS s 10902. Formerly RCW 72.04.020.]

Severability—1983 1st ex.s. c 41: See note following RCW 26.09.060.

Authority to appoint a single executive officer for multiple institutions—Exception: RCW 43.20A.607.

Juvenile correctional institution in King county, appointment of superintendent: RCW 72.19.030.

Maple Lane School, appointment of superintendent and subordinate officers and employees: RCW 72.20.020.

State hospitals for individuals with mental illness—Superintendents: RCW 72.23.030.

RCW 72.01.090 Rules and regulations. The department is authorized to make its own rules for the proper execution of its powers. It shall also have the power to adopt rules and regulations for the government of the public institutions placed under its control, and shall therein prescribe, in a manner consistent with the provisions of this title, the duties of the persons connected with the management of such public institutions. [1959 c 28 s 72.01.090. Prior: 1907 c 166 s 7; 1901 c 119 s 9; RRS s 10905. Formerly RCW 72.04.060.]

RCW 72.01.110 Construction or repair of buildings—Contracts or inmate labor. The department may employ the services of competent architects for the preparation of plans and specifications for new buildings, or for repairs, changes, or additions to buildings already constructed, employ competent persons to superintend the construction of new buildings or repairs, changes, or additions to buildings already constructed and call for bids and award contracts for the erection of new buildings, or for repairs, changes, or additions to buildings already constructed: PROVIDED, That the department may proceed with the erecting of any new building, or repairs, changes, or additions to any buildings already constructed, employing thereon the labor of the inmates of the institution, when in its judgment the improvements can be made in as satisfactory a manner and at a less cost to the state by so doing. [1959 c 28 s 72.01.110. Prior: 1901 c 119 s 12; RRS s 10909. Formerly RCW 72.04.100.]

Public works: Chapter 39.04 RCW.

RCW 72.01.120 Construction or repair of buildings—Award of contracts. When improvements are to be made under contract, notice of the call for the same shall be published in at least two newspapers of general circulation in the state for two weeks prior to the award being made. The contract shall be awarded to the lowest responsible bidder. The secretary is authorized to require such security as he or she may deem proper to accompany the bids submitted, and shall also fix the amount of the bond or other security that shall be furnished by the person or firm to whom the contract is awarded. The secretary shall have the power to reject any or all bids submitted, if for any reason it is deemed for the best interest of the state to do so, and to readvertise in accordance with the provisions hereof. The secretary shall also have the power to reject the bid of any person or firm who has had a prior contract, and who did not, in the opinion of the secretary, faithfully comply with the same. [2012 c 117 s 444; 1979 c 141 s 148; 1959 c 28 s 72.01.120. Prior: 1901 c 119 s 10, part; RRS s 10906.]

RCW 72.01.130 Destruction of buildings—Reconstruction. If any of the shops or buildings in which convicts are employed are destroyed in any way, or injured by fire or otherwise, they may be rebuilt or repaired immediately under the direction of the department, by and with the advice and consent of the governor, and the expenses thereof shall be paid out of any unexpended funds appropriated to the department for any purpose, not to exceed one hundred thousand

dollars: PROVIDED, That if a specific appropriation for a particular project has been made by the legislature, only such funds exceeding the cost of such project may be expended for the purposes of this section. [1959 c 28 s 72.01.130. Prior: 1957 c 25 s 1; 1891 c 147 s 29; RRS s 10908. Formerly RCW 72.04.090.]

RCW 72.01.140 Agricultural and farm activities. The secretary shall:

(1) Make a survey, investigation, and classification of the lands connected with the state institutions under his or her control, and determine which thereof are of such character as to be most profitably used for agricultural, horticultural, dairying, and stock raising purposes, taking into consideration the costs of making them ready for cultivation, the character of the soil, its depth and fertility, the number of kinds of crops to which it is adapted, the local climatic conditions, the local annual rainfall, the water supply upon the land or available, the needs of all state institutions for the food products that can be grown or produced, and the amount and character of the available labor of inmates at the several institutions;

(2) Establish and carry on suitable farming operations at the several institutions under his or her control;

(3) Supply the several institutions with the necessary food products produced thereat;

(4) Exchange with, or furnish to, other institutions, food products at the cost of production;

(5) Sell and dispose of surplus food products produced. [2012 c 117 s 445; 2005 c 353 s 5; 1981 c 238 s 1; 1979 c 141 s 149; 1959 c 28 s 72.01.140. Prior: 1955 c 195 s 4(7), (8), (9), (10), and (11); 1921 c 7 s 39; RRS s 10797. Formerly RCW 43.28.020, part.]

Effective dates—2005 c 353: See note following RCW 71A.20.170.

Effective date—1981 c 238: "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, and shall take effect on July 1, 1981." [1981 c 238 s 7.]

Savings—Liabilities—1981 c 238: "The enactment of this act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which is already in existence on the effective date of this act." [1981 c 238 s 5.]

Savings—Rights, actions, contracts—1981 c 238: "Nothing in this act shall be construed as affecting any existing rights except as to the agencies referred to, nor as affecting any pending actions, activities, proceedings, or contracts, nor affect the validity of any act performed by such agency or any employee thereof prior to the effective date of this act." [1981 c 238 s 6.]

RCW 72.01.150 Industrial activities. The secretary shall:

(1) Establish, install and operate, at the several state institutions under his or her control, such industries and industrial plants as may be most suitable and beneficial to the inmates thereof, and as can be operated at the least relative cost and the greatest

relative benefit to the state, taking into consideration the needs of the state institutions for industrial products, and the amount and character of labor of inmates available at the several institutions;

(2) Supply the several institutions with the necessary industrial products produced thereat;

(3) Exchange with, or furnish to, other state institutions industrial products at prices to be fixed by the department, not to exceed in any case the price of such products in the open market;

(4) Sell and dispose of surplus industrial products produced, to such persons and under such rules, regulations, terms, and prices as may be in his or her judgment for the best interest of the state;

(5) Sell products of the plate mill to any department, to any state, county, or other public institution and to any governmental agency, of this or any other state under such rules, regulations, terms, and prices as may be in his or her judgment for the best interests of the state. [2012 c 117 s 446; 1979 c 141 s 150; 1959 c 28 s 72.01.150. Prior: 1955 c 195 s 4(12), (13), (14), (15), and (16); 1923 c 101 s 1; 1921 c 7 s 40; RRS s 10798. Formerly RCW 43.28.020, part.]

Correctional industries: Chapter 72.60 RCW.

RCW 72.01.180 Dietitian—Duties—Travel expenses. The secretary shall have the power to select a member of the faculty of the University of Washington, or the Washington State University, skilled in scientific food analysis and dietetics, to be known as the state dietitian, who shall make and furnish to the department food analyses showing the relative food value, in respect to cost, of food products, and advise the department as to the quantity, comparative cost, and food values, of proper diets for the inmates of the state institutions under the control of the department. The state dietitian shall receive travel expenses while engaged in the performance of his or her duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. [2012 c 117 s 447; 1979 c 141 s 152; 1975-'76 2nd ex.s. c 34 s 166; 1959 c 28 s 72.01.180. Prior: 1921 c 7 s 32; RRS s 10790. Formerly RCW 43.19.150.]

Effective date—Severability—1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

RCW 72.01.190 Fire protection. The secretary may enter into an agreement with a city or town adjacent to any state institution for fire protection for such institution. [1979 c 141 s 153; 1959 c 28 s 72.01.190. Prior: 1947 c 188 s 1; Rem. Supp. 1947 s 10898a. Formerly RCW 72.04.140.]

RCW 72.01.200 Employment of teachers—Exceptions. State correctional facilities may employ certificated teachers to carry on their educational work, except for the educational programs provided pursuant to RCW 28A.190.030 through 28A.190.050 and all such teachers so employed shall be eligible to membership in the state teachers' retirement fund. [1992 c 7 s 52; 1990 c 33 s 591; 1979 ex.s. c 217 s

6; 1959 c 28 s 72.01.200. Prior: 1947 c 211 s 1; Rem. Supp. 1947 s 10319-1. Formerly RCW 72.04.130.]

Purpose—Statutory references—Severability—1990 c 33: See RCW 28A.900.100 through 28A.900.102.

Effective date—1979 ex.s. c 217: See note following RCW 28A.190.030.

Teachers' qualifications at state schools for the deaf and blind: RCW 72.40.028.

Teachers' retirement: Chapter 41.32 RCW.

RCW 72.01.210 Institutional religious coordinators—Appointment—Qualifications. (1) The secretary of corrections shall appoint institutional religious coordinators for the state correctional institutions for convicted felons. Institutional religious coordinators shall be appointed as employees of the department of corrections. The secretary of corrections may further contract with religious coordinators to be employed as is necessary to meet the religious needs of those inmates whose religious denominations are not represented by institutional religious coordinators and where volunteer religious coordinators are not available.

(2) Institutional religious coordinators appointed by the department of corrections under this section shall have qualifications necessary to serve all faith groups represented within the department. Every religious coordinator so appointed or contracted with shall have qualifications consistent with community standards of the given faith group to which he or she belongs and shall not be required to violate the tenets of his or her faith when acting in an ecclesiastical role.

(3) The secretary of children, youth, and families shall appoint religious coordinators for the correctional institutions for juveniles found delinquent by the juvenile courts; and the secretary of corrections and the secretary of social and health services shall appoint one or more religious coordinators for other custodial, correctional, and mental institutions under their control.

(4) Except as provided in this section, the religious coordinators so appointed under this section shall have the qualifications and shall be compensated in an amount as recommended by the appointing department and approved by the director of financial management. [2019 c 146 s 7; 2019 c 107 s 2; 2017 3rd sp.s. c 6 s 727; 2008 c 104 s 3; 1993 c 281 s 62; 1981 c 136 s 69; 1979 c 141 s 154; 1967 c 58 s 1; 1959 c 33 s 1; 1959 c 28 s 72.01.210. Prior: 1955 c 248 s 1. Formerly RCW 72.04.160.]

Reviser's note: This section was amended by 2019 c 107 s 2 and by 2019 c 146 s 7, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date—2019 c 146 s 7: "Section 7 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2019." [2019 c 146 s 8.]

Effective date—2017 3rd sp.s. c 6 ss 601-631, 701-728, and 804: See note following RCW 13.04.011.

Conflict with federal requirements—2017 3rd sp.s. c 6: See RCW 43.216.908.

Finding—2008 c 104: "The legislature finds that men and women who are incarcerated have the need to develop prosocial behaviors. These behaviors will better enable these men and women to fully participate in society and adhere to law-abiding behaviors, such as continuing treatment that is undertaken in prison, once the person is released in the community.

Living in an environment where foundational skills are modeled and encouraged fosters positive outcomes for people who have been convicted and sentenced for their crimes. Basic skills include positive decision making, personal responsibility, building a healthy community, religious tolerance and understanding, ethics and morality, conflict management, family life relationships, leadership, managing emotions, restorative justice, transitional issues, and spirituality. Learning and practicing how to overcome minor and significant obstacles in a positive way will prepare offenders who are returning to our communities to begin their new crime-free lives." [2008 c 104 s 1.]

Effective date—1993 c 281: See note following RCW 41.06.022.

Housing allowance for state-employed religious coordinator: RCW 41.04.360.

Washington personnel resources board: RCW 41.06.110.

RCW 72.01.212 Institutional religious coordinators—Liability insurance—Representation by attorney general in civil lawsuits.

Regardless of whether the services are voluntary or provided by employment or contract with the department of corrections, a religious coordinator who provides the services authorized by RCW 72.01.220:

(1) May not be compelled to carry personal liability insurance as a condition of providing those services; and

(2) May request that the attorney general authorize the defense of an action or proceeding for damages instituted against the religious coordinator arising out of the course of his or her duties in accordance with RCW 4.92.060, 4.92.070, and 4.92.075. [2019 c 107 s 3; 2008 c 104 s 4.]

Finding—2008 c 104: See note following RCW 72.01.210.

RCW 72.01.220 Institutional religious coordinators—Duties. It shall be the duty of the religious coordinators at the respective institutions mentioned in RCW 72.01.210, under the direction of the department, to conduct religious services and to give religious and moral instruction to the inmates of the institutions, and to attend to their spiritual wants. They shall counsel with and interview the inmates concerning their social and family problems, and shall give assistance to the inmates and their families in regard to such

problems. [2019 c 107 s 4; 1959 c 28 s 72.01.220. Prior: 1955 c 248 s 2. Formerly RCW 72.04.170.]

RCW 72.01.230 Institutional religious coordinators—Offices, chapels, supplies. The religious coordinators at the respective institutions mentioned in RCW 72.01.210 shall be provided with the offices and chapels at their institutions, and such supplies as may be necessary for the carrying out of their duties. [2019 c 107 s 5; 1959 c 28 s 72.01.230. Prior: 1955 c 248 s 3. Formerly RCW 72.04.180.]

RCW 72.01.240 Supervisor of religious coordinators. Each secretary is hereby empowered to appoint one of the religious coordinators, authorized by RCW 72.01.210, to act as supervisor of religious coordinators for his or her department, in addition to his or her duties at one of the institutions designated in RCW 72.01.210. [2019 c 107 s 6; 2012 c 117 s 448; 1981 c 136 s 70; 1979 c 141 s 155; 1959 c 28 s 72.01.240. Prior: 1955 c 248 s 4. Formerly RCW 72.04.190.]

Effective date—1981 c 136: See RCW 72.09.900.

RCW 72.01.260 Outside ministers not excluded. Nothing contained in RCW 72.01.210 through 72.01.240 shall be so construed as to exclude ministers of any denomination from giving gratuitous religious or moral instruction to prisoners under such reasonable rules and regulations as the secretary may prescribe. [1983 c 3 s 184; 1979 c 141 s 156; 1959 c 28 s 72.01.260. Prior: 1929 c 59 s 2; Code 1881 s 3297; RRS s 10236-1. Formerly RCW 72.08.210.]

RCW 72.01.270 Gifts, acceptance of. The secretary shall have the power to receive, hold and manage all real and personal property made over to the department by gift, devise or bequest, and the proceeds and increase thereof shall be used for the benefit of the institution for which it is received. [1979 c 141 s 157; 1959 c 28 s 72.01.270. Prior: 1901 c 119 s 8; RRS s 10904. Formerly RCW 72.04.050.]

RCW 72.01.280 Quarters for personnel—Charges. The superintendent of each public institution and the assistant physicians, steward, accountant and chief engineer of each hospital for the mentally ill may be furnished with quarters, household furniture, board, fuel, and lights for themselves and their families, and the secretary may, when in his or her opinion any public institution would be benefited by so doing, extend this privilege to any officer at any of the public institutions under his or her control. The words "family" or "families" used in this section shall be construed to mean only the spouse and dependent children of an officer. Employees may be furnished with quarters and board for themselves. The secretary shall charge and collect from such officers and employees the full cost of the items so furnished, including an appropriate charge for depreciation of capital items. [2012 c 117 s 449; 1979 c 141 s 158; 1959 c 39 s 3; 1959 c 28 s 72.01.280. Prior:

1957 c 188 s 1; 1907 c 166 s 6; 1901 c 119 s 6; RRS s 10903. Formerly RCW 72.04.040.]

RCW 72.01.282 Quarters for personnel—Deposit of receipts. All moneys received by the secretary from charges made pursuant to RCW 72.01.280 shall be deposited by him or her in the state general fund. [2012 c 117 s 450; 1981 c 136 s 71; 1979 c 141 s 159; 1959 c 210 s 1.]

Effective date—1981 c 136: See RCW 72.09.900.

RCW 72.01.290 Record of patients and inmates. The department shall keep at its office, accessible only to the secretary and to proper officers and employees, and to other persons authorized by the secretary, a record showing the residence, sex, age, nativity, occupation, civil condition and date of entrance, or commitment of every person, patient, inmate or convict, in the several public institutions governed by the department, the date of discharge of every person from the institution, and whether such discharge is final: PROVIDED, That in addition to this information the superintendents for the hospitals for the mentally ill shall also state the condition of the person at the time of leaving the institution. The record shall also state if the person is transferred from one institution to another and to what institution; and if dead the date and cause of death. This information shall be furnished to the department by the several institutions, and also such other obtainable facts as the department may from time to time require, not later than the fifth day of each month for the month preceding, by the chief executive officer of each public institution, upon blank forms which the department may prescribe. [1979 c 141 s 160; 1959 c 28 s 72.01.290. Prior: 1907 c 166 s 9; 1901 c 119 s 13; RRS s 10910. Formerly RCW 72.04.110.]

RCW 72.01.300 Accounting systems. The secretary shall have the power, and it shall be his or her duty, to install and maintain in the department a proper cost accounting system of accounts for each of the institutions under the control of the department, for the purpose of detecting and avoiding unprofitable expenditures and operations. [2012 c 117 s 451; 1979 c 141 s 161; 1959 c 28 s 72.01.300. Prior: 1921 c 7 s 43; RRS s 10801. Formerly RCW 43.19.160.]

RCW 72.01.310 Political influence forbidden. Any officer, including the secretary, or employee of the department or of the institutions under the control of the department, who, by solicitation or otherwise, exercises his or her influence, directly or indirectly, to influence other officers or employees of the state to adopt his or her political views or to favor any particular person or candidate for office, shall be removed from his or her office or position by the proper authority. [2012 c 117 s 452; 1979 c 141 s 162; 1959 c 28 s 72.01.310. Prior: 1901 c 119 s 15; RRS s 10917. Formerly RCW 72.04.150.]

RCW 72.01.320 Examination of conditions and needs—Report. The secretary shall examine into the conditions and needs of the several state institutions under the secretary's control and report in writing to the governor the condition of each institution. [1987 c 505 s 66; 1979 c 141 s 163; 1977 c 75 s 84; 1959 c 28 s 72.01.320. Prior: 1955 c 195 s 5. (i) 1901 c 119 s 14; RRS s 10915. (ii) 1915 c 107 s 1, part; 1907 c 166 s 2, part; 1901 c 119 s 3, part; RRS s 10899, part. Formerly RCW 43.28.030.]

RCW 72.01.365 Escorted leaves of absence for inmates—Definitions. As used in RCW 72.01.370 and 72.01.375:

"Escorted leave" means a leave of absence from a correctional facility under the continuous supervision of an escort.

"Escort" means a correctional officer or other person approved by the superintendent or the superintendent's designee to accompany an inmate on a leave of absence and be in visual or auditory contact with the inmate at all times.

"Nonviolent offender" means an inmate under confinement for an offense other than a violent offense defined by RCW 9.94A.030. [1983 c 255 s 2.]

Prisoner furloughs: Chapter 72.66 RCW.

RCW 72.01.370 Escorted leaves of absence for inmates—Grounds.

The superintendent of any state correctional facility may, subject to the approval of the secretary and under RCW 72.01.375, grant escorted leaves of absence to inmates confined in such institutions to:

(1) Go to the bedside of the inmate's wife, husband, child, mother or father, or other member of the inmate's immediate family who is seriously ill;

(2) Attend the funeral of a member of the inmate's immediate family listed in subsection (1) of this section;

(3) Participate in athletic contests;

(4) Perform work in connection with the industrial, educational, or agricultural programs of the department;

(5) Receive necessary medical or dental care which is not available in the institution; and

(6) Participate as a volunteer in community service work projects which are approved by the superintendent, but only inmates who are nonviolent offenders may participate in these projects. Such community service work projects shall only be instigated at the request of a local community. [1992 c 7 s 53; 1983 c 255 s 3; 1981 c 136 s 72; 1979 c 141 s 164; 1959 c 40 s 1.]

Effective date—1981 c 136: See RCW 72.09.900.

RCW 72.01.375 Escorted leaves of absence for inmates—

Notification of local law enforcement agencies. An inmate shall not be allowed to start a leave of absence under RCW 72.01.370 until the secretary, or the secretary's designee, has notified any county and city law enforcement agency having jurisdiction in the area of the inmate's destination. [1983 c 255 s 4.]

RCW 72.01.380 Leaves of absence for inmates—Rules—Restrictions

—Costs. The secretary is authorized to make rules and regulations providing for the conditions under which inmates will be granted leaves of absence, and providing for safeguards to prevent escapes while on leave of absence: PROVIDED, That leaves of absence granted to inmates under RCW 72.01.370 shall not allow or permit any inmate to go beyond the boundaries of this state. The secretary shall also make rules and regulations requiring the reimbursement of the state from the inmate granted leave of absence, or his or her family, for the actual costs incurred arising from any leave of absence granted under the authority of RCW 72.01.370, subsections (1) and (2): PROVIDED FURTHER, That no state funds shall be expended in connection with leaves of absence granted under RCW 72.01.370, subsections (1) and (2), unless such inmate and his or her immediate family are indigent and without resources sufficient to reimburse the state for the expenses of such leaves of absence. [2012 c 117 s 453; 1981 c 136 s 73; 1979 c 141 s 165; 1959 c 40 s 2.]

Effective date—1981 c 136: See RCW 72.09.900.

RCW 72.01.410 Placement of person convicted as an adult for a felony offense committed under the age of eighteen. (1) Whenever any person is convicted as an adult in the courts of this state of a felony offense committed under the age of eighteen, and is committed for a term of confinement, that person shall be initially placed in a facility operated by the department of children, youth, and families. The department of corrections shall determine the person's earned release date.

(a) While in the custody of the department of children, youth, and families, the person must have the same treatment, housing options, transfer, and access to program resources as any other person committed to that juvenile correctional facility or institution pursuant to chapter 13.40 RCW. Except as provided under (d) of this subsection, treatment, placement, and program decisions shall be at the sole discretion of the department of children, youth, and families. The person shall not be transferred to the custody of the department of corrections without the approval of the department of children, youth, and families until the person reaches the age of twenty-five.

(b) If the person's sentence includes a term of community custody, the department of children, youth, and families shall not release the person to community custody until the department of corrections has approved the person's release plan pursuant to RCW 9.94A.729(5)(b). If a person is held past his or her earned release date pending release plan approval, the department of children, youth, and families shall retain custody until a plan is approved or the person completes the ordered term of confinement prior to age twenty-five.

(c) If the department of children, youth, and families determines that retaining custody of the person in a facility of the department of children, youth, and families presents a significant safety risk, the department of children, youth, and families may transfer the person to the custody of the department of corrections.

(d) The department of corrections must retain authority over custody decisions relating to a person whose earned release date is on

or after the person's twenty-fifth birthday and who is placed in a facility operated by the department of children, youth, and families under this section, unless the person qualifies for partial confinement under RCW 72.01.412, and must approve any leave from the facility. When the person turns age twenty-five, he or she must be transferred to the department of corrections, except as described under RCW 72.01.412. The department of children, youth, and families has all routine and day-to-day operations authority for the person while the person is in its custody.

(2) (a) Except as provided in (b) and (c) of this subsection, a person under the age of eighteen who is transferred to the custody of the department of corrections must be placed in a housing unit, or a portion of a housing unit, that is separated from other persons in custody who are eighteen years of age or older, until the person reaches the age of eighteen.

(b) A person who is transferred to the custody of the department of corrections and reaches eighteen years of age may remain in a housing unit for persons under the age of eighteen if the secretary of corrections determines that: (i) The person's needs and the rehabilitation goals for the person could continue to be better met by the programs and housing environment that is separate from other persons in custody who are eighteen years of age and older; and (ii) the programs or housing environment for persons under the age of eighteen will not be substantially affected by the continued placement of the person in that environment. The person may remain placed in a housing unit for persons under the age of eighteen until such time as the secretary of corrections determines that the person's needs and goals are no longer better met in that environment but in no case past the person's twenty-fifth birthday.

(c) A person transferred to the custody of the department of corrections who is under the age of eighteen may be housed in an intensive management unit or administrative segregation unit containing offenders eighteen years of age or older if it is necessary for the safety or security of the offender or staff. In these cases, the offender must be kept physically separate from other offenders at all times.

(3) The department of children, youth, and families must review the placement of a person over age twenty-one in the custody of the department of children, youth, and families under this section to determine whether the person should be transferred to the custody of the department of corrections. The department of children, youth, and families may determine the frequency of the review required under this subsection, but the review must occur at least once before the person reaches age twenty-three if the person's commitment period in a juvenile institution extends beyond the person's twenty-third birthday. [2019 c 322 s 2; 2017 3rd sp.s. c 6 s 728; 2015 c 156 s 2; 2002 c 171 s 1; 1997 c 338 s 41; 1994 c 220 s 1; 1981 c 136 s 74; 1979 c 141 s 166; 1959 c 140 s 1.]

Findings—Intent—2019 c 322: "The legislature recognizes state and national efforts to reform policies that incarcerate youth and young adults in the adult criminal justice system. The legislature acknowledges that transferring youth and young adults to the adult criminal justice system is not effective in reducing future criminal behavior. Youth and young adults incarcerated in the adult criminal

justice system are more likely to recidivate than their counterparts housed in juvenile facilities.

The legislature intends to enhance community safety by emphasizing rehabilitation of juveniles convicted even of the most serious violent offenses under the adult criminal justice system. Juveniles adjudicated as adults should be served and housed within the facilities of the juvenile rehabilitation administration up until age twenty-five, but released earlier if their sentence ends prior to that. In doing so, the legislature takes advantage of recent changes made by congress during the reauthorization of the juvenile justice and delinquency prevention act by the juvenile justice reform act of 2018 that allow youth and young adults who at the time of their offense are younger than the maximum age of confinement in a juvenile correctional facility, to be placed in a juvenile correctional facility by operation of state law. The emphasis on rehabilitation up to age twenty-five reflects similar programming in other states, which has significantly reduced recidivism of juveniles confined in adult correctional facilities." [2019 c 322 s 1.]

Effective date—2017 3rd sp.s. c 6 ss 601-631, 701-728, and 804: See note following RCW 13.04.011.

Conflict with federal requirements—2017 3rd sp.s. c 6: See RCW 43.216.908.

Effective date—2002 c 171: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 27, 2002]." [2002 c 171 s 3.]

Finding—Evaluation—Report—1997 c 338: See note following RCW 13.40.0357.

Severability—Effective dates—1997 c 338: See notes following RCW 5.60.060.

Effective date—1981 c 136: See RCW 72.09.900.

Juvenile not to be confined with adult inmates: RCW 13.04.116.

RCW 72.01.412 Eligibility for community transition services.

(1) A person in the custody of the department of children, youth, and families under RCW 72.01.410 is eligible for community transition services under the authority and supervision of the department of children, youth, and families:

(a) After the person's 25th birthday:

(i) If the person's earned release date is after the person's 25th birthday but on or before the person's 26th birthday; and

(ii) The department of children, youth, and families determines that placement in community transition services is in the best interests of the person and the community; or

(b) After 60 percent of their term of confinement has been served, and no less than 15 weeks of total confinement served including time spent in detention prior to sentencing or the entry of a dispositional order if:

(i) The person has an earned release date that is before their 26th birthday; and

(ii) The department of children, youth, and families determines that such placement and retention by the department of children, youth, and families is in the best interests of the person and the community.

(2) "Term of confinement" as used in subsection (1)(b) of this section means the term of confinement ordered, reduced by the total amount of earned time eligible for the offense.

(3) The department's determination under subsection (1)(a)(ii) and (b)(ii) of this section must include consideration of the person's behavior while in confinement and any disciplinary considerations.

(4) The department of children, youth, and families retains the authority to transfer the person to the custody of the department of corrections under RCW 72.01.410.

(5) A person may only be placed in community transition services under this section for the remaining 18 months of their term of confinement.

(6) A person placed in community transition services under this section must have access to appropriate treatment and programming as determined by the department of children, youth, and families, including but not limited to:

(a) Behavioral health treatment;

(b) Independent living;

(c) Employment;

(d) Education;

(e) Connections to family and natural supports; and

(f) Community connections.

(7) If the person has a sentence that includes a term of community custody, this term of community custody must begin after the current term of confinement has ended.

(8) If a person placed on community transition services under this section commits a violation requiring the return of the person to total confinement after the person's 25th birthday, the person must be transferred to the custody and supervision of the department of corrections for the remainder of the sentence.

(9) The following persons are not eligible for community transition services under this section:

(a) Persons with pending charges or warrants;

(b) Persons who will be transferred to the department of corrections, who are in the custody of the department of corrections, or who are under the supervision of the department of corrections;

(c) Persons who were adjudicated or convicted of the crime of murder in the first or second degree;

(d) Persons who meet the definition of a "persistent offender" as defined under RCW 9.94A.030;

(e) Level III sex offenders; and

(f) Persons requiring out-of-state placement.

(10) As used in this section, "community transition services" means a therapeutic and supportive community-based custody option in which:

(a) A person serves a portion of his or her term of confinement residing in the community, outside of the department of children, youth, and families institutions and community facilities;

(b) The department of children, youth, and families supervises the person in part through the use of technology that is capable of

determining or identifying the monitored person's presence or absence at a particular location;

(c) The department of children, youth, and families provides access to developmentally appropriate, trauma-informed, racial equity-based, and culturally relevant programs to promote successful reentry; and

(d) The department of children, youth, and families prioritizes the delivery of available programming from individuals who share characteristics with the individual being served related to: Race; ethnicity; sexual identity; and gender identity. [2023 c 470 s 3018; 2021 c 206 s 2; 2019 c 322 s 6.]

Contingent effective date—2023 c 470 s 3018: "Section 3018 of this act takes effect when section 2, chapter 206, Laws of 2021 takes effect." [2023 c 470 s 3019.]

Explanatory statement—2023 c 470: See note following RCW 10.99.030.

Contingent effective date—2021 c 206: "(1) Sections 1 through 6, 8, and 9 of this act take effect six months after the department of children, youth, and families designs and implements a risk assessment tool as defined in RCW 13.40.020 used to determine eligibility for "community transition services" as provided under RCW 13.40.205(13) and provides notice as required under subsection (2) of this section.

(2) The department of children, youth, and families must provide notice of the implementation of a risk assessment tool described under subsection (1) of this section to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the department of children, youth, and families." [2021 c 206 s 11.]
Written notice of the effective date of sections 1-6, 8, and 9, chapter 206, Laws of 2021 was provided by the department of children, youth, and families to the office of the code reviser. The start of the six-month period is November 1, 2023, making the effective date for those sections May 1, 2024.

Findings—2021 c 206: "The legislature finds that:

(1) The department of children, youth, and families seeks to expand trauma-informed, culturally relevant, racial equity-based, and developmentally appropriate therapeutic placement supports in less restrictive community settings. Under current law, these supports are limited to placement in community facilities—which are only available for about 25 percent of juvenile rehabilitation's population—and electronic home monitoring for persons serving adult sentences in the custody of the department of children, youth, and families' juvenile rehabilitation who have an earned release date between the ages of 25 and 26.

(2) To help reduce the bottleneck of youth and young adults placed in the department's juvenile rehabilitation institutions and enhance community-based, less restrictive options, this act creates a community transition services program, which utilizes electronic home monitoring as a tool embedded in a progressively supportive community-based approach with therapeutic supports for young people reentering the community. This approach considers developmentally appropriate programs for successful reentry by increasing access to community

transition services, including housing assistance, behavioral health treatment, independent living, employment, education, and family and community connections." [2021 c 206 s 1.]

Appropriation—Rental vouchers—2021 c 206: "Subject to the availability of amounts appropriated for this specific purpose, the department of children, youth, and families may issue rental vouchers for a period not to exceed six months for those transferring to community transition services under this act if an approved address cannot be obtained without the assistance of a voucher." [2021 c 206 s 8.]

Findings—Intent—2019 c 322: See note following RCW 72.01.410.

RCW 72.01.415 Offender under eighteen confined to a jail—Segregation from adult offenders. An offender under the age of eighteen who is convicted in adult criminal court of a crime and who is committed for a term of confinement in a jail as defined in RCW 70.48.020, must be housed in a jail cell that does not contain adult offenders, until the offender reaches the age of eighteen. [1997 c 338 s 42.]

Finding—Evaluation—Report—1997 c 338: See note following RCW 13.40.0357.

Severability—Effective dates—1997 c 338: See notes following RCW 5.60.060.

RCW 72.01.430 Transfer of equipment, supplies, livestock between institutions—Notice—Conditions. The secretary, notwithstanding any provision of law to the contrary, is hereby authorized to transfer equipment, livestock and supplies between the several institutions within the department without reimbursement to the transferring institution excepting, however, any such equipment donated by organizations for the sole use of such transferring institutions. Whenever transfers of capital items are made between institutions of the department, notice thereof shall be given to the director of the department of enterprise services accompanied by a full description of such items with inventory numbers, if any. [2015 c 225 s 112; 1981 c 136 s 75; 1979 c 141 s 167; 1967 c 23 s 1; 1961 c 193 s 1.]

Effective date—1981 c 136: See RCW 72.09.900.

RCW 72.01.450 Use of facilities, equipment and personnel by school districts and institutions of higher learning authorized. The secretary is authorized to enter into agreements with any school district or any institution of higher learning for the use of the facilities, equipment and personnel of any state institution of the department, for the purpose of conducting courses of education, instruction or training in the professions and skills utilized by one or more of the institutions, at such times and under such circumstances and with such terms and conditions as may be deemed

appropriate. [1981 c 136 s 76; 1979 c 141 s 168; 1970 ex.s. c 50 s 2; 1967 c 46 s 1.]

Effective date—1981 c 136: See RCW 72.09.900.

RCW 72.01.452 Use of facilities, equipment and personnel by state agencies, counties, cities or political subdivisions. The secretary is authorized to enter into an agreement with any agency of the state, a county, city or political subdivision of the state for the use of the facilities, equipment and personnel of any institution of the department for the purpose of conducting courses of education, instruction or training in any professional skill having a relationship to one or more of the functions or programs of the department. [1979 c 141 s 169; 1970 ex.s. c 50 s 3.]

RCW 72.01.454 Use of facilities by counties, community service organizations, nonprofit associations, etc. (1) The secretary may permit the use of the facilities of any state institution by any community service organization, nonprofit corporation, group or association for the purpose of conducting a program of education, training, entertainment or other purpose, for the residents of such institutions, if determined by the secretary to be beneficial to such residents or a portion thereof.

(2) The secretary may permit the nonresidential use of the facilities of any state institution by any county, community service organization, nonprofit corporation, group or association for the purpose of conducting programs under RCW 72.06.070. [1982 c 204 s 15; 1979 c 141 s 170; 1970 ex.s. c 50 s 5.]

RCW 72.01.458 Use of files and records for courses of education, instruction and training at institutions. In any course of education, instruction or training conducted in any state institution of the department use may be made of selected files and records of such institution, notwithstanding the provisions of any statute to the contrary. [1970 ex.s. c 50 s 4.]

RCW 72.01.460 Lease of lands with outdoor recreation potential—Restrictions—Unlawful to use posted lands. (1) Any lease of public lands with outdoor recreation potential authorized by the department shall be open and available to the public for compatible recreational use unless the department determines that the leased land should be closed in order to prevent damage to crops or other land cover, to improvements on the land, to the lessee, or to the general public or is necessary to avoid undue interference with carrying forward a departmental program. Any lessee may file an application with the department to close the leased land to any public use. The department shall cause written notice of the impending closure to be posted in a conspicuous place in the department's Olympia office, at the principal office of the institution administering the land, and in the office of the county auditor in which the land is located thirty days prior to the public hearing. This notice shall state the parcel or parcels involved and shall indicate the time and place of the public hearing.

Upon a determination by the department that posting is not necessary, the lessee shall desist from posting. Upon a determination by the department that posting is necessary, the lessee shall post his or her leased premises so as to prohibit recreational uses thereon. In the event any such lands are so posted, it shall be unlawful for any person to hunt or fish, or for any person other than the lessee or his or her immediate family to use any such posted land for recreational purposes.

(2) The department may insert the provisions of subsection (1) of this section in all leases hereafter issued. [2012 c 117 s 454; 1981 c 136 s 77; 1979 c 141 s 171; 1969 ex.s. c 46 s 2.]

Effective date—1981 c 136: See RCW 72.09.900.

RCW 72.01.480 Agreements with nonprofit organizations to provide services for persons admitted or committed to institutions. The secretary is authorized to enter into agreements with any nonprofit corporation or association for the purpose of providing and coordinating voluntary and community-based services for the treatment or rehabilitation of persons admitted or committed to any institution under the supervision of the department. [1981 c 136 s 78; 1979 c 141 s 172; 1970 ex.s. c 50 s 1.]

Effective date—1981 c 136: See RCW 72.09.900.

Severability—1970 ex.s. c 50: "If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1970 ex.s. c 50 s 8.]

RCW 72.01.900 Construction—Chapter applicable to state registered domestic partnerships—2009 c 521. For the purposes of this chapter, the terms spouse, marriage, marital, husband, wife, widow, widower, next of kin, and family shall be interpreted as applying equally to state registered domestic partnerships or individuals in state registered domestic partnerships as well as to marital relationships and married persons, and references to dissolution of marriage shall apply equally to state registered domestic partnerships that have been terminated, dissolved, or invalidated, to the extent that such interpretation does not conflict with federal law. Where necessary to implement chapter 521, Laws of 2009, gender-specific terms such as husband and wife used in any statute, rule, or other law shall be construed to be gender neutral, and applicable to individuals in state registered domestic partnerships. [2009 c 521 s 163.]