

SENATE BILL REPORT

SB 6484

As of January 26, 2010

Title: An act relating to civil judgments for assault.

Brief Description: Authorizing civil judgements for assault.

Sponsors: Senators Hewitt, Carrell, Schoesler, Sheldon, Holmquist, Morton, Stevens, King, Pflug, Becker, Swecker, Honeyford, Brandland, Delvin and Roach.

Brief History:

Committee Activity: Human Services & Corrections: 1/26/10.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Kevin Black (786-7747)

Background: The Department of Corrections (DOC) deducts funds from amounts deposited in inmate accounts which are classified as Class I gross wages, or Class II through IV gross gratuities. Currently, only gross gratuities are paid to offenders in Washington. The nature and amount of the deduction varies depending on the classification of the deposit. By way of illustration, the following deductions are taken from Class II gross gratuity deposits:

- 5 percent to the state general fund;
- 10 percent to an inmate personal savings account;
- 15 percent to DOC for cost of incarceration;
- 20 percent for legal financial obligations; and
- 15 percent for any child support owed pursuant to court order.

In addition, similar deductions are taken from all other types of deposits made to inmate accounts, which may total up to 75 percent of the deposit.

Summary of Bill: An additional deduction from deposits into a DOC inmate account is added for payment of monetary damages, if any, pursuant to a civil judgment of assault awarded to a DOC employee who has been assaulted by the offender associated with the inmate account. The deduction is 20 percent from gross wages, 15 percent from any gross gratuities, and 20 percent from all other deposits.

Appropriation: None.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Corrections officers work in a dangerous environment, which may be more dangerous due to cutbacks in staff. This bill will provide deterrence and accountability for assault. Losing the ability to purchase comforts is likely to be meaningful to offenders who have little else to lose. The bill will have no impact on offenders who do not engage in assault. This procedure will be far less cumbersome than bringing a garnishment action against an inmate account, which if successful results in the inmate being charged additional costs and fees. Other states have adopted this measure, and it has deterred assaults.

Persons Testifying: PRO: Senator Hewitt, prime sponsor; Brandon Johnson, attorney; Robert Davis, National Staff Assault Task Force; Darren Kelley, Washington Staff Assault Task Force.