

# SENATE BILL REPORT

## E2SHB 2010

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As Reported By Senate Committee On:  
Human Services & Corrections, April 12, 1995  
Ways & Means, April 13, 1995

**Title:** An act relating to corrections.

**Brief Description:** Revising corrections provisions.

**Sponsors:** House Committee on Appropriations (originally sponsored by Representatives Ballasiotes, Quall, Sherstad, Chandler, Schoesler, Radcliff and Blanton).

**Brief History:**

**Committee Activity:** Human Services & Corrections: 3/22/95, 4/12/95 [DPA-WM].  
Ways & Means: 4/12/95, 4/13/95 [DPA].

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** Do pass as amended and be referred to Committee on Ways & Means.

Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Long, Moyer, Palmer, Schow, Smith and Strannigan.

**Staff:** Andrea McNamara (786-7483)

**Background:** The Department of Corrections is required by law to manage the state's correctional system to ensure the public safety, punish offenders, treat all offenders fairly and equitably, and to reflect the values of the community to the greatest extent possible. Community values are promoted through programs designed to avoid idleness, encourage the work ethic, provide opportunities for self improvement, provide tangible rewards for accomplishments, and require offenders to share in the obligations of the community.

Current law also mandates that the correctional system prudently manage its resources.

**Summary of Amended Bill:** The purpose and intent of the act is established as focusing on increasing the accountability and responsibility of both the department and the inmates in order to better meet the stated objectives of the corrections system.

Several definitions are added to Chapter 72.09 RCW for clarification.

A policy is established that all inmates, with limited exceptions, will participate in education or work programs appropriate to their level of skills. The department is required to adopt rules for the assessment, placement, performance, and financial responsibility of inmates. The department is also required to improve educational planning and coordination of programs.

The department is required to develop a system, in rule, that clearly links the receipt of privileges and earned early release to participation in education and/or work programs.

The department to required to adopt a uniform policy, consistent with constitutional constraints, that allows them to confiscate as contraband any material that threatens legitimate penological interests, including prison security and order.

The department is required to establish rules relating to eligibility for and conduct during extended family visits. The eligibility guidelines must consider several specified factors. Inmates confined in maximum and close custody, in intensive management units and disciplinary/administrative segregation are not eligible to participate. Generally, only spouses who are married prior to an inmate's incarceration are eligible to participate, but the department is given discretion to allow spouses who are married after incarceration to participate in limited circumstances.

Offenders who apply with the court to change their names must notify the department in advance. The court is prohibited from issuing the order if doing so would interfere with legitimate penological goals, unless the change is for religious or legitimate cultural reasons or in recognition of marriage or divorce. The department may require offenders to continue using their committed name during all interactions with department personnel.

The department is authorized to charge inmates a nominal copayment of at least \$3 per visit for offender-initiated, non-emergency health care services. Services are not refused because of an offender's inability to pay, but the department must assess and track all copayments so that collections may be made at a later date if an offender receives sufficient funds into his or her account. The department is required to make an initial health and financial assessment of inmates and to report to the Legislature on the results of the copayment system.

The Washington State Health Care Authority is required to oversee a study on the potential cost savings of contracting out certain components of the department's health services system. The results of the study must be reported to the Legislature by December 1, 1996. The decision whether to contract out all or a portion of the department's health services and eliminate all or a portion of the civil service protection for the department's health care employees must be made by the Legislature, not the secretary.

Changes are made in the work ethic camp so that offenders with sentences of 16-36 months may be eligible, as well as non-violent drug offenders. Illegal aliens are expressly excluded from participating. The department may identify eligible candidates and refer them to the camp if the sentencing judge concurs. The court is required to specify certain conditions for the community custody portion of a work ethic camp graduate's sentence, including which conditions, if violated, may result in a return to prison for the remainder of the offender's term. Placement conditions are modified so that only minimum-custody offenders may be placed in the camp.

The department is required to create an illegal alien offender transition camp with the same eligibility requirements as the original WEC, except that the illegal aliens must agree to be deported upon completion of the camp in order to participate. The department is required to develop all aspects of the program.

The secretary is required to create corrections review teams at each major department institution. Members will include representatives from management, labor, and a number of representatives from specified stakeholder groups. They will meet and make recommendations to institution superintendents on programmatic improvements and possible cost-saving opportunities, and the superintendents shall prepare annual reports summarizing their responses to the recommendations and submit copies of the reports to the secretary.

A joint legislative committee on corrections cost-efficiencies oversight is established until July 1, 1997, consisting of a majority and minority member of each chamber. The committee's powers and duties include reviewing all the reports and recommendations generated by this act, initiating and reviewing cost-efficiency and programmatic studies, reviewing all rules proposed by the department, and making recommendations to the Legislature and the Governor.

The department is required to transfer 25 percent of the institutional welfare/betterment funds to the crime victims compensation program for the purposes of providing direct benefits to crime victims.

Several reviews and reports are required, including the following: education/vocational programs; funding reimbursements for incarcerating illegal alien offenders; perimeter security options; staffing ratios and distribution of staff; budgeting process; marine fleet privatization; food planning; "hot bunking" of inmates; two possible new correctional industries, recreation, health and fitness programs and print shops.

A short title and severability clause are included.

The bill is null and void unless funded in the budget.

**Amended Bill Compared to Substitute Bill:** The striking amendment eliminates or significantly changes several pieces of the engrossed bill including the following:

(1) Educational Targets: The incremental increases in the funding for education programs, which were supported by an initial appropriation and a requirement that future Legislature make future increases, are removed. The striking amendment establishes full participation as goal and requires the department to prioritize available resources and prioritize offenders to achieve maximum participation.

(2) Mandatory Education/Work Tracking/Placement: The prescriptions requiring inmates with less than 8th grade reading level to be in half time education and half time work the requirement that inmates with more than 8th grade reading level to be full time work are removed. The striking amendment requires the department to assess all inmates, subject to certain limited exceptions, for both education levels and work skills, and to place them in an appropriate program or combination of work and educational programming.

(3) Indigent Inmates: The definition of indigent inmate and related provisions is removed.

(4) Outside Money: The \$75 limit on how much money an inmate could receive from the outside each month is removed.

(5) Extended Family Visitation Program: Several of the absolute prohibitions against certain inmates are eliminated. The striking amendment defines extended family visit and requires the department to develop rules, within certain parameters, relating to eligibility and conduct during the visits.

(6) Mandatory Study of Six New Industries: The list of possible new correctional industries to be reviewed by the correctional industries board of directors is removed.

(7) Inmate Work Crews: The requirement that the department develop a plan to use inmate work crews on all DOC and JRA construction projects is removed.

(8) Increased Mandatory Wage Deductions: The increase from a 5 percent to 10 percent mandatory wage deduction for the purposes of crime victims compensation is removed.

(9) Department Milk Industry: The requirement that the department's milk production and processing be operated as separate operations, be subject to same regulations as private milk handlers, and be limited in who it can sell to, is eliminated.

(10) Administrative Cuts: The mandatory 20 percent management staff reductions, recreational leader cuts, and overtime reductions are removed. The legislative budget committee study of staffing is retained. The striking amendment also requires a study of the feasibility and desirability of using inmates to support rec programs as a part of correctional industry aimed at recreation, health, and fitness programming.

(11) Public Art: The exemption for correctional institutions and juvenile rehabilitation from the mandatory allocation of .5 percent of all capital expenditures on public art is removed, while the requirement that any art purchased under the statutory requirement must be from Washington artists is retained.

The emergency clause is deleted.

**Appropriation:** None.

**Fiscal Note:** Draft fiscal note available.

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

**Testimony For:** (second substitute) Bill is a compilation of several good ideas that came from many different sources that to support the philosophy that inmates need to be held responsible and accountable for their behavior and the privileges they receive in prisons. The bill balances the desire to see all inmates in work programs with the desire to protect private industry from unfair competition. The department needs to make significant reductions in unnecessary administrative costs.

**Testimony Against:** (second substitute) The department has several concerns, both substantive and technical. The purpose and goals are laudable, but the details are troublesome. Much of the bill is micromanagement that would be better handled administratively by the department with direction from the Legislature. Requiring inmates to participate in work or education programs and linking their privileges to participation,

without adequately funding the expansions of the programs that would be necessary, may create false promises to both inmates and the public. Education and vocational training are the keys to decreasing recidivism and should be encouraged beyond the 8th grade level, not discouraged by requiring unrealistic copayments for education programs. The community colleges are already working with the department on a task force, which should be allowed to complete its recommendations before drastic action is taken. Staff cuts as large as proposed in the bill could be dangerous.

**Testified:** Representative Ballasiotes (prime sponsor); Chase Riveland, Secretary, Department of Corrections (with concerns); Leta Shattauer, WA Defender Ass'n/WA Ass'n of Criminal Defense Lawyers (con); Ron Crossland, State Board of Community and Technical Colleges; Steve Van Ausdale, President, Walla Walla Community College; Wally Sigmar, President, Peninsula College; Johnathon Nelson, Lutheran Church Volunteer (con); Jackie Helfgott, Professor of Criminal Justice, Seattle University (con); Bonnie Berry, Professor of Sociology, Pacific Lutheran University (con); Cheyenne Lincoln Armstrong, Peace Between People; Bill Haines (con); Julia Holder & Danielle Bersch, relatives of inmate (con); Eugene St. John, WA Public Employees Ass'n; Larry Johnson, Correctional Recreation Leader.

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## SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** Do pass as amended.

Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Long, McDonald, Moyer, Pelz, Quigley, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

**Staff:** Linda Brownell (786-7913)

**Ways & Means Amended Bill Compared to Substitute Bill:** The Ways & Means amendment incorporates the changes by the Human Services & Corrections Committee and adds a null and void clause.

**Testimony:** There are several sections of the bill which still cause concern. All "lifers" have to pay for all education except vocational programs; however, many need basic skills classes to be able to participate in vocational training. The alien offender camp is not reflected in either the House or Senate budget. Prosecutors have to agree to send offenders to the alien offender camp and in the past they have been reluctant to do so. This may result in a reduction to the number of offenders participating in the work ethic camp, and reduce savings. The advisory teams will have a fiscal impact, the department would be required to backfill overtime and doesn't have the funds to do so. These teams are assigned the same review function as are other groups in the bill; there would be a great duplication of effort. Lastly, the 25 percent transfer of the inmate betterment fund may reduce funds available for supporting expenditures which have been shifted from the general fund. These expenditures may have to be shifted back, costing the general fund dollars.

**Testified:** Chase Riveland, Secretary, Department of Corrections (pro).