
HOUSE BILL 1929

State of Washington

54th Legislature

1995 Regular Session

By Representatives Brumsickle and Morris

Read first time 02/15/95. Referred to Committee on Corrections.

1 AN ACT Relating to jail industries; and amending RCW 36.110.020,
2 36.110.120, and 36.110.130.

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

4 **Sec. 1.** RCW 36.110.020 and 1993 c 285 s 2 are each amended to read
5 as follows:

6 Unless the context clearly requires otherwise, the definitions in
7 this section apply throughout this chapter.

8 (1) "Board" means the state-wide jail industries board of
9 directors.

10 (2) "City" means any city, town, or code city.

11 (3) "Cost accounting center" means a specific industry program
12 operated under the private sector prison industry enhancement
13 certification program as specified in 18 U.S.C. Sec. 1761.

14 (4) "Court-ordered legal financial obligation" means a sum of money
15 that is ordered by a superior, district, or municipal court of the
16 state of Washington for payment of restitution to a victim, a
17 statutorily imposed crime victims compensation fee, court costs, a
18 county or interlocal drug fund, court appointed attorneys' fees and

1 costs of defense, fines, and other legal financial obligations that are
2 assessed as a result of a felony or misdemeanor conviction.

3 (5) "Free venture employer model industries" means ~~((types of~~
4 ~~industries which produce products, goods, or services through two~~
5 ~~modalities: (a) Employer model:))~~ an agreement between city or county
6 and a private sector business or industry or nonprofit organization to
7 produce goods or services to both public and private sectors~~((:-(b)))~~
8 utilizing jail inmates whose compensation and supervision are provided
9 by the private sector business or entity. "Free venture customer
10 model"~~((:— An industry operated and managed))~~ means an agreement
11 between city or county and a private sector business, industry, or
12 nonprofit organization to provide Washington state manufacturers or
13 businesses with products or services currently produced, provided,
14 ~~((and))~~ or assembled by out-of-state or foreign suppliers
15 utilizing jail inmates whose compensation and supervision are provided by the
16 incarcerating facility or local jurisdiction.

17 (6) "Jail inmate" means a preconviction or postconviction resident
18 of a city or county jail who is determined to be eligible to
19 participate in jail inmate work programs according to the eligibility
20 criteria of the work program.

21 (7) "Private sector prison industry enhancement certification
22 program" means that program authorized by the United States justice
23 assistance act of 1984, 18 U.S.C. Sec. 1761.

24 (8) "Tax reduction industries" means those industries as designated
25 by a city or county owning and operating such an industry to provide
26 work training and employment opportunities for jail inmates which
27 reduce public support costs. The goods and services of these
28 industries may be sold to public agencies, to nonprofit organizations,
29 and to private contractors when the goods purchased will be ultimately
30 used by a public agency or nonprofit organization. Surplus goods from
31 these operations may be donated to nonprofit organizations.

32 **Sec. 2.** RCW 36.110.120 and 1993 c 285 s 12 are each amended to
33 read as follows:

34 A jail inmate who works in a free venture industry or a tax
35 reduction industry shall be considered an employee of that industry
36 only for the purpose of the Washington industrial safety and health
37 act, chapter 49.17 RCW, as long as the public safety is not
38 compromised, and ~~((for eligibility for industrial insurance))~~ may be

1 considered eligible for medical aid benefits under ((Title 51)) chapter
2 51.36 RCW. Local jurisdictions that are self-insured have the option
3 to elect to provide only medical benefits under Title 51 RCW for jail
4 inmates incarcerated and participating in either free venture or tax
5 reduction jail industry programs.

6 Local jurisdictions, to include self-insured jurisdictions, shall
7 be given the option to participate in industrial insurance coverage,
8 Title 51 RCW, through the state fund for jail inmates incarcerated and
9 participating in either free venture or tax reduction jail industry
10 programs. However, if the choice is to participate, eligibility for
11 industrial insurance benefits for either the inmate or the inmate's
12 dependents or beneficiaries for temporary total disability or permanent
13 total disability under RCW 51.32.090 or 51.32.060, respectively, shall
14 not take effect until the inmate is discharged from custody by order of
15 a court of appropriate jurisdiction. Nothing in this section shall be
16 construed to confer eligibility for any industrial insurance benefits
17 to any jail inmate who is not employed in a ((nonfree)) free venture
18 industry or tax reduction industry as defined in RCW 36.110.020.

19 **Sec. 3.** RCW 36.110.130 and 1993 c 285 s 13 are each amended to
20 read as follows:

21 In the event of a failure ((or discontinuance)), such as a
22 bankruptcy or dissolution, of a private sector business, industry, or
23 nonprofit organization engaged in a free venture industry agreement,
24 responsibility for obligations under Title 51 RCW shall be borne by the
25 city or county responsible for establishment of such free venture
26 industry agreement, as if the city or county had been the employing
27 agency.

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