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ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2010

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State of Washington

54th Legislature

1995 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Ballasiotes, Quall, Sherstad, Chandler, Schoesler, Radcliff and Blanton)

Read first time 03/24/95.

1 AN ACT Relating to corrections; amending RCW 72.09.135, 72.09.130,  
2 4.24.130, 72.10.020, 72.09.111, 9.94A.137, 72.09.070, 72.10.030, and  
3 43.17.200; adding new sections to chapter 72.09 RCW; adding a new  
4 section to chapter 9.94A RCW; creating new sections; and declaring an  
5 emergency.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that increasing crime,  
8 a burgeoning inmate population, and the upwardly spiraling cost of  
9 building, maintaining, and operating our state's prisons have created  
10 an urgent need to enact decisive new and stringent methods for  
11 controlling the high cost of corrections. The legislature further  
12 finds that the public has clearly demanded that every effort be made to  
13 rid our streets of crime and that criminals be dealt with decisively  
14 and firmly. At the same time, the public has also let it be known that  
15 their tax dollars must be spent efficiently and that their investment  
16 in expensive prisons buy safety for them and their families now and in  
17 the future. To this end, the legislature insists that cost-  
18 efficiencies in corrections must be implemented at every level and in  
19 every aspect of the correctional system. Most importantly, however, is

1 the need to develop and implement a long-range corrections cost-  
2 efficiency strategy that has as its foremost goal the investment in a  
3 corrections management philosophy that will effectively lower the high  
4 number of inmates recycled through our prisons. The legislature  
5 believes that by implementing a corrections management philosophy that  
6 mirrors the incentives, goals, morals, and values that guide our  
7 society and its law-abiding citizens, offenders will be less likely to  
8 reoffend and public expectations of criminals receiving their just  
9 desserts can be realized. The focus of this corrections management  
10 philosophy is accountability and responsibility, both for the prison  
11 inmates and also for the public servants charged with running our  
12 correctional institutions. The responsibility for criminal activity  
13 should fall squarely on the criminal. Society should not have to pay  
14 the price for crimes twice, once for the criminal activities and again  
15 by feeding them, clothing them, and housing them, often in a fashion  
16 better than law-abiding, working families in the community. By  
17 perpetuating the current corrections philosophy we are making offenders  
18 less responsible rather than more responsible. The corrections system  
19 should be the first place criminals are given the opportunity to be  
20 responsible for paying for their criminal act, not just through the  
21 loss of their freedom, but by contributing to the actual cost of their  
22 crime and for the cost of incarceration. In a responsibility-based  
23 corrections system, inmates should be expected to participate in real  
24 and meaningful work experiences that teach marketable skills and  
25 instill the work values and ethics that are the backbone of our  
26 society, both for the benefit of society and for the offender.  
27 Privileges inside the prison should not be just provided to prisoners  
28 and used like free penological pacifiers. Instead, inmates must be  
29 motivated to work, learn, and then earn basic privileges. It is the  
30 intent of the legislature to expect all prison inmates to be made more  
31 accountable and responsible by working, learning basic skills,  
32 contributing to the cost of their incarceration, developing meaningful  
33 work values and experiences, and gaining valuable job readiness skills  
34 that will translate into work opportunities outside of prison. It is  
35 also the intent of the legislature to expect the department of  
36 corrections to also be made more accountable and responsible by  
37 adopting a corrections management philosophy that is vested in the  
38 goals of responsibility and accountability and continuing to uphold a  
39 high standard of public safety, maintaining drug-free corrections

1 facilities, effectively reducing recidivism, and significantly  
2 controlling the rising cost of corrections.

3 **Sec. 2.** RCW 72.09.135 and 1987 c 462 s 15 are each amended to read  
4 as follows:

5 (1) The department of corrections shall, no later than July 1,  
6 1987, adopt standards for the operation of state adult correctional  
7 facilities. These standards shall be the minimums necessary to meet  
8 federal and state constitutional requirements relating to health,  
9 safety, and welfare of inmates and staff, and specific state and  
10 federal statutory requirements, and to provide for the public's health,  
11 safety, and welfare. The need for each standard shall be documented.

12 (2)(a) The secretary shall establish, as part of the standards for  
13 correctional facilities, policies on inmate basic education and inmate  
14 work. As part of these standards, the secretary shall require all  
15 inmates either to work in a correctional industries job or participate  
16 in an educational program, or both, to the extent that such jobs or  
17 programs are available.

18 (b) The standards established under (a) of this subsection shall  
19 not apply to inmates who are confined to a segregation unit, in  
20 protective custody, on death row, in sex offender treatment or special  
21 mental health treatment, or committed to the illegal alien offender  
22 transition camp.

23 (c) The standards established under (a) of this subsection shall  
24 not apply to inmates who have physical or mental impairments or  
25 conditions that would prevent them from participating in work or  
26 education, as determined by the department.

27 (d) Inmates in protective custody shall be provided educational  
28 opportunities consistent with this section, to the extent possible.

29 (3) The standards established on inmate basic education and work  
30 days under subsection (2) of this section shall include, but are not  
31 limited to, the following standards:

32 (a) The department shall assess all inmates for literacy level and  
33 basic academic skills within thirty days of the inmate's commitment to  
34 the department.

35 (b) Inmates whose reading skills are assessed as below the eighth  
36 grade level shall, subject to availability of jobs and educational  
37 programs:

1 (i) Participate half-time in an academic program that emphasizes  
2 language, arithmetic, and cognitive proficiency; and

3 (ii) Participate half-time in a correctional industries job.

4 (c) Offenders whose reading skills at commitment or thereafter are  
5 assessed at or above the eighth grade level shall work a full work day  
6 in a correctional industries job, if such jobs are available. If a  
7 correctional industries job is not available, and the inmate does not  
8 have a general equivalency degree or a high school diploma, the inmate  
9 shall attend general equivalency degree classes, if such classes are  
10 available, until the inmate attains a general equivalency degree or a  
11 job becomes available, whichever comes first.

12 (d) If an inmate has a high school diploma or a general equivalency  
13 degree, and if no job is available, the inmate may participate in  
14 vocational training, if such training is available.

15 (e) Inmates shall pay a portion of the costs of participating in  
16 community college vocational programs, including books, tuition, and  
17 fees. The department shall determine the appropriate percentage that  
18 inmates are to pay. The tuition of any other higher education programs  
19 shall be paid entirely by the inmate.

20 (f) Inmates serving a life sentence shall not be required to comply  
21 with the educational standards established under (a) through (d) of  
22 this subsection. Inmates serving a life sentence shall not receive  
23 more than one associate or baccalaureate degree, and they shall not  
24 participate in additional associate or baccalaureate degree programs  
25 after having earned such a degree. If an inmate serving a life  
26 sentence requires vocational training for correctional industries  
27 employment as determined by the department, he or she may participate  
28 in such training.

29 (g) All vocational training must be relevant either to the  
30 correctional industries jobs offered in the institution, or to job  
31 skills needed to qualify for employment upon the inmate's release, or  
32 both, to the extent possible.

33 (4) The standards established under subsection (2) of this section  
34 shall provide that inmates who refuse to participate in available work  
35 or education programs shall lose inmate privileges, including but not  
36 limited to family visitation, use of individual televisions, and use of  
37 recreational equipment.

38 (5)(a) By July 1, 1996, the legislature shall provide specific  
39 funding for educational programs required by subsection (3)(b) of this

1 section to no less than twenty-five percent of the inmates who meet the  
2 criteria of subsection (3)(b) of this section.

3 (b) By July 1, 1997, the legislature shall provide specific funding  
4 for educational programs required by subsection (3)(b) of this section  
5 to no less than fifty percent of the inmates who meet the criteria of  
6 subsection (3)(b) of this section.

7 (c) By July 1, 1998, the legislature shall provide specific funding  
8 for educational programs required by subsection (3)(b) of this section  
9 to no less than seventy-five percent of the inmates who meet the  
10 criteria of subsection (3)(b) of this section.

11 (d) By July 1, 1999, the legislature shall provide specific funding  
12 for educational programs required by subsection (3)(b) of this section  
13 to all of the inmates who meet the criteria of subsection (3)(b) of  
14 this section.

15 (6) The education administrator for the department shall review all  
16 vocational training programs annually to insure to the extent possible  
17 that the programs are relevant to the correctional industries jobs, or  
18 to skills needed to qualify for employment after the inmate's release,  
19 or both.

20 (7) The education administrator for the department shall develop an  
21 education cost-efficiency plan for the department, consistent with the  
22 terms of chapter . . . , Laws of 1995 (this act) that reduces the use of  
23 live instructors, and includes distance learning, using interactive  
24 satellite instruction, video tapes, computer-aided instruction, and  
25 flexible scheduling that permits offenders to proceed at their own  
26 pace. The department shall report to the appropriate committees of the  
27 legislature by December 12, 1995, on the progress of this education  
28 cost-efficiency plan.

29 **Sec. 3.** RCW 72.09.130 and 1981 c 136 s 17 are each amended to read  
30 as follows:

31 The department shall adopt a system providing incentives for good  
32 conduct and disincentives for poor conduct. The system may include  
33 increases or decreases in the degree of liberty granted the inmate  
34 within the programs operated by the department and recommended  
35 increases or decreases in the number of earned early release days that  
36 an inmate can earn for good conduct and good performance. Earned early  
37 release days shall be recommended by the department as a form of  
38 tangible reward for accomplishment. The system shall be fair,

1 measurable, and understandable to offenders, staff, and the public. At  
2 least once in each twelve-month period, the department shall inform the  
3 offender in writing as to his or her conduct and performance. This  
4 written evaluation shall include reasons for awarding or not awarding  
5 recommended earned early release days for good conduct and good  
6 performance. The term "good performance" as used in this section means  
7 successfully performing a work, work training, or educational task to  
8 levels of expectation as specified in writing by the department.  
9 Inmates shall not receive earned early release days for "good  
10 performance" for any time during which the offender is required to  
11 participate in available work or educational programs by RCW 72.09.135  
12 and the offender refuses to do so. The term "good conduct" as used in  
13 this section refers to compliance with department rules.

14 Within one year after July 1, 1981, the department shall adopt, and  
15 provide a written description of, the system. The department shall  
16 provide a copy of this description to each offender in its custody.

17 NEW SECTION. **Sec. 4.** A new section is added to chapter 72.09 RCW  
18 to read as follows:

19 (1)(a) All obscene, erotic, sexually explicit, or excessively  
20 violent films, video tapes, magazines, books, or computer software  
21 shall be prohibited from all department correctional facilities. These  
22 materials shall be considered contraband and shall be removed from the  
23 inmate's mail, possession, and cells. The department shall be  
24 responsible for uniformly establishing which materials are to be  
25 considered contraband and removed in accordance with legitimate and  
26 justifiable penological interests. This standard shall be uniformly  
27 applicable throughout all department prison facilities. The department  
28 shall screen all inmate mail and disapprove inmate mail the department  
29 determines to be obscene, sexually explicit, erotic, or excessively  
30 violent.

31 (b) Materials forbidden by (a) of this subsection shall be  
32 permitted only for their use in treatment or therapy sessions as  
33 prescribed by a physician or certified therapist under the direction of  
34 the department.

35 (c) As used in this subsection:

36 (i) "Excessive violence" means sexual and/or physical violence that  
37 is considered by the department to exceed what is proper, normal, or

1 reasonable taking into account the penological objectives of the  
2 prison.

3 (ii) "Obscene" means material that, when taken as a whole, appeals  
4 to prurient interests, and contains patently offensive depictions or  
5 descriptions of sexual conduct and, taken as a whole, has no serious  
6 literary, artistic, political, or scientific value or that is patently  
7 offensive because it affronts contemporary community standards relating  
8 to the description or representation of sexual matters or  
9 sadomasochistic abuse, and is utterly without redeeming social value.  
10 Both offensiveness and an appeal to something other than normal healthy  
11 sexual desires are essential elements of obscenity.

12 (iii) "Sexually explicit" means depiction of one of the following  
13 sexual behaviors:

14 (A) Where one of the participants in the act is, or appears to be,  
15 nonconsenting;

16 (B) Where one of the participants appears to be forceful,  
17 threatening, or violent;

18 (C) Where one of the partners is dominating one of the other  
19 participants, and one of the individuals is obviously in a submissive  
20 role, or one of the participants is degraded, humiliated, or willingly  
21 engages in behavior that is degrading or humiliating;

22 (D) Where any bodily excretory function is depicted;

23 (E) Where there is actual sexual penetration;

24 (F) One of the participants is a child, or appears to be a child;

25 (G) Bestiality, sadomasochistic behavior, or bondage;

26 (H) Any sexual behaviors deemed by the department to be a threat to  
27 legitimate penological objectives.

28 (iv) "Erotic" means erotic as defined by the department in  
29 compliance with law, taking into consideration the legitimate  
30 penological objectives of the department.

31 (2)(a) No new department correctional facility or expanded portions  
32 of existing department correctional facilities shall be constructed  
33 with cable, closed circuit, or satellite television readiness unless  
34 the department has a written basic education and technical vocational  
35 training plan for the facility and the plan clearly demonstrates how  
36 the television systems will be used for educational and training  
37 purposes. The educational and training plan shall contain a curriculum  
38 outline and goals for preparing inmates with the basic knowledge, life  
39 skills, work ethic, job skills, and technical abilities to function

1 effectively in a real world work environment. The television education  
2 and training plan shall correspond to the education and training that  
3 is applicable to the correctional industries jobs that are expected to  
4 be implemented at the new facility. All programming conducted on the  
5 television system shall comply with subsection (1) of this section.

6 (b)(i) An inmate shall not receive individual television privileges  
7 unless he or she is working in a correctional industries job or is  
8 participating in a department-approved education program. This  
9 restriction shall not apply if no job or educational program is  
10 available. Inmates who are exempt from the work and education  
11 requirements of RCW 72.09.135 may be allowed personal televisions as  
12 determined by the department.

13 (ii) An inmate shall not receive individual television privileges  
14 until two months have elapsed since the beginning of his or her current  
15 commitment to the department.

16 (c) All maintenance and fees associated with cable, closed circuit,  
17 or satellite television shall be paid for by inmates. This restriction  
18 does not apply to educational programming under (a) of this subsection.

19 (d) This subsection does not apply to closed circuit television  
20 used by the department for security purposes by correctional employees.

21 (3)(a)(i) An inmate shall not participate in recreational weight  
22 lifting unless the inmate is in good standing with the department, as  
23 determined by the department, and is either employed in a correctional  
24 industries job or an educational program. This subsection (3)(a)(i)  
25 does not apply to inmates who have physical or mental impairments or  
26 conditions that exempt them from the work and education requirements of  
27 RCW 72.09.135. This subsection (3)(a)(i) also does not apply if no  
28 jobs or educational programs are available.

29 (ii) No inmate found guilty of assaulting a correctional officer or  
30 other inmate may participate in weight lifting.

31 (iii) Recreational options provided by the department shall, to the  
32 extent possible, minimize the inmates' ability to increase muscle mass  
33 substantially. Dietary supplements made for the sole purpose of  
34 increasing muscle mass shall not be available for purchase to inmates  
35 unless prescribed by a physician for medical purposes.

36 (b)(i) An inmate shall not be allowed to use recreational  
37 facilities or recreational equipment for recreational purposes unless  
38 the inmate is employed in a correctional industries job or is  
39 participating in a department-approved educational program. For



1 purposes of this subsection, "recreational purposes" includes but is  
2 not limited to baseball, softball, volleyball, tennis, pickleball,  
3 hockey, soccer, or other group sports activities, and hobby and crafts  
4 shops. This subsection (3)(b)(i) does not apply to: Inmates for whom  
5 no jobs or educational programs are available and inmates who have a  
6 mental or physical impairment that exempts them from the work and  
7 requirements of RCW 72.09.135, as determined by the department.

8 (ii) The department shall use inmate welfare funds to pay for all  
9 recreational equipment and supplies.

10 (iii) All inmates shall be allowed access to appropriate  
11 recreational yards or gymnasiums for general personal exercise as  
12 directed by the department and in compliance with state and federal  
13 law.

14 (4)(a) An inmate is indigent if the inmate has less than ten  
15 dollars of disposable income in his or her offender's institution  
16 account for a period of forty days. Provision shall be made for  
17 inmates who are transferred between facilities and for the first forty  
18 days of incarceration, to account for funds in the offender's  
19 institution account.

20 (b) The department shall provide essential personal items to  
21 indigent inmates only. Essential personal items shall include soap,  
22 razors, combs, toothbrushes, toothpaste, sanitary napkins, or other  
23 personal items defined by the department in compliance with federal  
24 regulations. Inmates shall be required to use the personal item  
25 provided by the department in a prudent fashion in accord with the  
26 normal use, expected normal wear, and function of the items.

27 (c) Inmates shall not receive more than seventy-five dollars per  
28 month in their offender's institution account from outside the prison.

29 (5) The department may implement a family visitation program that  
30 allows visiting between eligible inmates and their eligible immediate  
31 family member or members for the sole purpose of maintaining and  
32 promoting functional and cohesive family relationships. The  
33 requirements of this subsection apply to any program of family  
34 visitation implemented by the department.

35 (a) Family visits shall occur no more often than once every thirty  
36 days. The maximum time allowed for each family visit shall be forty-  
37 eight hours.

38 (b) An inmate shall be ineligible for the family visitation program  
39 until twelve months have elapsed since his or her arrival at the

1 department facility on a current commitment of three years or more, or  
2 six months have elapsed if the current commitment is less than three  
3 years.

4 (c) Inmates who fail to participate in an available correctional  
5 industries work program or an available department-approved educational  
6 program are ineligible for the family visitation program. This  
7 requirement does not apply to inmates who have mental or physical  
8 disabilities or conditions that exempt them from the work and education  
9 standards set forth in RCW 72.09.135, as determined by the department.  
10 This requirement does not apply if no job or educational program is  
11 available to the inmate.

12 (d) The following inmates are prohibited from participating in the  
13 family visitation program: Maximum custody inmates; close custody  
14 inmates; death row inmates; inmates housed in disciplinary or  
15 administrative segregation or prehearing confinement; inmates who have  
16 been found guilty of a serious infraction, as defined by the  
17 department, within the previous five years.

18 (e) The department shall establish other eligibility guidelines  
19 based on inmate conduct and infractions. The department shall exclude  
20 any offender who has been determined by the department to be a danger  
21 to himself or herself, visitor or visitors, or the orderly operation of  
22 the program; has a prior criminal history of spousal or child abuse; is  
23 being treated for a condition that may be adversely affected; or has  
24 mental health disorders based on a psychological assessment that  
25 indicates the offender could pose a danger to others. The  
26 determination to exclude an inmate from participation from the program  
27 shall also be based on, but not limited to, the inmate's crime or prior  
28 criminal behavior.

29 (f) An inmate with a history of any sex offense involving children  
30 shall not be allowed family visitation with children.

31 (g)(i) The department shall exclude from participating in the  
32 family visitation program an inmate's immediate family members who are  
33 on juvenile or adult parole, probation, community supervision,  
34 community placement, work release; who are the subject of a pending  
35 felony criminal or drug-related action; or who are under the  
36 jurisdiction of the department.

37 (ii) The department may also deny eligibility to an immediate  
38 family member who is a former inmate released under the sentencing  
39 reform act or who has been convicted of a drug-related crime.

1 (iii) Children under the age of eighteen are eligible only if they  
2 are accompanied and supervised by an adult visitor during the entire  
3 visit.

4 (h) The secretary of the department or his or her designee shall  
5 have the ability to approve, deny, suspend, or terminate a family  
6 visit.

7 (i) All family visitation shall be conducted within the prison  
8 campus. The department shall establish the location, size, and design  
9 of family visiting units and develop written regulations and procedures  
10 consistent with this chapter that ensure the safety of visitors,  
11 promote healthy family values, and maintain the penological objectives  
12 of the prison.

13 (j) The department shall review all inmates' marriages that  
14 occurred before July 1, 1995, and shall permit an inmate's spouse to  
15 participate in family visits only if the department determines that the  
16 spouse's behavior complies with the requirements of this subsection.

17 (k) All operational, maintenance, and new construction costs for  
18 the family visitation program shall be paid by inmates.

19 (l) For purposes of this subsection:

20 (i) "Immediate family" means an inmate's parents, stepparents,  
21 grandparents, legally married spouse of the opposite sex of the inmate  
22 at the time of the inmate's conviction, siblings, children, and  
23 stepchildren.

24 (ii) "Child" means the natural or adopted child of both the inmate  
25 and his or her spouse, or of the inmate or the spouse. However, if one  
26 inmate adopts another inmate, the department shall not grant family  
27 visitation based upon the adoptive relationship.

28 **Sec. 5.** RCW 4.24.130 and 1992 c 30 s 1 are each amended to read as  
29 follows:

30 (1) Any person desiring a change of his or her name or that of his  
31 or her child or ward, may apply therefor to the district court of the  
32 judicial district in which he or she resides, by petition setting forth  
33 the reasons for such change; thereupon such court in its discretion may  
34 order a change of the name and thenceforth the new name shall be in  
35 place of the former.

36 (2) No person committed to a department of corrections facility at  
37 the time of application shall be granted an order under this section to  
38 change his or her name if doing so will interfere with legitimate

1 penological goals. Name changes required for religious reasons or in  
2 recognition of marriage shall be allowed. However, the department of  
3 corrections may require the inmate, while incarcerated in a department  
4 of corrections facility, to also use the name used at the time of  
5 commitment.

6 (3) The district court shall collect the fees authorized by RCW  
7 36.18.010 for filing and recording a name change order, and transmit  
8 the fee and the order to the county auditor. The court may collect a  
9 reasonable fee to cover the cost of transmitting the order to the  
10 county auditor.

11 **Sec. 6.** RCW 72.10.020 and 1989 c 157 s 3 are each amended to read  
12 as follows:

13 (1) The department may develop and implement a health services plan  
14 for the delivery of health care services to ~~((inmates))~~ offenders in  
15 the department's ~~((custody))~~ correctional facilities, at the discretion  
16 of the secretary, and in conformity with state and federal law.

17 (2) To discourage the unwarranted use of health care services, all  
18 offenders shall participate in the costs of health care services by  
19 paying no less than three dollars per health visit. Pursuant to the  
20 authority granted in chapter 34.05 RCW, the secretary may collect this  
21 amount for health care services directly from an offender's institution  
22 account.

23 (3) Inmates are required to make copayments under subsection (2) of  
24 this section for health care services that are offender initiated.  
25 Inmates are not required to pay for emergency treatment or for visits  
26 initiated by health care staff or treatment of those conditions that  
27 constitute a serious health care need.

28 (4) Inmates shall be required to purchase all over-the-counter  
29 medications at a nominal charge. Over-the-counter medicines shall only  
30 be available on an individual unit dose basis as determined by the  
31 department and may be distributed through the inmate store.

32 (5) No inmate shall be denied any health care service, including  
33 over-the-counter medications, because of inability to pay.

34 (6) The department shall adopt rules to implement this section.

35 **Sec. 7.** RCW 72.09.111 and 1994 sp.s. c 7 s 534 are each amended to  
36 read as follows:

1 (1) The secretary shall deduct from the gross wages or gratuities  
2 of each inmate working in correctional industries work programs, taxes  
3 and legal financial obligations. The secretary shall develop a formula  
4 for the distribution of offender wages and gratuities.

5 (a) The formula shall include the following minimum deductions from  
6 class I gross wages and from all others earning at least minimum wage:

7 (i) ~~((Five))~~ Ten percent to the public safety and education account  
8 for the purpose of crime victims' compensation;

9 (ii) Ten percent to a department personal inmate savings account;  
10 and

11 (iii) Twenty percent to the department to contribute to the cost of  
12 incarceration.

13 (b) The formula shall include the following minimum deductions from  
14 class II gross gratuities:

15 (i) ~~((Five))~~ Ten percent to the public safety and education account  
16 for the purpose of crime victims' compensation;

17 (ii) Ten percent to a department personal inmate savings account;  
18 and

19 (iii) Fifteen percent to the department to contribute to the cost  
20 of incarceration.

21 (c) The formula shall include the following minimum deduction from  
22 class IV gross gratuities:

23 (i) Ten percent to the public safety and education account for the  
24 purpose of crime victims' compensation; and

25 (ii) Five percent to the department to contribute to the cost of  
26 incarceration.

27 (d) The formula shall include the following minimum deductions from  
28 class III gratuities: ~~((Five))~~ Ten percent to the public safety and  
29 education account for the purpose of crime victims' compensation.

30 Any person sentenced to life imprisonment without possibility of  
31 release or parole under chapter 10.95 RCW shall be exempt from the  
32 requirement under (a)(ii) or (b)(ii) of this subsection.

33 The department personal inmate savings account, together with any  
34 accrued interest, shall only be available to an inmate at the time of  
35 his or her release from confinement, unless the secretary determines  
36 that an emergency exists for the inmate, at which time the funds can be  
37 made available to the inmate in an amount determined by the secretary.  
38 The management of classes I, II, and IV correctional industries may  
39 establish an incentive payment for offender workers based on

1 productivity criteria. This incentive shall be paid separately from  
2 the hourly wage/gratuity rate and shall not be subject to the specified  
3 deduction for cost of incarceration.

4 In the event that the offender worker's wages or gratuity is  
5 subject to garnishment for support enforcement, the crime victims'  
6 compensation, savings, and cost of incarceration deductions shall be  
7 calculated on the net wages after taxes, legal financial obligations,  
8 and garnishment.

9 (2) The department shall explore other methods of recovering a  
10 portion of the cost of the inmate's incarceration and for encouraging  
11 participation in work programs, including development of incentive  
12 programs that offer inmates benefits and amenities paid for only from  
13 wages earned while working in a correctional industries work program.

14 (3) The department shall develop the necessary administrative  
15 structure to recover inmates' wages and keep records of the amount  
16 inmates pay for the costs of incarceration and amenities. All funds  
17 deducted from inmate wages under subsection (1) of this section for the  
18 purpose of contributions to the cost of incarceration shall be  
19 deposited in a dedicated fund with the department and shall be used  
20 only for the purpose of enhancing and maintaining correctional  
21 industries work programs until December 31, 2000, and thereafter all  
22 such funds shall be deposited in the general fund.

23 (4) The expansion of inmate employment in class I and class II  
24 correctional industries shall be implemented according to the following  
25 schedule:

26 (a) Not later than June 30, 1995, the secretary shall achieve a net  
27 increase of at least two hundred in the number of inmates employed in  
28 class I or class II correctional industries work programs above the  
29 number so employed on June 30, 1994;

30 (b) Not later than June 30, 1996, the secretary shall achieve a net  
31 increase of at least four hundred in the number of inmates employed in  
32 class I or class II correctional industries work programs above the  
33 number so employed on June 30, 1994;

34 (c) Not later than June 30, 1997, the secretary shall achieve a net  
35 increase of at least six hundred in the number of inmates employed in  
36 class I or class II correctional industries work programs above the  
37 number so employed on June 30, 1994;

38 (d) Not later than June 30, 1998, the secretary shall achieve a net  
39 increase of at least nine hundred in the number of inmates employed in

1 class I or class II correctional industries work programs above the  
2 number so employed on June 30, 1994;

3 (e) Not later than June 30, 1999, the secretary shall achieve a net  
4 increase of at least one thousand two hundred in the number of inmates  
5 employed in class I or class II correctional industries work programs  
6 above the number so employed on June 30, 1994;

7 (f) Not later than June 30, 2000, the secretary shall achieve a net  
8 increase of at least one thousand five hundred in the number of inmates  
9 employed in class I or class II correctional industries work programs  
10 above the number so employed on June 30, 1994.

11 (5) It shall be in the discretion of the secretary to apportion the  
12 inmates between class I and class II depending on available contracts  
13 and resources.

14 (6) The department shall develop job performance standards for each  
15 correctional industries job and remove offenders from the job if his or  
16 her job performance does not meet performance standards. Offender  
17 employees shall be provided job performance standards prior to being  
18 placed in a correctional industries job.

19 **Sec. 8.** RCW 9.94A.137 and 1993 c 338 s 4 are each amended to read  
20 as follows:

21 (1)(a) An offender is eligible to be sentenced to a work ethic camp  
22 if the offender:

23 ~~((a))~~ (i) Is sentenced to a term of total confinement of not less  
24 than ~~((twenty-two))~~ twenty months or more than thirty-six months;

25 ~~((b))~~ (ii) Is ~~((between the ages of))~~ eighteen ~~((and twenty-~~  
26 ~~eight))~~ years of age or older; and

27 ~~((c))~~ (iii) Has no current or prior convictions for any sex  
28 offenses or for violent offenses.

29 (b) The sentencing court may consider an offender eligible to be  
30 sentenced to a work ethic camp if the offender meets the conditions set  
31 forth in (a) of this subsection and is or has been convicted of  
32 manufacturing, delivering, or possessing with intent to manufacture or  
33 deliver a controlled substance under RCW 69.50.401 and after a complete  
34 review of his or her criminal history has been conducted and approved  
35 by the sentencing judge and upon further approval by the department in  
36 accordance with all other terms and conditions of this section.

37 (c) The length of the work ethic camp program shall be at least one  
38 hundred twenty days and not more than one hundred eighty days. Because

1 of the conversion ratio, earned early release time shall not accrue to  
2 offenders who successfully complete the program.

3 (2) If the sentencing judge determines that the offender is  
4 eligible for the work ethic camp and is likely to qualify under  
5 subsection (3) of this section, the judge shall impose a sentence  
6 within the standard range and may recommend that the offender serve the  
7 sentence at a work ethic camp. The sentence shall provide that if the  
8 offender successfully completes the program, the department shall  
9 convert the period of work ethic camp confinement at the rate of one  
10 day of work ethic camp confinement to three days of total standard  
11 confinement. The court shall also provide that upon completion of the  
12 work ethic camp program, the offender shall be released on community  
13 custody for any remaining time of total confinement. The department  
14 may identify offenders who are eligible for the work ethic camp and,  
15 with concurrence from the sentencing judge, may refer the offender to  
16 the work ethic camp and adjust time served and community custody  
17 requirements as prescribed in this section.

18 (3) The department shall place the offender in the work ethic camp  
19 program, subject to capacity, unless (a) the department determines that  
20 the offender has physical or mental impairments that would prevent  
21 participation and completion of the program, (b) the department  
22 determines that the offender's custody level prevents placement in the  
23 program, or (c) the offender refuses to agree to the terms and  
24 conditions of the program.

25 (4) An inmate who fails to complete the work ethic camp program,  
26 who is administratively terminated from the program, or who otherwise  
27 violates any conditions of supervision, as defined by the department,  
28 shall be reclassified to serve the unexpired term of his or her  
29 sentence as ordered by the sentencing judge and shall be subject to all  
30 rules relating to earned early release time.

31 ~~(5) ((The length of the work ethic camp program shall be at least~~  
32 ~~one hundred twenty days and not more than one hundred eighty days.~~  
33 ~~Because of the conversion ratio, earned early release time shall not~~  
34 ~~accrue to offenders who successfully complete the program.~~

35 ~~(6))~~ During the last two weeks prior to release from the work  
36 ethic camp program the department shall provide the offender with  
37 comprehensive transition training.



1        NEW SECTION.    **Sec. 9.**    A new section is added to chapter 72.09 RCW  
2 to read as follows:

3        (1) The department shall establish an illegal alien offender  
4 transition camp. The secretary shall locate the illegal alien offender  
5 transition camp within an already existing department compound or  
6 facility. The facility selected for the camp shall appropriately  
7 accommodate the logistical and cost-effective objectives contained in  
8 RCW 72.09.400 through 72.09.420 and 9.94A.137. The department shall be  
9 ready to assign inmates to the camp no later than July 1, 1996.

10       (2) The department shall develop all aspects of the illegal alien  
11 offender transition camp program including, but not limited to, program  
12 standards, conduct standards, individual and team work goals, and  
13 measures to hold the offender accountable for his or her behavior. The  
14 secretary shall define successful completion of the program, based on  
15 successful attendance, participation, and performance. The illegal  
16 alien offender transition camp shall be designed and implemented so  
17 that offenders are engaged in meaningful work activities and  
18 unstructured time is kept to a minimum. The standards for work  
19 performance, physical work activities, and treatment of offenders'  
20 rights and responsibilities shall be equivalent to those of the work  
21 ethic camp for general inmates.

22       (3) The department shall, to the extent possible, staff the illegal  
23 alien offender transition camp with personnel that speak and understand  
24 the native language of the majority of the illegal offenders sentenced  
25 to the illegal alien offender transition camp.

26       NEW SECTION.    **Sec. 10.**    A new section is added to chapter 9.94A RCW  
27 to read as follows:

28       (1)(a) An offender is eligible to be sentenced to an illegal alien  
29 offender transition camp if the offender:

30       (i) Is an illegal alien who can be released to the United States  
31 immigration and naturalization service for deportation at the time of  
32 the offender's release from the camp;

33       (ii) Is sentenced to a term of total confinement of not less than  
34 twelve months and a day or more than thirty-six months;

35       (iii) Is eighteen years of age or older; and

36       (iv) Has no current or prior convictions for any sex offenses or  
37 violent offenses.

1 (b) If the offender meets the criteria set forth in (a) of this  
2 subsection, the sentencing court shall consider an offender eligible to  
3 be sentenced to an illegal alien offender transition camp if the  
4 offender is or has been convicted of manufacturing, delivering, or  
5 possessing with intent to manufacture or deliver a controlled substance  
6 under RCW 69.50.401 and after a complete review of his or her criminal  
7 history has been conducted and approved by the sentencing judge and  
8 upon further approval by the department in accordance with all other  
9 terms and conditions of this section.

10 (c) If the alien offender meets all of the eligibility requirements  
11 for the illegal alien offender transition camp and agrees in writing as  
12 required by subsection (5) of this section to the terms and conditions  
13 for participation, the sentencing judge shall consider this sentencing  
14 option first.

15 (2) The length of the illegal alien offender transition camp  
16 program shall be at least sixty days and not more than one hundred  
17 eighty days. Because of the conversion ratio, earned early release  
18 time shall not accrue to offenders who successfully complete the  
19 program.

20 (3) The department may identify offenders who are eligible for the  
21 illegal alien offender transition camp and, with concurrence from the  
22 sentencing judge, may refer the offender to the illegal alien offender  
23 transition camp and adjust time served and community custody  
24 requirements as prescribed in this section.

25 (4) Offenders who successfully complete the illegal alien offender  
26 transition camp shall be immediately turned over to the custody of the  
27 immigration and naturalization services to be deported to his or her  
28 native country. If this transfer cannot immediately occur, the alien  
29 offender released from the illegal alien offender transition camp shall  
30 be held by the department until immigration and naturalization services  
31 can take custody of the alien offender or for a period of up to ten  
32 days after the expected release date, whichever is shorter. The  
33 department shall notify immigration and naturalization services of all  
34 illegal alien offenders and request that they begin any deportation  
35 proceedings as expeditiously as possible after the date the offender  
36 was convicted and secure a hard detainer and a deportation order. The  
37 department shall work to obtain the cooperation of the immigration and  
38 naturalization judges to hold accelerated hearings for incarcerated  
39 criminal aliens as soon as they enter the prison to ensure their

1 immediate removal from the country upon their release by the  
2 department.

3 (5) All illegal alien offenders eligible for the illegal alien  
4 offender transition camp sentencing option shall be informed by the  
5 sentencing court or the department of their possible sentencing  
6 options. The illegal alien offender must agree in writing to the terms  
7 and conditions of the illegal alien offender transition camp at the  
8 time of sentencing or at the time of transfer to the camp. The terms  
9 and conditions of the illegal alien offender transition camp shall be  
10 provided to the illegal alien offender, both verbally and in writing,  
11 in his or her native language.

12 NEW SECTION. **Sec. 11.** The department of corrections shall provide  
13 quarterly reports during the 1995-97 biennium to the appropriate  
14 committees of the house of representatives and senate of the  
15 department's progress in receiving federal reimbursement for the  
16 incarceration costs of undocumented alien felons. The department shall  
17 provide the first quarterly report to the legislature on or before July  
18 31, 1995. The department of corrections shall seek federal funding for  
19 the incarceration of undocumented felons and shall pursue amendments to  
20 the federal transfer treaty program to facilitate deportation of  
21 undocumented alien offenders to their home countries and specifically  
22 seek amendment of treaties which now require voluntary participation of  
23 the offender and loss of jurisdiction by the sending agency. The  
24 department shall ask the federal government to enforce the federal  
25 sanctions for alien reentry that allow alien offenders to have at least  
26 two prior felony convictions and at least two prior deportations before  
27 indictment for reentry is considered.

28 NEW SECTION. **Sec. 12.** (1) The department of corrections shall  
29 review the staffing patterns of all corrections operations, excluding  
30 correctional industries, and implement cost-efficiencies by eliminating  
31 no less than twenty percent of management staff positions, including,  
32 but not limited to, assistant secretaries, assistants to the secretary,  
33 superintendents, associate superintendents, corrections managers, and  
34 unit supervisors.

35 (2) All recreational leader positions 2s, 3s, and 4s shall be  
36 reduced by fifty percent and the eliminated recreational leader  
37 positions shall not be replaced by department of corrections staff or

1 intermittent employees. The supervision of recreational activities  
2 shall be conducted by the remaining recreational leaders with the  
3 assistance of inmates working in class III correctional industries  
4 positions.

5 (3) The secretary of corrections shall implement a system for  
6 reducing overtime by fifty percent of what was reported in the 1994  
7 calendar year. The secretary of corrections shall report to the  
8 appropriate committees of the legislature quarterly beginning December  
9 15, 1995, and ending January 8, 1997, on the implementation of  
10 reduction of overtime cost-efficiencies.

11 (4)(a) The legislative budget committee shall conduct a staffing  
12 ratio study of the department of corrections to assess the  
13 implementation of staff reductions mandated in this act. The report  
14 shall be submitted to appropriate committees of the house of  
15 representatives and the senate by December 12, 1995. If specific  
16 funding for the purpose of this subsection (4)(a) is not provided in  
17 the omnibus appropriations act, this subsection (4)(a) is null and  
18 void.

19 (b) The office of state auditor shall also conduct a program audit  
20 review of the department of corrections budget process and the  
21 department of corrections operating budget request to the governor for  
22 the 1995-1997 biennium. The audit shall investigate specific budget  
23 requests for items and identify if these items could be purchased at a  
24 lower cost than what was reported by the department and identify if  
25 inmate labor could have reasonably, safely, and effectively been used  
26 in the place of the requested item that was to be purchased. The  
27 report shall be submitted to appropriate committees of the house of  
28 representatives and the senate by December 12, 1995.

29 **Sec. 13.** RCW 72.09.070 and 1994 sp.s. c 7 s 535 are each amended  
30 to read as follows:

31 (1) There is created a correctional industries board of directors  
32 which shall have the composition provided in RCW 72.09.080.

33 (2) Consistent with general department of corrections policies and  
34 procedures pertaining to the general administration of correctional  
35 facilities, the board shall establish and implement policy for  
36 correctional industries programs designed to:

37 (a) Offer inmates meaningful employment, work experience, and  
38 training in vocations that are specifically designed to reduce

1 recidivism and thereby enhance public safety by providing opportunities  
2 for legitimate means of livelihood upon their release from custody;

3 (b) Provide industries which will reduce the tax burden of  
4 corrections and save taxpayers money through production of goods and  
5 services for sale and use;

6 (c) Operate correctional work programs in an effective and  
7 efficient manner which are as similar as possible to those provided by  
8 the private sector;

9 (d) Encourage the development of and provide for selection of,  
10 contracting for, and supervision of work programs with participating  
11 private enterprise firms;

12 (e) Develop and design correctional industries work programs;

13 (f) Invest available funds in correctional industries enterprises  
14 and meaningful work programs that minimize the impact on in-state jobs  
15 and businesses.

16 (3) The board of directors shall at least annually review the work  
17 performance of the director of correctional industries division with  
18 the secretary.

19 (4) The director of correctional industries division shall review  
20 and evaluate the productivity, funding, and appropriateness of all  
21 correctional work programs and report on their effectiveness to the  
22 board and to the secretary.

23 (5) The board of directors shall have the authority to identify and  
24 establish trade advisory or apprenticeship committees to advise them on  
25 correctional industries work programs. The secretary shall appoint the  
26 members of the committees.

27 Where a labor management trade advisory and apprenticeship  
28 committee has already been established by the department pursuant to  
29 RCW 72.62.050 the existing committee shall also advise the board of  
30 directors.

31 (6) The board shall develop a strategic yearly marketing plan that  
32 shall be consistent with and work towards achieving the goals  
33 established in the six-year phased expansion of class I and class II  
34 correctional industries established in RCW 72.09.111. This marketing  
35 plan shall be presented to the appropriate committees of the  
36 legislature by January 17 of each calendar year until the goals set  
37 forth in RCW 72.09.111 are achieved.

38 (7) The board shall review the feasibility of implementing the  
39 following correctional industries and report to the appropriate

1 committees of the legislature by December 12, 1995, if these industries  
2 are, appropriate, feasible, and cost-effective to implement as required  
3 under this chapter:

4 (a) Use Airway Heights prison kitchen for an industrial cooks  
5 training program for offenders;

6 (b) Use Airway Heights prison kitchen to prepare kosher meals for  
7 corrections facilities inside and outside the state of Washington;

8 (c) Use inmate work crews on any maintenance, construction, or  
9 repair of existing adult or juvenile corrections facilities;

10 (d) Establish a refuse recycle program that employs appropriate  
11 offenders outside the prison;

12 (e) In coordination with Washington State University implement a  
13 juvenile and adult corrections self-sufficiency agriculture program  
14 using adult inmate labor and department of corrections land. The board  
15 shall instruct the department to officially request an environmental  
16 impact waiver from the federal government to make modifications to farm  
17 land currently in use at McNeil Island to increase the yield; and

18 (f) Seek housing trust funds under chapter 43.185 RCW and other  
19 federal funds, to construct portable migrant farmworker housing using  
20 inmate work crews.

21 (8) The board shall review all current and newly recommended  
22 vocational education programs to insure that the curriculum corresponds  
23 to correctional jobs within the prisons.

24 (9) The board shall review the class I correctional industries  
25 program and suggest any incentives to attract additional industries.

26 NEW SECTION. Sec. 14. A new section is added to chapter 72.09 RCW  
27 to read as follows:

28 The correctional industries board shall implement a plan that uses  
29 inmate work crews when feasible and practical on construction projects  
30 within the department and within the juvenile rehabilitation  
31 administration of the department of social and health services. The  
32 board shall report by January 1, 1996, to the appropriate committees of  
33 the legislature on the use of inmate work crews under this section.

34 The department shall be responsible for monitoring all inmates used  
35 for inmate work crew construction projects. Serious violent offenders  
36 or sex offenders shall not be allowed to work on any construction  
37 projects outside the confines of an existing prison facility. The  
38 department shall ensure that no adult offender is allowed to commingle

1 with a juvenile offender during a construction job using inmate work  
2 crews in a juvenile facility. The department shall comply with all  
3 laws pertaining to adult offenders conducting legitimate work in  
4 juvenile correctional facilities.

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

7 The department shall consider perimeter security options, taking  
8 into consideration all available technologies, that do not include  
9 perimeter guard towers requiring personnel for all medium and maximum  
10 security correctional facilities designed and scheduled for  
11 construction by the department after December 12, 1996.

12 **Sec. 16.** RCW 72.10.030 and 1989 c 157 s 4 are each amended to read  
13 as follows:

14 (1) Notwithstanding any other provisions of law, the secretary may  
15 enter into contracts with health care practitioners, health care  
16 facilities, and other entities or agents as may be necessary to provide  
17 basic medical care to inmates. The contracts shall not cause the  
18 termination of classified employees of the department rendering the  
19 services at the time the contract is executed.

20 (2) In contracting for services, the secretary is authorized to  
21 provide for indemnification of health care practitioners who cannot  
22 obtain professional liability insurance through reasonable effort, from  
23 liability on any action, claim, or proceeding instituted against them  
24 arising out of the good faith performance or failure of performance of  
25 services on behalf of the department. The contracts may provide that  
26 for the purposes of chapter 4.92 RCW only, those health care  
27 practitioners with whom the department has contracted shall be  
28 considered state employees. The Washington state health care authority  
29 shall contract with a private research company to conduct a review of  
30 the corrections medical system and assess the potential cost savings  
31 that could be realized by contracting all corrections medical services  
32 through a procurement process. The review shall be submitted to  
33 appropriate committees of the legislature by December 12, 1995. If the  
34 review indicates that the state can realize a savings through  
35 contracting for corrections medical services, the department may  
36 initiate a competitive bidding process for all corrections medical  
37 services. The review shall require that any contract for correctional

1 medical services shall include contracted services using employees'  
2 wages set at no less than the existing department of corrections salary  
3 schedule.

4 NEW SECTION. **Sec. 17.** The department of transportation shall  
5 review the department of corrections marine transportation operation  
6 and fleet and conduct a cost-efficiency analysis. The analysis shall  
7 include a cost analysis of privatizing the operation of the marine  
8 fleet or privatizing both the marine fleet and the operation, and a  
9 comparison of corrections state employee salaries with equivalent  
10 private marine positions salaries. The department of transportation  
11 shall report its findings to appropriate committees of the legislature  
12 by December 12, 1995.

13 NEW SECTION. **Sec. 18.** The office of financial management in  
14 coordination with the department of corrections and the department of  
15 general administration shall conduct a cost-efficiency study using the  
16 food planning model developed by the department of corrections. The  
17 study shall investigate the potential cost savings that could be  
18 achieved by developing and implementing a state-wide food purchasing  
19 and distribution network for all state institutions, including but not  
20 limited to prisons, juvenile corrections facilities, and state  
21 hospitals. The purpose of the study is to identify possible cost-  
22 efficiencies that could be realized through uniform meal planning,  
23 coordination of bulk purchasing of food and food products, and  
24 systematic state-wide distribution of food and food products for all  
25 state institutions.

26 NEW SECTION. **Sec. 19.** A new section is added to chapter 72.09 RCW  
27 to read as follows:

28 The department shall establish a corrections cost-efficiency and  
29 public safety focus group. The focus group shall be composed of one  
30 management representative from each correctional facility and one  
31 nonmanagement line staff member from each correctional facility to be  
32 chosen by a vote taken by the nonmanagement staff, and five members of  
33 the community including a prosecutor, a law enforcement officer, a  
34 public defender, a prison inmates family member chosen by the public  
35 defenders association, and a representative from a victims rights group  
36 chosen by the governor. The focus group shall meet quarterly and



1 submit a report to the legislature by December 12 of each year. The  
2 report shall contain recommendations on methods for improving the  
3 operation of the corrections facilities, design suggestions on  
4 efficiencies for new prison construction, identifying specific cost-  
5 efficiencies in individual facilities and the corrections system in  
6 general, methods for impacting offender recidivism, and making the  
7 corrections system safer for employees and the public. The secretary  
8 shall provide such staff services, facilities, and equipment, as the  
9 focus group shall require to carry out its duties. Members of the  
10 cost-efficiency and public safety focus group shall serve on a  
11 voluntary basis and shall be reimbursed only for travel expenses and  
12 per diem under RCW 43.03.050 and 43.03.060. The focus group shall  
13 determine if further restrictions shall be imposed on weight lifting in  
14 department facilities in addition to those set forth in section 4(3) of  
15 this act.

16 NEW SECTION. **Sec. 20.** A new section is added to chapter 72.09 RCW  
17 to read as follows:

18 (1) There is hereby created a joint committee on corrections cost-  
19 efficiencies oversight. The committee shall consist of: (a) Two  
20 members of the senate appointed by the president of the senate, one of  
21 whom shall be a member of the majority party and one of whom shall be  
22 a member of the minority party; and (b) two members of the house of  
23 representatives appointed by the speaker of the house of  
24 representatives, one of whom shall be a member of the majority party  
25 and one of whom shall be a member of the minority party. Members of  
26 the committee shall be appointed before the close of each regular  
27 session during an odd-numbered year.

28 (2) Each member's term of office shall run from the close of the  
29 session in which the member was appointed until the close of the next  
30 regular session held in an odd-numbered year. If a successor is not  
31 appointed during a session, the member's term shall continue until the  
32 member is reappointed or a successor is appointed. The term of office  
33 for a committee member who does not continue as a member of the senate  
34 or house of representatives shall cease upon the convening of the next  
35 session of the legislature during an odd-numbered year after the  
36 member's appointment, or upon the member's resignation, whichever is  
37 earlier. Vacancies on the committee shall be filled by appointment in  
38 the same manner as described in subsection (1) of this section. All

1 such vacancies shall be filled from the same political party and from  
2 the same house as the member whose seat was vacated.

3 (3) The committee shall elect a chair and a vice-chair. The chair  
4 shall be a member of the senate in even-numbered years and a member of  
5 the house of representatives in odd-numbered years.

6 (4) Staff support for the committee shall be provided by standing  
7 committee staff of the senate and house.

8 (5) The committee shall have the following powers and duties:

9 (a) Oversee the implementation of chapter . . . , Laws of 1995 (this  
10 act) and related chapters of the Revised Code of Washington;

11 (b) Periodically make recommendations to the appropriate committees  
12 of the legislature and the governor regarding corrections cost-  
13 efficiencies;

14 (c) Oversee the compliance with other specified provisions of  
15 chapter . . . , Laws of 1995 (this act);

16 (d) Review rules prepared by the department of corrections and  
17 department of social and health services where appropriate to ensure  
18 consistency with the policies of chapter . . . , Laws of 1995 (this  
19 act);

20 (e) Review efficiency proposals for facilities for correctional  
21 industries to ensure that they emphasize employing a maximum number of  
22 inmates in correctional industries rather than using higher technology;

23 (f) Oversee all reports required under chapter . . . , Laws of 1995  
24 (this act); and

25 (g) Oversee the corrections cost-efficiency and public safety  
26 oversight group.

27 (6) By December 12, 1996, the committee shall report to the  
28 appropriate committees of the legislature on the amount of cost savings  
29 realized in the department and report its further recommendation to  
30 address expenditure growth in the department of corrections.

31 (7) The joint committee on department of corrections cost-  
32 efficiencies oversight shall terminate on January 1, 1998.

33 NEW SECTION. **Sec. 21.** A new section is added to chapter 72.09 RCW  
34 to read as follows:

35 Each of the industries operated under the correctional industries  
36 program shall be operated in conformity with all of the state and  
37 federal laws and rules that apply to a comparable industry in the  
38 private sector except with regard to: Taxation; matters related to

1 labor organization or compensation for labor, including but not limited  
2 to unemployment compensation, industrial insurance, leave, and  
3 collective bargaining; and matters related to security and confinement.

4 In addition, the program's milk production facilities and milk  
5 processing facilities shall be operated as separate and distinct  
6 operations. The milk produced shall be marketed under the provisions  
7 applicable to producers under the federal milk marketing order of the  
8 United States department of agriculture, or a successor marketing  
9 arrangement, and a milk processing operation shall be regulated as a  
10 fully regulated handler under that order, or a successor marketing  
11 arrangement. The milk and milk products shall be consumed or used, to  
12 the greatest extent possible, within the state correctional system and  
13 milk surplus to such consumption or use may be sold to local  
14 correctional facilities. The milk or milk products may not be used in  
15 any other manner except that raw, bulk milk may be disposed of as  
16 prescribed in RCW 72.09.100 for surplus products.

17 **Sec. 22.** RCW 43.17.200 and 1983 c 204 s 4 are each amended to read  
18 as follows:

19 (1) Except as provided in subsection (2) of this section, all state  
20 agencies including all state departments, boards, councils,  
21 commissions, and quasi public corporations shall allocate, as a  
22 nondeductible item, out of any moneys appropriated for the original  
23 construction of any public building, an amount of one-half of one  
24 percent of the appropriation to be expended by the Washington state  
25 arts commission for the acquisition of works of art created by  
26 Washington state artists. The works of art may be placed on public  
27 lands, integral to or attached to a public building or structure,  
28 detached within or outside a public building or structure, part of a  
29 portable exhibition or collection, part of a temporary exhibition, or  
30 loaned or exhibited in other public facilities. In addition to the  
31 cost of the works of art the one-half of one percent of the  
32 appropriation as provided herein shall be used to provide for the  
33 administration of the visual arts program by the Washington state arts  
34 commission and all costs for installation of the works of art. For the  
35 purpose of this section building shall not include highway construction  
36 sheds, warehouses, or other buildings of a temporary nature.

37 (2) Subsection (1) of this section shall not apply to the  
38 construction of any facility under the control of the department of

1 corrections and used for the incarceration, treatment, or  
2 rehabilitation of convicted persons, or any facility under the control  
3 of the department of social and health services and used for juvenile  
4 rehabilitation.

5 NEW SECTION. **Sec. 23.** The legislature finds that the high and  
6 rising cost of housing inmates in prison has placed an extreme burden  
7 on taxpayers. The legislature further finds that building new prisons  
8 and expanding existing prison facilities should not be the only option  
9 considered for dealing with prison overcrowding. Serious consideration  
10 should also be given to lower cost facility efficiency use options such  
11 as "hot bunking" that allows prison beds to be used on a scheduled  
12 rotation basis. Under a "hot bunking" policy, inmates would be  
13 prohibited from spending more than twelve hours per day in their cell.  
14 The remaining hours would be spent away from the cell engaged in other  
15 activities, freeing up the cell for use by other inmates.

16 The department of corrections shall review the concept of "hot  
17 bunking" and analyze how a policy of "hot bunking" can be implemented.  
18 The department shall make recommendations on "hot bunking" by December  
19 12, 1995, to the appropriate committees of the house of representatives  
20 and the senate.

21 NEW SECTION. **Sec. 24.** This act shall be known as the department  
22 of corrections cost-efficiency and inmate responsibility and  
23 accountability omnibus act.

24 NEW SECTION. **Sec. 25.** If any provision of this act or its  
25 application to any person or circumstance is held invalid, the  
26 remainder of the act or the application of the provision to other  
27 persons or circumstances is not affected.

28 NEW SECTION. **Sec. 26.** This act is necessary for the immediate  
29 preservation of the public peace, health, or safety, or support of the  
30 state government and its existing public institutions, and shall take  
31 effect immediately.

--- END ---