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1995 Regular Session

By Representatives Ballasiotes, Quall, Sherstad, Chandler, Schoesler, Radcliff and Blanton

Read first time 02/21/95. Referred to Committee on Corrections.

1 AN ACT Relating to corrections; amending RCW 72.09.135, 4.24.130,
2 72.10.020, 72.09.111, 9.94A.137, 72.09.070, 72.10.005, and 72.10.030;
3 adding new sections to chapter 74.12 RCW; adding new sections to
4 chapter 72.09 RCW; creating new sections; and declaring an emergency.

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

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

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

16 (a) All inmates, with the exception of those with physical or
17 mental impairments, confined to a segregation unit, in protective
18 custody, on death row, or who are in sex offender treatment or special
19 mental health treatment, shall be required to work in a correctional
20 industries job for eight hours a day or participate in a department-
21 approved education program based on their level of learning skills
22 needs. Inmates who do not participate in a work or education program
23 shall lose their ability to participate in offender privileges such as,
24 but not limited to, family visitation, use of individual television,
25 and the use of recreational facilities and equipment for recreational
26 purposes. Inmates who choose not to participate shall also lose earned
27 early release time commensurate with the time they choose not to work
28 or participate in an education program. Inmates serving a life
29 sentence shall be required to comply with work requirements only;

30 (b) The department shall require that all inmates be assessed for
31 their level of literacy and basic skills within the first thirty days
32 of their confinement;

33 (c) Inmates reading below the fifth grade level, except offenders
34 sentenced to the illegal alien offender transition camp, shall be
35 required to successfully participate full-time in an academic program
36 that includes all appropriate learning skills linked to the attainment
37 of demonstrated competency in arithmetic, language, and cognitive
38 proficiency;

1 (d) Inmates that have attained a fifth to eighth grade level shall
2 spend half days in basic skills academic programs and half days in
3 vocational programs suitable to their aptitude, except offenders
4 sentenced to the illegal alien offender transition camp;

5 (e) Once the offender has achieved the eighth grade level, he or
6 she shall be required to work an eight-hour day in a correctional
7 industries job. If a correctional industries job is not available and
8 the inmate does not have a general education development certificate or
9 a high school diploma, the inmate shall attend general educational
10 development classes until they attain a general education development
11 certificate or until a job becomes available. If no work is available,
12 inmates with a high school diploma or general education development
13 certificate then may attend vocational education classes until a job
14 becomes available;

15 (f) The cost of all two-year associate degree programs or higher
16 education degree programs including the cost of books, tuition, and
17 fees shall be paid by the offender. Offenders serving a life sentence
18 shall only be allowed to receive one associate degree or baccalaureate
19 degree and once the degree is earned shall not be allowed to register
20 for additional associate or baccalaureate degree programs. If an
21 offender serving a life sentence requires vocational education for
22 correctional industry employment as defined and allowed by the
23 department he or she may participate in vocational training;

24 (g) General education development classes, high school education
25 programs, and college courses shall, to the extent possible, be offered
26 in the evening and on weekends. The focus shall be on maintaining work
27 programs on a regular daytime schedule; and

28 (h) All vocational programs must be specifically relevant to the
29 correctional industries jobs offered in the institution in terms of
30 providing prerequisite training and continuing skill development that
31 can be utilized in that particular enterprise.

32 (3) The education administrator for the department shall review all
33 vocational training programs annually to insure the programs are
34 relevant to the correctional industries jobs and appropriate.

35 (4) Inmates in protective custody shall be provided educational
36 opportunities consistent with the terms of chapter . . . , Laws of 1995
37 (this act) to the extent possible.

38 (5) The education administrator for the department shall develop an
39 education cost-efficiency plan for the department, consistent with the

1 terms of chapter . . . , Laws of 1995 (this act) that eliminates the use
2 of live instructors, and includes distance learning, using interactive
3 satellite instruction, video tapes, computer-aided instruction, and
4 flexible scheduling that permits offenders to proceed at their own
5 pace. The department shall report to the appropriate committees of the
6 legislature by December 12, 1995, on the progress of this education
7 cost-efficiency plan.

8 NEW SECTION. Sec. 3. A new section is added to chapter 74.12 RCW
9 to read as follows:

10 An applicant for aid to families with dependent children is
11 ineligible for monthly grant payments if the aid is for any dependent
12 biological child conceived during a family visit at a state
13 correctional facility.

14 NEW SECTION. Sec. 4. A new section is added to chapter 72.09 RCW
15 to read as follows:

16 Prior to permitting family visits to take place, the department
17 shall notify all involved parties that children conceived during a
18 family visit at a state correctional facility are not eligible to
19 receive monthly grant payments through the aid to families with
20 dependent children program administered by the department of social and
21 health services.

22 NEW SECTION. Sec. 5. A new section is added to chapter 74.12 RCW
23 to read as follows:

24 The department of social and health services shall seek all federal
25 action necessary to carry out sections 3 and 4 of this act.

26 NEW SECTION. Sec. 6. A new section is added to chapter 72.09 RCW
27 to read as follows:

28 (1) DEFINITIONS. Unless the context clearly requires otherwise,
29 the definitions in this subsection apply throughout this section.

30 (a) "Immediate family" means an inmate's parents, stepparents,
31 grandparents, parent surrogates, legal guardians, legally married
32 spouse of the opposite sex of the inmate at the time of conviction,
33 siblings, half or step siblings, children, stepchildren, and dependents
34 who might not be in the direct lineal relationship of the inmate.

1 (b) "Child" means the natural or adopted child of both the inmate
2 and spouse, or of the inmate or the spouse.

3 (c) "Excessive violence" means sexual and/or physical violence that
4 is considered by the department of corrections to exceed what is
5 proper, normal, or reasonable taking into account the penological
6 objectives of the prison.

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

16 (e) "Sexually explicit" means depiction of one of the following
17 sexual behaviors:

18 (i) Where one of the participants in the act is, or appears to be,
19 nonconsenting;

20 (ii) Where one of the participants appears to be forceful,
21 threatening, or violent;

22 (iii) Where one of the partners is dominating one of the other
23 participants, and one of the individuals is obviously in a submissive
24 role, or one of the participants is degraded, humiliated, or willingly
25 engages in behavior that is degrading or humiliating;

26 (iv) Where any bodily excretory function is depicted;

27 (v) Where there is actual sexual penetration;

28 (vi) One of the participants is a child, or appears to be a child;

29 (vii) Bestiality, sadomasochistic behavior, or bondage;

30 (viii) Any sexual behaviors deemed by the department of corrections
31 to be a threat to legitimate penological objectives.

32 (2) FAMILY VISITATION. The department may implement a family
33 visitation program that allows visiting between eligible inmates and
34 their eligible immediate family member or members for the sole purpose
35 of maintaining and promoting functional and cohesive family
36 relationships. The secretary of the department or his or her designee
37 shall have the ability to approve, deny, suspend, or terminate a family
38 visit. Family visits shall occur no more often than once every sixty
39 days. The maximum time allowed for each family visit shall be twenty-

1 four hours. An inmate shall not be considered eligible for a family
2 visit until after six months have elapsed since his or her arrival at
3 the department facility on a current commitment. Only those offenders
4 who are employed in a correctional industries work program or are
5 successfully participating in a department approved educational program
6 may participate in the family visitation program. However, inmates who
7 have mental or physical disabilities that do not allow them to
8 participate in work or education programs, as determined by the
9 department, shall be exempted from this requirement. All maximum
10 custody inmates, death row inmates, and inmates housed in disciplinary
11 or administrative segregation are excluded from participating in the
12 family visitation program. Only inmates who have not been found guilty
13 of a serious infraction for one year, as defined by the department,
14 shall be eligible for participation in the family visitation program.
15 The department shall exclude any offender who has been determined by
16 the department to be a danger to himself or herself, visitor or
17 visitors, or the orderly operation of the program, has a prior criminal
18 history of spousal or child abuse, or has mental health disorders based
19 on a psychological assessment that indicates the offender could pose a
20 danger to others. The determination to exclude an inmate from
21 participation from the program shall also be based on, but not limited
22 to, the inmate's crime or prior criminal behavior. An inmate with a
23 history of any sex offense involving children shall not be allowed
24 family visitation with children.

25 Immediate family members that are on juvenile or adult parole,
26 probation, community supervision, community placement, work release, or
27 the subject of a pending felony criminal or drug-related action, or are
28 under the jurisdiction of the department are not eligible to
29 participate in a family visit. The department may also deny
30 eligibility to an immediate family member who is a former inmate
31 released under the sentencing reform act or who has been convicted of
32 a drug-related crime. Children under the age of eighteen are eligible
33 only if they are accompanied and supervised by an adult visitor during
34 the entire visit.

35 All family visitation shall be conducted within the prison campus.
36 The department shall establish the location, size, and design of family
37 visiting units and develop written regulations and procedures
38 consistent with this chapter that insure the safety of visitors,

1 promote healthy family values, and maintain the penological objectives
2 of the prison.

3 Inmates who have participated in a family visit shall be subject to
4 no less than ten random urine analysis tests for drugs any time for a
5 period of six months after the family visit. If an inmate tests
6 positive for drugs he or she shall not be eligible for a family visit
7 for the remainder of his or her sentence. The department shall review
8 all inmates' marriages prior to July 1, 1993, and allow them to
9 participate in family visits.

10 All construction, operational, and maintenance costs for the family
11 visitation program shall be paid by inmates.

12 (3) OBSCENE, SEXUALLY EXPLICIT, EROTIC, AND EXCESSIVELY VIOLENT
13 MATERIAL. All obscene, erotic, sexually explicit, or excessively
14 violent films, video tapes, magazines, books, or computer software
15 shall be prohibited from all department correctional facilities. These
16 materials shall be considered contraband and shall be removed from the
17 inmate's mail, possession, and cells. The department shall be
18 responsible for uniformly establishing which materials are to be
19 considered contraband and removed in accordance with legitimate and
20 justifiable penological interests. This standard shall be uniformly
21 applicable throughout all department prison facilities. The department
22 shall screen all inmate mail and disapprove inmate mail the department
23 determines to be obscene, sexually explicit, erotic, or excessively
24 violent. The only exception for allowing these materials for inmates
25 shall be for their use in treatment or therapy sessions as prescribed
26 by a physician or certified therapist under the direction of the
27 department.

28 (4) CABLE, CLOSED CIRCUIT, AND SATELLITE TELEVISION. No new
29 department correctional facility or expanded portions of existing
30 department correctional facilities shall be constructed with cable,
31 closed circuit, or satellite television readiness unless the department
32 has a written basic education and technical vocational training plan
33 for the facility and the plan clearly demonstrates how the television
34 systems will be used for educational and training purposes. The
35 educational and training plan shall contain a curriculum outline and
36 goals for preparing inmates with the basic knowledge, life skills, work
37 ethics, job skills, and technical abilities to function effectively in
38 a real world work environment. The television education and training
39 plan shall correspond to the education and training that is applicable

1 to the correctional industries jobs that are expected to be implemented
2 at the new facility. All programming conducted on the television
3 system shall correspond to the terms and conditions outlined in
4 subsection (3) of this section.

5 An inmate is not eligible for individual television privileges
6 unless he or she is working in a correctional industries job or
7 successfully enrolled in a department education program. No inmate may
8 be eligible for individual television privileges until two months have
9 elapsed since their arrival at the department facility on a current
10 commitment.

11 All installation, maintenance, and fees associated with cable,
12 closed circuit, or satellite television shall be paid for by inmates.

13 The terms and conditions of this subsection shall not be applicable
14 for closed circuit television used by the department for security
15 purposes by correctional employees.

16 (5) BODY BUILDING AND WEIGHT LIFTING. All body building or weight
17 lifting using weight resistance training equipment shall be limited to
18 only inmates who volunteer to participate and are approved by the
19 department to participate in official nationally sanctioned or official
20 state sanctioned weight lifting team competitions. Each prison may
21 establish no more than one inmate weight lifting team. Each inmate
22 weight lifting team is limited to no more than ten inmates. The
23 department shall establish written eligibility standards for
24 determining which inmates are eligible to join the weight lifting team.
25 Inmate weight lifting team members shall also meet any applicable
26 national or state eligibility standards necessary for official
27 competition. Only inmates in good standing with the department and
28 employed in a correctional industries job or successfully completing
29 job training or education classes are eligible for the inmate weight
30 lifting team. Any inmate found guilty of assaulting a correctional
31 officer or other inmate is not eligible for the inmate weight lifting
32 team. The costs associated with weight lifting competitions and
33 establishing and training an inmate weight lifting team, including but
34 not limited to, the equipment and a portion of the department
35 recreational training staff salaries needed to monitor and train the
36 inmate team shall be paid for by the inmates.

37 All inmates shall be encouraged to stay healthy and fit. However,
38 the department shall only provide recreational options that minimize
39 the inmates' ability to substantially increase muscle mass. Dietary

1 supplements made for the sole purpose of increasing muscle mass shall
2 be only available for purchase to members of the inmate weight lifting
3 teams.

4 (6) OFFENDER RECREATIONAL PRIVILEGES. Inmates shall not be allowed
5 to use recreational facilities or recreational equipment for
6 recreational purposes, such as but not limited to, gymnasiums,
7 recreation yards for baseball, softball, volleyball, tennis,
8 pickleball, hockey, soccer, or other group sports activities, and hobby
9 and crafts shops, only if the inmate is employed in a correctional
10 industries job or successfully participating in a department of
11 corrections-approved education program. The department of corrections
12 shall use inmate welfare funds to pay for all recreational equipment
13 and supplies. All inmates shall be allowed access to appropriate
14 recreational yards or gymnasiums for general personal exercise as
15 directed by the department and in compliance with federal regulations.
16 Inmates who the department have identified as having a physical or
17 mental handicap shall be exempted from the restriction of privileges
18 outlined in this subsection.

19 (7) INDIGENT INMATES AND INMATE PERSONAL SAVINGS ACCOUNT. The
20 department shall consider an inmate indigent if the inmate has less
21 than ten dollars of disposable income in his or her inmate savings
22 account for a period of forty days. Provision shall be made for
23 inmates who are transferred between facilities and for the first forty
24 days of incarceration, to account for funds in the inmates account.
25 Only indigent inmates shall have essential personal items provided by
26 the department of corrections. Essential personal items shall include
27 soap, razors, combs, tooth brushes, tooth paste, sanitary napkins, or
28 other personal items defined by the department in compliance with
29 federal regulations. Inmates shall be required to use the personal
30 item provided by the department in a prudent fashion in accord with the
31 normal use, expected normal wear, and function of the items. Inmates
32 shall not receive more than seventy-five dollars per month in their
33 personal savings account from outside the prison.

34 **Sec. 7.** RCW 4.24.130 and 1992 c 30 s 1 are each amended to read as
35 follows:

36 Any person desiring a change of his or her name or that of his or
37 her child or ward, may apply therefor to the district court of the
38 judicial district in which he or she resides, by petition setting forth

1 the reasons for such change; thereupon such court in its discretion may
2 order a change of the name and thenceforth the new name shall be in
3 place of the former. Any person committed to a department of
4 corrections facility shall not be granted the order to legally change
5 his or her name under the terms and conditions specified in this
6 section if doing so will interfere with legitimate penological goals.
7 Name changes required for religious reasons or in recognition of
8 marriage shall be allowed, however the department of corrections shall
9 require the inmate to also use his or her committed name while
10 incarcerated in a department of corrections facility.

11 The district court shall collect the fees authorized by RCW
12 36.18.010 for filing and recording a name change order, and transmit
13 the fee and the order to the county auditor. The court may collect a
14 reasonable fee to cover the cost of transmitting the order to the
15 county auditor.

16 **Sec. 8.** RCW 72.10.020 and 1989 c 157 s 3 are each amended to read
17 as follows:

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

22 (2) In order to discourage the unwarranted use of health care
23 services, all offenders shall participate in the costs of health care
24 services by paying no less than three dollars per health encounter.
25 Pursuant to the authority granted in chapter 34.05 RCW, the secretary
26 may collect this amount for health care services directly from an
27 offender's institution account.

28 (3) Offenders are required to make copayments for health care
29 services that are offender initiated. Offenders are not required to
30 pay for emergency treatment or for visits initiated by health care
31 staff or treatment of those conditions that constitute a serious health
32 care need.

33 (4) No offender may be refused any health care service because of
34 indigence.

35 (5) Inmates shall be required to purchase all over-the-counter
36 medications at a nominal charge. Over-the-counter medicines shall only
37 be available on an individual unit dose basis.

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

1 **Sec. 9.** RCW 72.09.111 and 1994 sp.s. c 7 s 534 are each amended to
2 read as follows:

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

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

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

11 (ii) Ten percent to a department personal inmate savings account;
12 and

13 (iii) Twenty percent to the department to contribute to the cost of
14 incarceration.

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

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

19 (ii) Ten percent to a department personal inmate savings account;
20 and

21 (iii) Fifteen percent to the department to contribute to the cost
22 of incarceration.

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

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

27 (ii) Five percent to the department to contribute to the cost of
28 incarceration.

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

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

35 The department personal inmate savings account, together with any
36 accrued interest, shall only be available to an inmate at the time of
37 his or her release from confinement, unless the secretary determines
38 that an emergency exists for the inmate, at which time the funds can be
39 made available to the inmate in an amount determined by the secretary.

1 The management of classes I, II, and IV correctional industries may
2 establish an incentive payment for offender workers based on
3 productivity criteria. This incentive shall be paid separately from
4 the hourly wage/gratuity rate and shall not be subject to the specified
5 deduction for cost of incarceration.

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

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

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

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

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

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

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

1 (d) Not later than June 30, 1998, the secretary shall achieve a net
2 increase of at least nine hundred in the number of inmates employed in
3 class I or class II correctional industries work programs above the
4 number so employed on June 30, 1994;

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

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

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

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

21 **Sec. 10.** RCW 9.94A.137 and 1993 c 338 s 4 are each amended to read
22 as follows:

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

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

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

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

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

1 (b) The length of the work ethic camp program shall be at least one
2 hundred twenty days and not more than one hundred eighty days. Because
3 of the conversion ratio, earned early release time shall not accrue to
4 offenders who successfully complete the program.

5 (2)(a) An offender is eligible to be sentenced to an illegal alien
6 offender transition camp if the offender:

7 (i) Is sentenced to a term of total confinement of not less than
8 twelve months and a day or more than thirty-six months;

9 (ii) Is eighteen years of age or older; and

10 (iii) Has no current or prior convictions for any sex offenses or
11 violent offenses.

12 The sentencing court shall consider an offender eligible to be
13 sentenced to an illegal alien offender transition camp if the offender
14 is or has been convicted of manufacturing, delivering, or possessing
15 with intent to manufacture or deliver a controlled substance under RCW
16 69.50.401 and after a complete review of his or her criminal history
17 has been conducted and approved by the sentencing judge and upon
18 further approval by the department of corrections in accordance with
19 all other terms and conditions of this section.

20 (b) The length of the illegal alien offender transition camp
21 program shall be at least sixty days and not more than one hundred
22 eighty days. Because of the conversion ratio, earned early release
23 time shall not accrue to offenders who successfully complete the
24 program.

25 (3) If the sentencing judge determines that the offender is
26 eligible for the work ethic camp or the illegal alien offender
27 transition camp and is likely to qualify under subsection ((+3)) (4)
28 of this section, the judge shall impose a sentence within the standard
29 range and may recommend that the offender serve the sentence at a work
30 ethic camp or illegal alien offender transition camp. The sentence
31 shall provide that if the offender successfully completes the program,
32 the department shall convert the period of work ethic camp confinement
33 at the rate of one day of work ethic camp confinement to three days of
34 total standard confinement. The court shall also provide that upon
35 completion of the work ethic camp program, the offender shall be
36 released on community custody for any remaining time of total
37 confinement. The department may identify offenders who are eligible
38 for the work ethic camp or the illegal alien offender transition camp
39 and, with concurrence from the sentencing judge, may refer the offender

1 to the work ethic camp or illegal alien offender transition camp and
2 adjust time served and community custody requirements as prescribed in
3 this section. Offenders who successfully complete the illegal alien
4 offender transition camp shall be classified as inmates on supervised
5 release and immediately turned over to the custody of the immigration
6 and naturalization services to be deported to his or her native
7 country. If this transfer cannot immediately occur, the alien offender
8 released from the illegal alien offender transition camp shall be held
9 by the department of corrections until immigration and naturalization
10 services can take custody of the alien offender or for a period of up
11 to ten days after the expected release date. The department of
12 corrections shall notify immigration and naturalization services of all
13 illegal alien offenders and request that they begin any deportation
14 proceedings as expeditiously as possible after the date the offender
15 was convicted and secure a hard detainer and a deportation order. The
16 department of corrections shall work to obtain the cooperation of the
17 immigration and naturalization judges to hold accelerated hearings for
18 incarcerated criminal aliens as soon as they enter the prison to ensure
19 their immediate removal from the country upon their release by the
20 department of corrections.

21 ~~((3))~~ (4) The department shall place the offender in the work
22 ethic camp or illegal alien offender transition camp program, subject
23 to capacity, unless (a) the department determines that the offender has
24 physical or mental impairments that would prevent participation and
25 completion of the program, (b) the department determines that the
26 offender's custody level prevents placement in the program, or (c) the
27 offender refuses to agree to the terms and conditions of the program.

28 ~~((4))~~ (5) An ~~((inmate))~~ offender who fails to complete the work
29 ethic camp or illegal alien offender transition camp program, who is
30 administratively terminated from the program, or who otherwise violates
31 any conditions of supervision, as defined by the department, shall be
32 reclassified to serve the unexpired term of his or her sentence as
33 ordered by the sentencing judge and shall be subject to all rules
34 relating to earned early release time.

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

1 (6) During the last two weeks prior to release from the work ethic
2 camp program the department shall provide the nonillegal alien offender
3 with comprehensive transition training.

4 (7) All alien offenders eligible for the illegal alien offender
5 transition camp sentencing option shall be informed by the sentencing
6 court of their possible sentencing options. The alien offender must
7 agree in writing to the terms and conditions of the illegal alien
8 offender transition camp at the time of sentencing. The terms and
9 conditions of the illegal alien offender transition camp shall be
10 provided to the alien offender, both verbally and in writing, in his or
11 her native language. If the alien offender meets all of the
12 eligibility requirements for the illegal alien offender transition camp
13 and agrees in writing to the terms and conditions for participation,
14 the sentencing judge shall consider this sentencing option first.

15 NEW SECTION. Sec. 11. A new section is added to chapter 72.09 RCW
16 to read as follows:

17 The department shall establish an illegal alien offender transition
18 camp. The secretary shall locate the illegal alien offender transition
19 camp within an already existing department compound or facility. The
20 facility selected for the camp shall appropriately accommodate the
21 logistical and cost-effective objectives contained in RCW 72.09.400
22 through 72.09.420, and 9.94A.137. The department shall be ready to
23 assign inmates to the camp one hundred twenty days after July 1, 1995.
24 The department shall establish the illegal alien offender transition
25 camp program cycle to last from sixty to one hundred eighty days. The
26 department shall develop all aspects of the illegal alien offender
27 transition camp program including, but not limited to, program
28 standards, conduct standards, parameters, individual and team work
29 goals, measures to hold the offender accountable for his or her
30 behavior, and the successful completion of the illegal alien offender
31 transition camp program granted to the offender based on successful
32 attendance, participation, and performance as defined by the secretary.
33 The illegal alien offender transition camp shall be designed and
34 implemented so that offenders are engaged in meaningful work activities
35 and unstructured time is kept to a minimum. The standards for work
36 performance, physical work activities, and treatment of offenders'
37 rights and responsibilities shall be equivalent to the work ethic camp
38 for general inmates. The department shall staff the illegal alien

1 offender transition camp with personnel that speak and understand the
2 native language of the majority of the illegal offenders sentenced to
3 the illegal alien offender transition camp. Only illegal aliens who
4 can be released to the immigration and naturalization services for
5 deportation at the time of their release from the camp shall be
6 sentenced to the illegal alien offender transition camp.

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

23 The department of corrections shall, on behalf of the governor, the
24 house of representatives committee on corrections, and the senate
25 committee on human services and corrections, send a letter with the
26 signature of the governor, speaker of the house of representatives,
27 president of the senate, chairman of the corrections committee of the
28 house of representatives, and chairman of the senate committee on human
29 services and corrections to the president of the United States,
30 president of the United States senate, speaker of the United States
31 house of representatives, and our state's congregational delegation
32 asking for them to recognize the unfair and enormous economic burden
33 created by the failure of the immigration and naturalization service to
34 adequately stem the flow of illegal aliens, and as such, seek funding
35 to fully compensate the state of Washington for the costs associated
36 with incarcerating every alien offender in our jails and prisons or
37 establish by federal decree a mechanism for deporting alien offenders
38 to prisons in their respective countries while maintaining sentencing

1 parity under an arrangement of remuneration established by treaty with
2 the federal government.

3 NEW SECTION. **Sec. 13.** The department of corrections shall review
4 the staffing patterns of all corrections facilities and of the
5 department of corrections headquarters and implement cost-efficiencies
6 by streamlining the six levels of management and eliminating no less
7 than twenty percent of management staff positions between the salary
8 range of R99 through R40, including, but not limited to, assistant
9 secretaries, superintendents, associate superintendents, corrections
10 managers, unit supervisors, and correctional sergeants. Staff support
11 for all other divisions within the department of corrections, excluding
12 correctional industries, shall reduce staff by no less than five
13 percent. All recreational leader positions 2s, 3s, and 4s shall be
14 reduced by seventy-five percent. The supervision of recreational
15 activities shall be conducted by the remaining recreational leaders
16 with the assistance of inmates working in class III correctional
17 industries positions. The secretary of corrections shall implement a
18 system for reducing overtime by fifty percent of what was reported in
19 the 1994 calendar year. The secretary of corrections shall report to
20 the appropriate committees of the legislature quarterly beginning
21 December 15, 1995, and ending in January 8, 1997, on the implementation
22 of reduction of overtime cost- efficiencies. The legislative budget
23 committee shall conduct a staffing ratio study of the department of
24 corrections to assess the implementation of staff reductions mandated
25 in this chapter. The report shall be submitted to appropriate
26 committees of the house of representatives and the senate by December
27 12, 1995.

28 The legislative budget committee shall also conduct a program audit
29 review of the department of corrections budget process and the
30 department of corrections operating budget request to the governor for
31 the 1995-97 biennium. The audit shall investigate specific budget
32 requests for items and identify if these items could be purchased at a
33 lower cost than what was reported by the department and identify if
34 inmate labor could have reasonably, safely, and effectively been used
35 in the place of the requested item that was to be purchased.

36 **Sec. 14.** RCW 72.09.070 and 1994 sp.s. c 7 s 535 are each amended
37 to read as follows:

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

3 (2) Consistent with general department of corrections policies and
4 procedures pertaining to the general administration of correctional
5 facilities, the board shall establish and implement policy for
6 correctional industries programs designed to:

7 (a) Offer inmates meaningful employment, work experience, and
8 training in vocations that are specifically designed to reduce
9 recidivism and thereby enhance public safety by providing opportunities
10 for legitimate means of livelihood upon their release from custody;

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

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

17 (d) Encourage the development of and provide for selection of,
18 contracting for, and supervision of work programs with participating
19 private enterprise firms;

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

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

24 (3) The board of directors shall at least annually review the work
25 performance of the director of correctional industries division with
26 the secretary.

27 (4) The director of correctional industries division shall review
28 and evaluate the productivity, funding, and appropriateness of all
29 correctional work programs and report on their effectiveness to the
30 board and to the secretary.

31 (5) The board of directors shall have the authority to identify and
32 establish trade advisory or apprenticeship committees to advise them on
33 correctional industries work programs. The secretary shall appoint the
34 members of the committees.

35 Where a labor management trade advisory and apprenticeship
36 committee has already been established by the department pursuant to
37 RCW 72.62.050 the existing committee shall also advise the board of
38 directors.

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

8 (7) The board shall review the feasibility of implementing the
9 following correctional industries and report to the appropriate
10 committees of the legislature by December 12, 1995, if these industries
11 are, appropriate, feasible, and cost-effective to implement as required
12 under this chapter:

13 (a) Use Airway Heights prison kitchen for an industrial cooks
14 training program for offenders; and

15 (b) Use Airway Heights prison kitchen to prepare kosher meals for
16 other corrections facilities outside the state of Washington;

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

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

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

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

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

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

35 NEW SECTION. Sec. 15. A new section is added to chapter 72.09 RCW
36 to read as follows:

37 Any construction firm conducting construction on a new adult or
38 juvenile facility authorized by the legislature after January 1, 1995,

1 or for any adult or juvenile facility that will be constructed by the
2 department and available for occupancy after January 1, 1996, or any
3 juvenile or adult corrections facility that will require new
4 construction to increase the bed capacity after January 1, 1996, shall
5 hire inmates under the custody of the department. Inmate labor shall
6 make up no less than twenty percent of the total construction staff of
7 the construction project. The department shall be responsible for
8 training and monitoring all inmates used for inmate work crew
9 construction projects. Serious violent offenders or sex offenders
10 shall not be allowed to work on any construction projects outside the
11 confines of an existing prison facility. The department shall insure
12 that no adult is allowed to commingle with a juvenile offender during
13 a construction job using inmate work crews in a juvenile facility. The
14 department shall comply with all federal regulations pertaining to
15 adult offenders conducting legitimate work in juvenile correctional
16 facilities.

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

19 The department shall consider perimeter security options, taking
20 into consideration all available technologies, that do not include
21 perimeter guard towers requiring personnel for all medium and maximum
22 security correctional facilities designed and scheduled for
23 construction by the department after December 12, 1996.

24 **Sec. 17.** RCW 72.10.005 and 1989 c 157 s 1 are each amended to read
25 as follows:

26 It is the intent of the legislature that inmates in the custody of
27 the department of corrections receive such basic medical services as
28 may be mandated by the federal Constitution and the Constitution of the
29 state of Washington. Notwithstanding any other laws, it is the further
30 intent of the legislature that the department of corrections may
31 contract directly with any persons, firms, agencies, or corporations
32 qualified to provide such services. Nothing in this chapter is to be
33 construed to authorize a reduction in state employment in service
34 component areas presently rendering such services or to preclude work
35 typically and historically performed by department employees unless all
36 department of corrections medical services are contracted out to a

1 private contractor or medical services are to be provided in a facility
2 scheduled to be constructed after January 1, 1996.

3 **Sec. 18.** RCW 72.10.030 and 1989 c 157 s 4 are each amended to read
4 as follows:

5 (1) Notwithstanding any other provisions of law, the secretary may
6 enter into contracts with health care practitioners, health care
7 facilities, and other entities or agents as may be necessary to provide
8 basic medical care to inmates. ~~((The contracts shall not cause the
9 termination of classified employees of the department rendering the
10 services at the time the contract is executed.))~~

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

29 NEW SECTION. **Sec. 19.** The legislative budget committee shall,
30 with assistance from the department of transportation, review the
31 department of corrections marine transportation operation and fleet and
32 conduct a cost-efficiency analysis. The analysis shall include a cost
33 analysis of privatizing the operation of the marine fleet or
34 privatizing both the marine fleet and the operation, and a comparison
35 of corrections state employee salaries with equivalent private marine
36 positions salaries. The legislative budget committee shall report

1 their findings to appropriate committees of the legislature by December
2 12, 1995.

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

5 The department shall establish a corrections cost-efficiency and
6 public safety focus group. The focus group shall be composed of one
7 management representative from each correctional facility and one
8 nonmanagement line staff member from each correctional facility to be
9 chosen by a vote taken by the nonmanagement staff, and five members of
10 the community including a prosecutor, a law enforcement officer, a
11 public defender, a prison inmates family member chosen by the public
12 defenders association, and a representative from a victims rights group
13 chosen by the governor. The focus group shall meet twice a year and
14 submit a report to the legislature by December 12 of each year. The
15 report shall contain recommendations on methods for improving the
16 operation of the corrections facilities, design suggestions on
17 efficiencies for new prison construction, identifying specific cost-
18 efficiencies in individual facilities and the corrections system in
19 general, methods for impacting offender recidivism, and making the
20 corrections system safer for employees and the public. The secretary
21 shall provide such staff services, facilities, and equipment, as the
22 focus group shall require to carry out its duties. Members of the
23 cost-efficiency and public safety focus group shall serve on a
24 voluntary basis and shall be reimbursed only for travel expenses and
25 per diem under RCW 43.03.050 and 43.03.060.

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

28 (1) There is hereby created a joint committee on cost-efficiencies
29 oversight. The committee shall consist of: (a) Two members of the
30 senate appointed by the president of the senate, one of whom shall be
31 a member of the majority party and one of whom shall be a member of the
32 minority party; and (b) two members of the house of representatives
33 appointed by the speaker of the house of representatives, one of whom
34 shall be a member of the majority party and one of whom shall be a
35 member of the minority party. Members of the committee shall be
36 appointed before the close of each regular session during an odd-
37 numbered year.

1 (2) Each member's term of office shall run from the close of the
2 session in which the member was appointed until the close of the next
3 regular session held in an odd-numbered year. If a successor is not
4 appointed during a session, the member's term shall continue until the
5 member is reappointed or a successor is appointed. The term of office
6 for a committee member who does not continue as a member of the senate
7 or house of representatives shall cease upon the convening of the next
8 session of the legislature during an odd-numbered year after the
9 member's appointment, or upon the member's resignation, whichever is
10 earlier. Vacancies on the committee shall be filled by appointment in
11 the same manner as described in subsection (1) of this section. All
12 such vacancies shall be filled from the same political party and from
13 the same house as the member whose seat was vacated.

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

17 (4) The committee shall have the following powers and duties:

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

20 (b) Periodically make recommendations to the appropriate committees
21 of the legislature and the governor regarding cost-efficiencies;

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

24 (d) Provide directions to appropriate committee staff to conduct or
25 cause to be conducted appropriate studies and review; and make
26 necessary recommendations to the legislature;

27 (e) Review rules prepared by the department of corrections and
28 department of social and health services where appropriate to ensure
29 consistency with the policies of chapter . . . , Laws of 1995 (this
30 act);

31 (f) Oversee all reports referred to the legislative budget
32 committee; and

33 (g) Oversee the cost-efficiency and public safety oversight group.

34 (5) By December 12, 1996, the committee shall report to the
35 appropriate committees of the legislature on the amount of cost savings
36 realized in the department and report its further recommendation to
37 address expenditure growth in the department of corrections.

38 (6) The joint committee on department of corrections cost-
39 efficiencies oversight shall terminate on January 1, 1998.

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

4 NEW SECTION. **Sec. 23.** If any provision of this act or its
5 application to any person or circumstance is held invalid, the
6 remainder of the act or the application of the provision to other
7 persons or circumstances is not affected.

8 NEW SECTION. **Sec. 24.** This act is necessary for the immediate
9 preservation of the public peace, health, or safety, or support of the
10 state government and its existing public institutions, and shall take
11 effect immediately.

--- END ---